For Balance & Accuracy in the Great Gun-Control Broohaha: A Press Kit

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A Press Kit

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"He who decides a case without hearing the other side ... tho he decides justly, cannot be considered just." — Seneca

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Gun Stats & Mortal Risks

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This article is dedicated to Alfred Sachanowski Jr., who on December 27, 1992, shot one William "Red" Greene in defense of himself, one woman, and four children. Greene, who had a police record going back to 1978, had invaded the home of his ex-wife Carol, bent on murder. Greene shot and killed Carol's fiance, Ronald Sachanowski, Alfred's brother, before being fatally shot by Alfred. Alfred had himself taken two point-blank rounds in his forehead from Greene's .22 Magnum revolver. During his rampage, Greene repeatedly announced his intention to kill everyone in the house, including Ronald's four children. Alfred's shooting of Greene was ruled justifiable homicide and credited with saving six innocent lives by the District Attorney of Wyoming County, NY.

A front-page Wall Street Journal article entitled "Armed Force" by Erik Larson (2/4/93) on Paxton Quigley's personal protection course for women, cites the world's most notorious "statistic" regarding guns in the home: "A pioneering study of residential gunshot deaths in King County, Washington, found that a gun in the home was 43 times more likely to be used to kill its owner, spouse, a friend or child than to kill an intruder." The "43 times" stat is everywhere these days; it has grown in media lore like the proverbial urban myth: it was inflated by one pugilistic talk-show pundit to "93." Given the shock value of the finding, the conclusion of the 1986 New England Journal of Medicine (NEJM) study is remarkably understated: "The advisability of keeping firearms in the home for protection must be questioned."

Responsible people should indeed weigh the risks and benefits of bringing a firearm into their home. But what we need to know is this: What exactly are the risks and benefits? The NEJM testimony is neither the whole truth about the benefits nor nothing but the truth about the risks. Further, as with motor vehicles, we want to know: What control do we have over the risks and benefits? And, as with the risks of rape, heart disease, or auto accidents: How can we minimize the risks? Like raw highway death tolls, the NEJM stat is not at all helpful here. Indeed, it is rankly deceptive.
The NEJM finding purports to inform us, but it is framed to warn us off. It is widely promulgated in the media as a “scare stat,” a grossly misleading half-truth whose very formulation is calculated to prejudice and terrify. The frightful statistic screams for itself: The risks far outweigh the benefits, yes? What fool would run these risks? If your car were 43 times more likely to kill you, a loved one, a dear friend or an innocent child than to get you to your destination, should you not take the bus?

Uncritical citation puts the good name of statistics in the bad company of lies and damned lies. Surely, we can do better where lives are at stake. Let’s take a closer look at this risky business:

The “43 times” stat of the NEJM study is the product of dividing the number of home intruders/aggressors justifiably killed in self-defense (the divisor) into the number of family members or acquaintances killed by a gun in the home (the dividend). The divisor of this risk equation is 9: in the study’s five-year sample there were 2 intruders and 7 other cases of self-defense. The dividend is 387: in the study there were 12 accidental deaths, 42 criminal homicides, and 333 suicides. 387 divided by 9 yields 43. There were a total of 743 gun-related deaths in King County between 1978 and 1983, so the study leaves 347 gun deaths outside of homes unaccounted.

The NEJM’s notorious “43 times” statistic is seriously misleading on six counts:

1. The dividend of the NEJM risk equation is misleadingly characterized in the media: the “or acquaintances” of the study (who include your friendly drug dealers and neighborhood gang members) is equated to “friends.” The implication is that the offending guns target and kill only beloved family members, dear friends, and innocent children. Deaths may all be equally tragic, but the character and circumstance of both victims and killers are relevant to the risk. These crucial risk factors are masked by the calculated impression that the death toll is generated by witless Waltons shooting dear friends and friendly neighbors. This is criminological hogwash.

2. The study itself does not distinguish households or environs populated by people with violent, criminal, or substance-abuse histories, where the risk of death by
gun is very high, versus households inhabited by more civil folk (say, people who avoid high-risk activities like substance abuse, gang banging, and wife beating), where the risk is indeed negligible. In actuality, negligent adults allow fatal but avoidable accidents; and well over 75% of homicides are perpetrated by people with histories of violence, felonious folk who are identifiably and certifiably at "high risk" for misadventure. To ignore these obvious risk factors in firearm accidents and homicides is as misleading as ignoring the role of alcohol in vehicular deaths: by tautology, neither gun deaths nor vehicular deaths would occur without firearms or vehicles; but the history, state, and circumstance of the gun owner or driver crucially affect the risk.

