



SHORT COMMUNICATION

# Toward a Universal Libertarian Theory of Gun (Weapon) Control: a Spatial and Geographical Analysis

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**ABSTRACT** *The debate over gun control has taken place in complete isolation from geographical considerations. It focuses on, for the most part, whether legalization would bring about more or fewer accidental deaths, and murders of innocents, than prohibition, and in the USA on the precise meaning of the second amendment to the Constitution. However, these deliberations, argue the authors of the present paper, can be enriched by incorporating into them a spatial context. When this is done, and they are combined with the property rights philosophy of libertarianism, some very different conclusions are drawn.*

## Introduction

No rational person can doubt that chemists must pick their way through an ethical minefield. The Nazi ovens owed their properties and attributes to members of this profession, directly or indirectly. Nor can it be denied that biologists are often faced with moral quandaries; genetic cloning and germ warfare spring readily to mind in this context. The same goes for doctors (Dr Mengele and Dr Kevorkian are cases in point),<sup>1</sup> veterinarians (just ask People for the Ethical Treatment of Animals) and physicists (the bomb).

However, what of geographers? Surely they are protected from this sort of risk? Not a bit of it. They, too, along with all these others, are exposed to the dangers implicit in ethical mis-steps in their professional capacities. For one thing, the Geographical Information Systems which emanate from this branch of knowledge are not at all irrelevant to the conduct of war. Indeed, the very opposite is the case. Surely, the spatial scientists who have helped develop such systems have acted in a manner intimately invested with ethical concerns. Some two millennia ago, Strabo (trans., 1949, p. 31) thus commented in this regard: 'geography as a whole has a direct bearing upon the activities of commanders'.<sup>2</sup>

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For another thing, there is the topic of the present paper, which involves a spatial, political, environmental and geographical analysis of gun, and more generally weapon, control. Second amendment rights in the US context certainly involve ethical issues, too. As we shall argue, the kinds of place, space, environmental and geographical assumptions employed in the analysis of gun control have a crucially important effect on the conclusions reached. In fact, given the political economic premises of libertarianism, on the basis of which we shall argue, there are virtually no other considerations involved *than* the geographical.

### Libertarianism

Libertarianism is the political philosophy which would be beloved of the Occam of Occam's razor. It states, simply, that the one proscribed act is the use or the threat of force against a person or his legitimately held property. Property can justly be attained, first, through homesteading hitherto unowned property, and, second, through any non-invasive act such as trade or a gift (Spooner, 1966; Rothbard, 1970, 1973a, 1982; Tannehill and Tannehill, 1970; Woolridge, 1970; Nozick, 1974; Oppenheimer, 1975; Machan, 1982, 1990; Benson, 1989; Hoppe, 1989, 1993; Block, 1976, 1994; McGee, 1991; Boaz, 1997; Murray, 1997). All the rest is elaboration, explication, implication, clarification and justification.

What is the libertarian position on the second amendment to the US Constitution? At first blush, this philosophy is not compatible with any gun control legislation at all, since the mere ownership and possession of a rifle or pistol do not constitute an uninvited border crossing, or invasive violence. Nor do they even amount to a threat, for surely we must distinguish between the case of brandishing a weapon in a bellicose manner, on the one hand, and, on the other, with keeping one locked up in a drawer at home or in an auto, or with peaceably walking around with one safely holstered at the hip or even concealed, as in a shoulder harness. The former act violates the non-aggression axiom, while the latter two do not. Yes, there is a potential danger involved in private gun ownership and use,<sup>3</sup> but if we were to prohibit all such occurrences, we would have to ban autos, knives, scissors, letter openers, arms (for boxers) and legs (for *karatekas*), etc.

Then there is the slippery slope objection; that if a pistol is not rights violate *per se*, then neither is a rifle, a machine gun, a bazooka, a howitzer, a tank, a battleship, a jet fighter plane; nor, for that matter, a nuclear bomb.

The libertarian response to this is predicated upon the issue of whether it is *possible* to use these weapons in a purely defensive manner; if so, there can be no objection to them *per se*. Consider a bazooka, for example. Can the power of this implement be confined to those at whom it is aimed? Yes. Therefore it can be used purely for purposes of self-defense, and its possession is not an *ipso facto* violation of the libertarian code. If it is not possible to limit, to its intended targets, the physical harm created by a weapon but, rather, this must necessarily spill over onto innocent parties, then such an implement must be eliminated from legitimate arsenals. When viewed in this manner, it is clear that all of the weapons mentioned above, except for the thermo-nuclear device, *do* allow for pinpointing,<sup>4</sup> namely for confining their destructive power to the 'bad guys'. Therefore, it would be licit to own any of the former, but not the latter.<sup>5</sup>

