

# Gun control: an unnecessary evil research paper example

[Law](#), [Criminal Justice](#)



## **Abstract**

This paper will attempt to collect and collate a number of sources on the issue of gun control in the United States of America, examining the basic causes of gun violence and the link between gun ownership and gun violence. Both quantitative and qualitative data will be examined, and the philosophical, ethical, practical and legal ramifications of controlling gun ownership will be thoroughly investigated. The collective research has led the researcher to conclude that while there are good arguments for and against gun control legislation, the ideal gun control legislation is minimal for a variety of reasons.

The United States of America has one of the most active political debates on gun control in the international community. The debate has raged on for many years with no sign of stopping; gun control itself is one of the most divisive and hotly-debated topics in the American political sphere. Experts, politicians, and the average citizen all have varied and nuanced views on gun control, and unfortunately, there seems to be no clear answer to the issue in sight. While there are many good arguments both for and against gun control, it is important to look at the many different facets of the issue before coming to the inevitable conclusion that gun control is an unnecessary evil in American culture today. However, there are both legal and philosophical reasons to support the freedom to bear arms; in the end, restricting this right causes much more harm to the fabric of American society than good.

There have been many Constitutional challenges to all of the first ten Amendments to the United States Constitution, and the Second Amendment

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is no exception. The problem with these Amendments is that they were written during a different era, and since that era, problems have arisen that the Founding Fathers could never have foreseen. Assault-style weapons, for instance, did not become available until many years after the Constitution was written; even today, legislators have a difficult time defining exactly what makes a weapon an “ assault-style” weapon (Find Law). There is no doubt that the United States government has the right to control the American citizen's access to weapons-- the Supreme Court of the United States has ruled over and over again that none of the Amendments are above restriction in the proper circumstances (Find Law). However, the problem-- at least where the Second Amendment is concerned-- is deciding upon and clearly defining the circumstances where it is appropriate and legal to restrict the freedoms granted in the Amendment (Find Law).

The inner workings of the American legal system are not only complex, but also exhaustive. The United States Supreme Court has repeatedly upheld the Second Amendment and the intentions of the Founding Fathers; the Supreme Court of the United States clarified the issue on its blog:

When the Supreme Court decided, in the 2008 case of *District of Columbia v. Heller*, that the Second Amendment guarantees an individual a personal right to have a gun for self-defense, at least in the home, it apparently did not settle what constitutional standard would apply to gun laws as that decision was implemented in lower courts. (In 2010, in the case of *McDonald v. Chicago*, the Supreme Court extended the Second Amendment gun right to apply to state, county and city laws, as well as federal statutes, giving the right a much wider reach). (Scotusblog. com)

Essentially, the Supreme Court of the United States has ruled multiple times that the Second Amendment to the Constitution, while not an absolute right, is a right that must be upheld through numerous legal challenges (Roleff).

The Second Amendment, as it stands in legal doctrine today, does not refer only to a well-regulated militia; while there are restrictions on the sale of certain types of firearms to the individual, the individual does, by and large, retain the right to own and operate a firearm (Roleff).

America takes its freedom very seriously, and the right to bear arms is one of those rights that is taken seriously by many Americans. There are still many Americans who own weapons for legitimate reasons. It is rare to find a pro-gun lobbyist who truly believes in freedom from gun control; that is not what is being argued here, constitutionally. Instead, the argument is that the law must allow the average citizen to obtain a weapon except in certain circumstances. These circumstances must be well-defined and there must be an excellent reason to infringe upon someone's Constitutional rights. Even the right to freedom of speech is not unlimited; it is silly to expect that the freedom to own weaponry would be unlimited. Instead, the gun control issue should be addressed cautiously, in the same way freedom of speech is: freedom to own weapons should be the default, with a number of carefully-constructed limitations with clear legal tests to ensure that people who are truly dangerous with firearms are not obtaining them with the government's blessing (Levy).

Briefly setting aside the Constitutional question of gun control, many people raise political and ethical issues when it comes to addressing the issue of gun control in the United States. Never is this type of attack so apparent as

in the wake of a national tragedy; for example, when Congresswoman Gabby Giffords was gunned down in a brutal attack, the nation mourned the senseless violence, and brought to light certain questions of gun control (Levy). When Giffords was shot, many gun control advocates took center stage, claiming that tighter restrictions on guns and other weaponry could have stopped the attack on Giffords (Levy).