3. One misleading implication of the way the NEJM stat is framed is that the mere presence of a gun in the home is much more likely to kill than to protect, and this obscures -- indeed, disregards -- the role of personal responsibility. The typical quotation of this study (unlike Larson's) attributes fatal agency to the gun: "A gun in the home is 43 times as likely to kill . . . ." (The Center to Prevent Handgun Violence, a major promulgator of the NEJM statistic, uses this particular formulation.) We can dispense with the silly debate about whether it's people or guns that accomplish the killing: again, by tautology, gun deaths would not occur without the guns. The question begged is how many deaths would occur anyway, without the guns. In any case, people are the death-dealing agents, the guns are their lethal instruments. The moral core of the personal risk factors in gun deaths are personal responsibility and choice. Due care and responsibility obviate gun accidents; human choice mediates homicide and suicide (by gun or otherwise). The choice to own a gun need not condemn a person to NEJM's high-risk pool. The gun does not create this risk by itself. People have a lot to say about what risk they run with guns in their homes. For example, graduates of Paxton Quigley's personal protection course do not run the touted "43 times" risk any more than skilled and sober drivers run the same risks of either causing or suffering vehicular death as do reckless or drunk drivers. Undiscriminating actuarials disregard and obscure the role of personal responsibility and choice, just as they disregard and obscure the role of
socio-economic, criminological and other risk-relevant factors in firearm-related death. This is why we may resent insurance premiums and actuarial consignment to risk pools whose norms disregard our individualities. Fortunately, nothing can consign us to the NEJM risk pool but our own lack of choice or responsibility in the matter.

4. Suicide accounts for 84% of the deaths by gun in the home in the NEJM study. As against the total deaths by gun in King County, including those outside the home, in-house suicides are 44% of the total death toll, which is closer to the roughly 50% proportion found by other studies. Suicide is a social problem of a very different order from homicide or accidents. The implication of the NEJM study is that these suicides might not occur without readily available guns. It is true that attempted suicide by gun is likely to succeed. It is not obviously true that the absence of a gun would prevent any or all of these suicides. This is widely assumed or alleged, but the preponderance of research on guns and suicide actually shows otherwise, that this is wishful thinking in all but a few truly impulsive cases. (See: Bruce L. Danto et al., The Human Side of Homicide, Columbia University Press, 1982; Charles Rich et al., "Guns and Suicide," American Journal of Psychiatry, March 1990.) If suicides were removed from the dividend of the NEJM study's risk equation, the "43 times" stat would deflate to six. The inclusion of suicides in the NEJM risk equation -- like the causes, durability, or interdiction of suicidal intent itself -- is a profoundly debatable matter. The NEJM study totally disregards this issue and, again, the factor of personal responsibility.

5. Citations of the NEJM study also mislead regarding the estimable rate of justifiable and excusable homicide. Most measures of criminal homicide are based on the immediate disposition of cases. But many homicides initially ruled criminal are appealed and later ruled self-defense. In the literature on battered women, immediate case dispositions are notorious for under-representing the rate of self-defense homicide. (See: Cynthia K. Gillespie, Justifiable Homicide, Ohio State University Press, 1989.) Time Magazine's January 18, 1993, cover story on women "Fighting Back" against attack by abusive mates reported one study's finding that 40% of women who appeal have
their murder convictions thrown out. *Time's* July 17, 1989, cover story on a week of
gun deaths reported only 3% of the homicides as self-defense, while upwards of 50% of
spousal shootings are by abuse victims. In a May 14, 1990, update, *Time* reported that
12% of the homicides had eventually been ruled self-defense. In *Time's* sample, the
originally reported rate of self-defense was in error by a factor of four. The likelihood
of such error is nowhere acknowledged by promulgators of the NEJM statistic.