This, then, is a fair summary of the consensus libertarian position on gun control, as it now exists. However, it is subject to criticism, when we take a wider perspective. Contemplate the possibility of meteors causing great damage to the Earth, and being

blown up, defensively, by nuclear power, as in the movie *Armageddon*, or alien creatures attacking us, as in the book by Robert Heinlein (1959), *Starship Troopers*, and the movie of the same name. In this astronomical context, not limited to the Earth, the hydrogen bomb, or even many of them all together, *can* be used purely defensively, or appropriately, e.g. to blow up a meteor before it hits us, or to kill giant enemy alien bugs on distant planets, who have already attacked us.<sup>6</sup>

What, then, is the libertarian response to the critic who offers the specter of the nuclear weapon in someone's basement, located in the midst of a large city? This attempt at a *reductio ad absurdum* could perhaps have been defeated when the context was limited to the Earth; here, at least by supposition, it is impossible to detonate an atom bomb without violating the rights of at least one other person.<sup>7</sup>

However, where extraterrestrial beings or meteors are concerned, the hydrogen bomb cannot be banned as intrinsically invasive. Now, it has, or at least can have, a defensive purpose. However, the idea of a Jeff Dahmer or a Ted Kaczynski in charge of one in a large city must give even a fanatical libertarian pause for thought. This is even more problematic given that the ability and knowledge needed for constructing these items are widely dispersed, and the cost of the raw materials, while expensive, is not prohibitive.

One possible answer to this conundrum is that the libertarian stance (nukes are prohibited because they are necessarily invasive) is quite sufficient for any reasonable scenario concerning the Earth; that meteors and unfriendly bug eyed aliens, etc. are the stuff of science fiction, not reality; and that libertarianism can only concern itself with the latter, not the former. This perspective offers the following possible response:

If the Earth were such a place as to be repeatedly threatened with meteors, our principles governing the legitimacy of nuclear weapons would be quite different. In *our* world, the view that such bombs are necessarily invasive, and hence should be prohibited, is the strongest. In another universe, it might be weaker. Another way of putting this point is that in the hypothetical world of *Armageddon* a nuclear weapon is not entirely and wholly offensive but serves a legitimate role in (planetary) self-defense.

The difficulty with this reply is that, at least ideally, libertarianism ought to be applicable as widely as possible: to all times, and to all places; to all possible universes. To the extent that this is not the case, this philosophy has less generalizability, and hence less validity than otherwise.

Fortunately, however, there is a better defense available. The *only* way the nuclear bomb can be used defensively is for off-world activity.<sup>8</sup> Therefore, at the very least, the would-be stockpiler of this weapon must have at his disposal the wherewithal to launch it at an enemy planet or on-rushing meteor. Since rocketry of this sort costs billions of dollars, this consideration ought to be sufficient to preclude the specter of a nuclear device in numerous basements or attics.<sup>9</sup>

Let us reiterate. Libertarianism is in opposition to the prohibition of ordinary weapons since they do not *per se* violate its basic premise of non-aggression. When we focus only on earthly concerns, this philosophy favors the ban on nuclear weapons; since it is not possible to confine their force, their use must necessarily violate the libertarian axiom. However, when we incorporate the entire universe into our analysis, and science fiction considerations as well, then nukes cannot be banned, since a defensive purpose for them exists.

### Proportionality

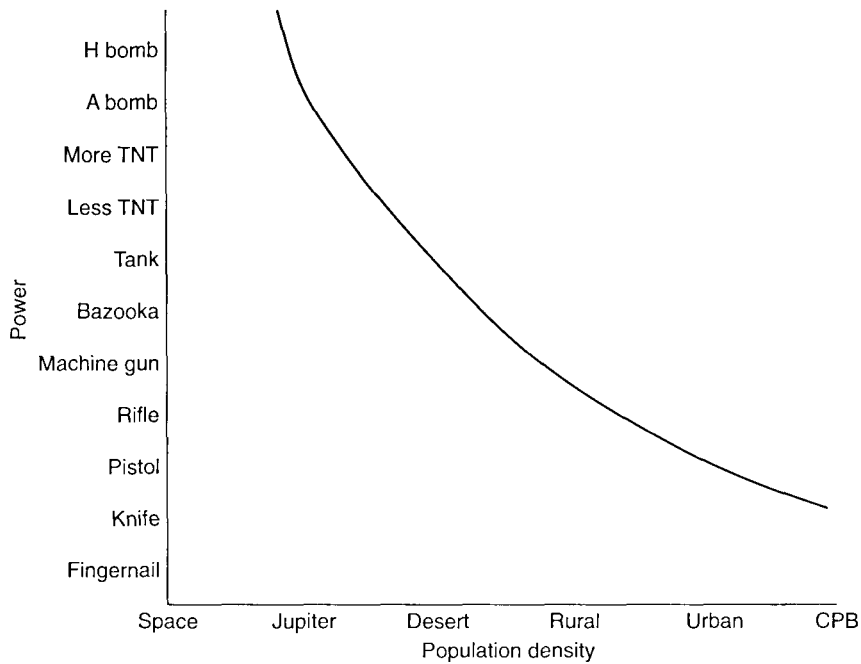
These considerations give rise to what might be called a geographical, spatial or proportionality thesis. We claim that there is an inverse relationship between population density and the power of a weapon that will be considered legitimate under libertarian law. Population density in the entire universe is extremely small, so armaments of mass destruction are legitimate in this context. On Earth, population density is relatively far higher; therefore, small arms would be allowed, but not atom bombs or worse. The key to legitimacy in both cases is the ability to pinpoint or limit destructive power. Other things equal, it is easier to do this, the lower the population density; hence the proportionality thesis.