However, research does not suggest that the answer is as simple as gun control advocates would make it out to be. For instance, handguns are controlled strictly in England and Great Britain, but the amount of knife violence that the country faces is incredibly high comparatively (Levy). There is nothing to suggest that if firearms were controlled in the United States, violence would ebb away; instead, experience and research seems to suggest that violent people with violent fantasies will find a way to carry out these fantasies whether they have access to firearms, knives, or merely their own fists (Levy).

Another example of this type of violence is the spate of violence sweeping across China; multiple times in the past few years, Chinese citizens have entered schools armed only with blunt instruments or knives and killed children (Levy). These attacks were not, granted, as bloody or as deadly as attacks that were carried out on schools with guns, but they do seem to indicate that the problem with school violence and violence in society in general is rooted deeper than the individual's ability to get his or her hands on a weapon (Levy). Perhaps instead of focusing on the instruments of violence, a better use for policymakers' time is to focus on recognizing the signs of violence before people become violent, and finding help for people

who have the potential to be violent offenders. To assume that access to a certain type of tool will cause a change in an individual's fundamental psychological state is silly; for people who become violent, the capacity for violence is always there (Levy).

Many people decry American culture as overtly violent, and too obsessed with weaponry. This is often cited as the main reason for incidents such as school shootings, spree killings, and even serial killers (Brendt et al).

However, while there are many downsides to ubiquitous gun ownership and use in the United States, it is difficult to blame all the gun violence that exists in the United States on the availability of legal firearms. Legal firearms are able to be tracked and catalogued; this means that when a legal firearm is used in a violent crime, law enforcement officials have a way of tracking who owned the firearm and whether or not that firearm has been used in any other crimes (Brendt et al.). However, if all firearms were made illegal, this tracking and registration system would not be available to law enforcement officials, as the weapons in question were never purchased legally and were never required to be registered (Brendt et al.).

Restricting people's freedom does not make the American people any safer. Indeed, if guns were banned tomorrow, there would be hundreds of thousands of now-illegal weapons available to potential criminals for use (Levy). Even if guns or firearms bought before a certain date are "grandfathered" into legality by any new law, there will be a plethora of illegal weapons on the market. Criminals and people who are unconcerned with the legality of actions and who are willing to commit armed robbery, rape, or other violent acts are unlikely to be affected by any law stating that firearms

are illegal, and the laws themselves will do little to reduce the number of firearms available to the enterprising criminal (Levy).

Regardless of the many arguments against gun control, there are some arguments that are very good that support gun control. For instance, households with guns in them are more likely to have accidents with firearms and children; however, like anything else, teaching children how to properly handle the safety issues that come along with a gun will alleviate much of the danger that comes with having a gun in the house (Brendt et al.). No parent would allow a child to play with fire or knives unsupervised, and no parent should allow a child to play with a firearm unsupervised; these kinds of tragic accidents are often the cause of poor firearm safety protocols by the parents or owners of the firearm.

The argument regarding children and violence is one of the most pervasive and misleading arguments in the discussion of gun control in the United States. It is true that there are more attacks by children on schools in the United States than elsewhere in the world; however, there are other places in the world that allow children access to guns that do not have high rates of violence in schools (Levy). This indicates that the problem is not necessarily access to firearms, but rather some other cultural or societal problem that is causing children in the United States to act out violently. Some experts suggest that it is the sensationalism of the violence, and the fact that school shooters often become “ famous” that cause children and young adults to turn to school violence to solve their problems by initiating school shootings (Levy). This is not to say that school shootings are not a serious problem in America-- they certainly are-- however, the problem is not a symptom of

easy access to guns as many gun control lobbyists may indicate (Levy). In addition to vilifying the gun industry for the American problem of gun violence in schools, gun control advocates often discuss American culture as a violent, monolithic entity. They will claim that there are aspects of American media that is very violent, and this influences young people, turning them violent themselves (Levy). However, research has shown that while people can certainly be affected by the media they consume, people who are relatively mentally healthy are not suddenly turned violent by the appearance of violent images on television or in magazines. However, those prone to violence previously may be affected by the depictions of violence (Roleff). This is a serious issue, but one that is not the purview of gun control legislation. The depiction of guns and violence in media is very separate from the reality of gun ownership in the United States.

It is often difficult to argue against the gun-control lobbyists because emotion is very frequently on their side. When violence happens, it is tragic; however, violence is caused by people, not by guns, firearms, or weapons. There may well be problems in American society insofar as violence and exposure to violent images are concerned, but an individual's Second Amendment right should not be infringed because of these potential images of violence. In the same way that an individual's First Amendment right to freedom of religion would not be infringed upon if one person took up human sacrifices, the American people as a whole should not suffer for the actions of a few mentally-unwell individuals and the poor choices that they make regarding guns and firearms.



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