6. While both the dividend and the product of the NEJM risk equation are
arguably inflated, the divisor is unconscionably misleading. The divisor of this equation
counts only aggressors who are killed, not aggressors who are successfully thwarted
without being killed or even shot at. The utility of armed self-defense is the other side
of the coin from the harms done with guns in homes. What kind of moral idiocy is it to
measure this utility only in terms of killings? Do we measure the utility of our police
solely in terms of felons killed -- as opposed to the many many more who are otherwise
foiled, apprehended, or deterred? Should we not celebrate (let alone count) those cases
where no human life is lost as successful armed defenses? The question posed to media
that cite the NEJM scare stat is this: Why neglect the compendious research on
successful armed defense, notably by criminologist Gary Kleck (*Point Blank: Guns and
Violence in America*, Aldine de Gruyter, 1991)?

Kleck's estimations of the rate and risk of defensive firearm use are based on
victimization surveys as well as other studies: the rate is high (nearly one million a
year) and the risk is good (gun defenders fare better than anyone, either those who
resort to other forms of resistance or those who do not resist). Dividing the top-end
estimate of 960,000 gun defenses a year by 30,000 annual gun deaths (from self-
defense, homicides, suicides, and accidents) yields 32. Thus, we can construct a much
more favorable "statistic" than the NEJM scare stat: *A gun is 32 times more
likely to be used to defend against criminal threat than to kill anybody.*

Of course, Kleck's critics belittle the dividend of this calculation; what's good
news for gun defenders is bad news for gun detractors. We must indeed question the basis
and method of any estimation of defensive firearm use, as I have questioned the NEJM statistic. And, indeed, Kleck's *Point Blank* itself provides a very responsible accounting of his estimation methods. Clearly, the issue of how to manage mortal risks is not settled by uncritical citation of statistics. But the "43 times" scare stat is no place to start.

For what it's worth, let's look at some more favorable "statistics" based on a more conservative estimation of the frequency with which guns are used to defend against criminal threat (750,000). I say "for what it's worth," because even the "averages" below are deceptive: actuarials or estimates can neither determine nor ensure your own personal measure of risk/benefit -- mileage will vary; your mileage is up to you. The figure of 960,000 gun defenses a year is the top-end estimate from Kleck's analysis of the research to date. The figure of 750,000 gun defenses a year is more conservative and less liable to dismissal; it is in the midrange of the 606,000 to 960,000 variance that Kleck judiciously allows. In order to demystify this risky estimation business, I state the simple assumptions and rationale for the various estimates below:

**CRIMINAL HOMICIDE:**  
*A gun is 245 times more likely to be used by a non-criminal to defend against criminal threat than to commit criminal homicide.*  
(Assume 30,000 gun deaths per year; subtract suicides @ 15,000: 30,000 - 15,000 = 15,000; subtract fatal gun accidents @ 1400 (per 1991): 15,000 - 1400 = 13,600. Assume a conservative rate of self-defense (again, a midrange estimate) @ 10% of gun homicides in general: .9 x 13,600 = 12,240 gun homicides not in self-defense. Assume the finding of the 1991 Chicago Police Department in-depth study of 20,264 homicides from 1965-91 that 75% of criminal homicides are committed by criminals with prior records: .25 x 12,240 = 3,060 criminal gun homicides by people with no record. 750,000 gun defenses per year divided by 3,060 = 245.)
ACCIDENTS: A gun is 535 times more likely to be used to defend against criminal threat than to accidentally kill anybody. (Assume 750,000 gun defenses per year divided by 1400 fatal gun accidents in 1991 = 535.)

HOMICIDE in general: A gun is 50 times more likely to be used to defend against criminal threat than to kill another person. (Assume 750,000 gun defenses divided by 15,000 gun homicides including self-defense = 50.)

SUICIDE: A gun is 50 times more likely to be used to defend against criminal threat than to be used in suicide. (Assume 750,000 gun defenses divided by 15,000 gun suicides = 50.)

The presence of a gun in the home, like the car in your garage, poses an inherent but remediable risk. Remember the crucial personal risk factor: as a gun owner, you have some choice in how prone you are to accident, suicide, or homicide. You have some choice in whether you consign yourself to any of the risk pools above, whether to be "average," whether to become a "statistic." With a gun, you happen to have more choice, but commensurately more responsibility. In confronting risk, divide and conquer: homicide, fatal accidents, and suicide are problems of different orders. If you are neither a felon nor a fool, your odds are vastly better than the averages cited above. But this is up to you. Statistical concoctions are no substitute for responsible choice.