Perhaps this point can be more easily made by use of a series of examples of decreasing population density. In the context of the entire universe, a person can own just about as many hydrogen bombs as desired since, given this vast arena, it is certainly possible for them all to be used defensively. Suppose that Jupiter were inhabited by only 1000 people, evenly spaced throughout the planet. Here, it would appear reasonable for each of them to own the proverbial atom bomb, and keep it in their basements if they wished. Given the low population density involved, this device would no longer constitute a *reductio ad absurdum* of the libertarian position, for the explosive power, even including the fallout, could easily be confined to the enemy, or to the owner of the territory himself, thus not imposing any negative effects on innocent third parties. Since defensive use would thus be possible, there would be no necessary violation of the libertarian postulate. The next level down in population density might be places on Earth such as the Sahara, or Antarctica. There might be no libertarian justification for owning an atom bomb with fallout even in relatively empty areas such as these, for detonation would affect at least a few innocent people. However, one could, conceivably, own a 'clean' atom bomb or a large amount of TNT in such deserted areas, but not in a more crowded venue.<sup>10</sup>

The proportionality thesis can be illustrated by use of a graph (Figure 1). On the y axis we plot the power of the weapon, with the hydrogen bomb at the top and fingernails at the bottom. On the x axis there is population density, with space the least populated and cities the most highly inhabited.

The relationship between these two could be depicted by any downward-sloping curve; this would indicate that the more crowded the situation, the less powerful the weapon that would pass muster under this libertarian criterion. If power and population density could be meaningfully integrated with one another (which is not being claimed here), the implication is that the downward-sloping curve would be a rectangular hyperbola, to indicate that the total of the two variables, when multiplied together, would yield the same sum, namely the amount of 'force times population density' which would be on the dividing line between legitimacy and illegitimacy.

What of 'cpb'? Depicted in this realm of the x axis is a world so crowded it would resemble a 'crowded phone booth'. What would be proper gun control policy under these extreme Malthusian assumptions? Again, contrary to what we have been calling traditional libertarian theory, the proportionality thesis yields a very different implication, namely the prohibition of firearms. However, the difference here is only with the conclusions that have previously been drawn on this topic, not with the underlying libertarian principle itself. In other words, we are putting forward the claim that proportionality theory leads to a more plumb-line libertarian position than previously achieved. That is because, paradoxically, it is *more* consistent with the premise that as long as a weapon's power can be confined to evildoers, that is, its purpose can be limited



**Figure 1.** The relation between geographical size and type of legal weaponry.

to defense against aggression, it is not *per se* invasive and thus must be legitimate. However, in the hypercrowded world,<sup>11</sup> not even a pistol, perhaps not even a knife, can possibly be used without impacting innocent people. If so, then it may be banned just as today we properly prohibit ownership of nukes in cities.

This new way of looking at the matter leads to new conclusions only at both ends of the population density continuum. At the low end, extensive space, it allows ownership of thermonuclear devices, when traditional libertarian theory would not. At the high end, the 'crowded telephone booth' kind of world, it prohibits guns and knives, when traditional libertarian theory would legitimize these weapons. These changes are not the result of an alteration of libertarian theory; this remains the same. The different conclusions stem solely from very different assumptions about the world (or universe).

### Objections

In closing, let us consider the objection to banning made by the person who wishes to possess a hydrogen bomb not for purposes of violence, but rather for contemplation, or for aesthetic or scientific reasons, or as a museum piece, etc. One answer is that the 'artiste' could indeed locate a nuclear bomb in his city basement, but only the outer contours of it, that is, the shell casing alone, not the nuclear device. This ought to suffice for sheer artistic contemplation.

Suppose, however, that this will not create the necessary artistic 'jolt'. For that, only an armed device will do. Too bad, from the libertarian perspective. It is impossible to confine the harm done by a such a weapon to the owner himself, or to a 'bad guy'.