For those still enamored of giving (or taking) gratuitous advice about how to manage mortal risks washed down with statistical concoctions (NEJM's, Kleck's, mine or whomever's), I recommend a more judicious tonic: Baruch Fischhoff's "Giving Advice: Decision Theory Perspectives on Sexual Assault" (American Psychologist April 1992).
Post Script:

One forthright media report on a tragic death by gun, "Stolen Gun's Tragic Path" by David Templeton (Pittsburgh Post Gazette, 3/15/93, p. A-1, A-12), was refreshingly free of the usual editorializing. I commend Templeton for not indulging in the gratuitous "blame the gun" campaign so popular in the press these days. I would like to comment on the story, however. I mean no disrespect. It is no sign of respect to avoid the hard lessons of tragedy. My concern is not blame for what happened, but responsibility for avoiding similar tragedy.

The story was this: Aaron Williams, a gentle and promising young man who was All American in wrestling his freshman year in college, bought a stolen .357 Magnum revolver from a "fence." According to his brother, Aaron knew nothing about guns and was even afraid to shoot the family shotgun. But Aaron told his alarmed family that getting a gun was just "the thing to do nowadays."

"An inveterate prankster, Williams was toying with the gun. He emptied six bullets from the cylinder and replaced one bullet, but not in line with the gun barrel. Then he put the gun to his head to fool family members sitting around the table. When he pulled the trigger ... the cylinder shifted into place and the gun fired." The Washington County Coroner ruled Williams' death suicide. But family members insisted that he was just trying to frighten them. His mother said, "I want people to know that he was just a big, gentle Ben. He wouldn't hurt anyone, let alone himself. He wasn't playing Russian roulette. It was an accident." Aaron's shooting himself was evidently unintentional. But, sad to say, it was also horribly careless and avoidable.

Aaron Williams evidently did not know how the revolver operated, that a round in the chamber adjacent to the barrel would align with the firing pin and discharge when the trigger was pulled. Aaron evidently did not know that guns are not toys, that you must know how a gun operates before handling it, that playing with a loaded gun is playing with death, that you treat every gun as loaded, and that you never point a gun at anything you are not willing to see destroyed. Aaron evidently did not know what every
adult should know and what every child should be taught about basic gun safety. Aaron would not have died as he did if he had not had that gun. And Aaron would not have died as he did if he had not been careless, if he had not broken every elementary rule of gun safety. Aaron Williams is another tragic example of why children need safety indoctrination about guns as well as about fire, water, medicine, toxic substances and other hazards endemic to daily life.

Safety is one topic on which even a democratic society requires universal indoctrination. Safety instruction would be mandatory even if guns were banned, like hard drugs. Because, banned or not, criminals will forever ensure that we and our children are at risk to encounter them.

We may not have much control over whether our children are exposed to hazards like guns or drugs in the wider world, like the elemental hazards of earth, air, fire and water. But we have some control, and clear responsibility, for what our children know and can be expected to do when faced with danger or temptation. When we fail to act on this responsibility over the many years that our children are captives of our care, our innocent and careless children will grow up to be ignorant and careless adults. We have no right to be surprised by the tragic results.

Check it out. Too many “accidents” are the result of carelessness and, at bottom, adult negligence. Blame the gun? No, that’s worse than useless. Take responsibility.
What Kind of Person Needs an “Assault Weapon”?

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This is kind of an Andy Rooney routine. Have you ever wondered what people mean when they ask, kind of rudely and rhetorically, “What kind of person needs an ‘assault weapon’?” (presuming an answer: felons and fiends)? I have. What I say is this: “Try this one on for size. Try a one-armed ethics professor. In fact, try this one-handed ethics professor.” Because that’s one thing I am. And I’m one answer to that question. When someone next asks that rudely rhetorical question in your presence, feel free to use me as a case in point. And tell them “what for.” To learn “what for,” read on.

I am what some call a “gun nut.” I prefer “gunny,” am comfortable with “firearms enthusiast,” but “gun nut” is OK by me. I enjoy as well as respect guns, those nasty instruments (we are reminded by more righteous guardians of civilization) whose sole, single, solitary and vexatious purpose in life is the destruction of mother earth’s fauna.

Judgmental folk and bigots presume that gun nuts aren’t playing with a full deck. I can cop to that. In its heyday, when I was ten, polio took my right arm quite handily; decades later I suffer the progressive debilitation of post-polio syndrome (PPS), which ended my athletic recreations and threatens quadriplegia. As a typical polio survivor in youth, I set dutifully about over-compensating. As soon as I was out of hospital and ambulatory again, I was eager to find out what I could still do in a two-handed world. Since my culture had failed to teach me that guns were designed solely for the destruction of mother earth’s fauna, I enjoyed one-handed mastery of a large collection of firearms. It never occurred to me to question my psyche, my character, my morals, my sexuality, or my humanity in this; but what did I know as a kid? It took psycho-moral sages like Dr. Joyce Brothers on “Johnny Carson” to show me the light much later in life.
is beset by looney-tune fantasies of homicidal power, which they eagerly project to gun folk (who know better, even as children). These moralists forget that responsible human beings dictate purpose to their tools, not vice versa. But they have one thing right: combat weapons are specifically designed for effective combat. They forget that combat is defensive as well as offensive and that, by the actuarial tables, 99.99% of us who own guns are neither homicidal aggressors nor folk with what the criminologists call a "criminal identity."

My guns are the guns that have garnered the dread (and ignorant) appellation "assault weapons." These, you better believe, are also the "arms" of which the Second Amendment speaks.

In one notorious and prudently narrow decision on the Second Amendment (U.S. v. Miller 1939), the Supreme Court made it abundantly clear that the arms in question were those that enjoyed military currency. It is no wonder that folk who see animate evil in firearms cleave desperately to the view that the Founding Fathers wished to secure a right to these weapons only for the several states. That a state monopoly on state-of-the-art deadly force pacifies anyone is astonishing to me.

My guns are the guns that many jurisdictions, like California and New Jersey, see fit to ban. To add insult to the injury of denying me my recreation of choice, these arbiters of higher human values tell me that my guns have no "legitimate sporting purpose," and thereby impute to me heinous tastes and criminal intent. They do so in prideful or self-righteous ignorance of the combat arts, and in utter indifference to my interests -- or yours. There is additional insult in the imputation that those of us who recreate with deadly weapons put our own trivial and selfish pleasures above human welfare and public safety, insensitive to human carnage, holding innocent lives hostage to our petty pleasure.

The denial of "legitimate" or "sporting" purpose to combat weaponry is blithely ignorant and insulting; but it is quite separate, logically, from the empirical issue of whether the private ownership of these or any other firearms by law-abiding citizens in fact exacerbates either crime or carnage in our society, a factual controversy in its own right. The reduction of crime and violence is a pragmatic if deluded reason for banning the private ownership of any weapon, but the moralistic phobia runs much deeper. Concern for carnage has become the humanitarian pretext for the arrogance that dispels, in a preening fit of ignorant rant, any legitimacy whatever to combat weaponry
in law-abiding civilian hands. Logic goes on holiday.

My personal resentment goes deeper as well, and here is the real rub: Those who would rob the law-abiding of so-called "assault weapons" would rob me not only of my recreation of choice, but the very firearms best suited to my personal self-defense. The so-called "assault weapons" which gun-grabbers would have us believe have neither a legitimate recreational use nor any defensive utility happen to be the very firearms best designed for safe and effective one-handed operation.

Century-old features that now seem to consign a firearm to the bin of "assault weapon" bans are these: (1) They are self-loading; that is (as you must explain to those suffering from symbiotic fear and ignorance): when a round has been fired, they load a round into the chamber automatically. They do not also fire automatically, but require a pull of the trigger for each shot. Thus they are called "semi-automatic," as distinguished from "fully automatic" weapons that both load and fire so long as the trigger is pulled (which fully automatic weapons have long been strictly controlled under the National Firearms Act of 1934). (2) They have relatively "high capacity" and detachable magazines, reducing the frequency with which they must be recharged with ammunition and the ease with which they can be recharged. These features apply to both my handguns and my long guns of choice; they make the manual tasks of loading and reloading the gun easier for a one-handed person. In the long gun category, my own shoulder weapons include (3) the evil pistol-grip stock, essential for the safe and effective manipulation of the gun one-handed.

Fact is, eliminating firearms with these features will not lessen the carnage in our streets or homes any more than eliminating automatic transmissions or power steering in vehicles would reduce the carnage on our highways. But, make no mistake: these three stereotypic "assault weapon" features are indeed very convenient for combat -- defensive as well as offensive. Convenience, like technology itself, is morally ambivalent: convenient for good and convenient for evil. Ease of one-handed use is a boon to any combatant (good or evil) who may lose the use of an arm in battle.

But one-handed weaponcraft is still a sporting challenge, which is one of its recreational appeals for me. Another appeal is that my mastery of combat weaponry proves informative to officer-survival training: Necessity is the proverbial mother of invention, and my inventive contributions to law enforcement survival training increase my satisfaction in my sport of choice. So I turn my recreation to practical purpose by
training with law enforcement in order to train police officers in combat weaponcraft as well as in the law and ethics of deadly force that properly delimit its use.

But more to the point is that firearms with these "antique" (century-old) features are my own best option in defensive weapons, should I need a firearm "in the gravest extreme." I resent a ban on weapons with these features as much as I would resent a ban on motor vehicles with automatic transmissions or power steering. Such bans not only limit and denigrate my recreational options; they also eliminate my best option in self-defense, which bears more deeply on my welfare. Worse, banning "assault weapons" cannot reduce the rate of carnage by felons or fools one wit. The reasons for this are many and sad, but another story.

So it is that I survey the clamor against "assault weapons" with the bias of an inveterate gunny with a very practical mission and a deeply personal stake in the matter. I happen to believe that "assault weapon" bans are ignorant, pernicious, and criminologically impotent. But I do not confuse my personal bias with justification for my views; that is another project (a book I am writing). For now, I'm content to decry moralistic arrogance that discriminates unblinkingly against the law-abiding and the handicapped.

And when people ask within my earshot the rudely rhetorical question "What kind of person needs an 'assault weapon'?” I stand to be counted. And I tell them what for.
What Exactly Is an ‘Assault Weapon’?

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The following are definitions I have researched and drafted as Editor of the Standards & Practices Reference Guide for the International Association of Law Enforcement Firearms Instructors. They provide not only such definitions as exist, but also some perspective on the problems of definition and of confusing definition with propaganda. Perhaps these discussions will be of use to those attempting to deal with the confounded broohaha over “assault weapons.”

assault pistol

1. A pistol capable of fully automatic fire, analogous to the term “assault rifle” (see: assault rifle, definition 1); a machine pistol; a submachinegun without a shoulder stock or with a folding stock that can be effectively held and operated as a handgun. However, unlike the terms “assault rifle” or “machine pistol,” “assault pistol” does not have either a history or wide currency as a technical term. In Duncan Long’s book Assault Pistols, Rifles and Submachine Guns, the term “assault pistol” is more a colloquial term of convenience; none of the listed pistol (stockless) versions of submachineguns are officially designated “assault pistols.” The term “assault pistol” is not a classification in Edward Ezell’s Small Arms of the World; even fully automatic pistols without stocks (like the Chinese Type 64 Pistol) are classified as submachineguns. The historical term for fully automatic (usually selective-fire) handguns, going back to the “broomhandle” Astra and Mauser Model 1932 selective-fire Schnellfeuer, is “machine pistol.” Even with true machine pistols, which are the size and configuration of conventional semi-automatic pistols without a shoulder stock, a two-handed hold is advised. For a discussion of the fine line between a stockless submachinegun and a machine pistol as hand-held fully automatic weapons, see: machine pistol.

2. While it has no currency or history as a technical term, “assault pistol” gained currency in the late 1980’s as a censorious term to refer to semi-automatic pistols (a) which are capable of a high volume of sustained fire by virtue of accepting high-capacity detachable magazines,
(b) which are thereby deemed by their political critics to have no "legitimate" or "sporting" purpose for civilians, and (c) which are thereby nominated by their political critics for prohibition for civilian ownership and use. However, so-called semi-automatic "assault pistols" are functionally indistinguishable from run-of-the-mill pistols, because any pistol that accepts a detachable magazine is (1) capable of rapid reloading or accepting an extended or "high-capacity" magazine and, therefore, (2) capable of a relatively high volume of sustained fire. Therefore, virtually any pistol is, in principle, an "assault pistol." Consequently, any definition of the censorious use of "assault pistol" is ultimately arbitrary and question-begging: discriminating amongst pistols on the basis of "legitimate" or "sporting" purpose is, at bottom, a controversial value judgment; there is no functional basis for this discrimination. The term "assault pistol" is therefore a confusing piece of political rhetoric rather than a discerning technical term. The apparent target of the political critics who invented the term is the capacity of pistol magazines rather than any functionally distinguishable type of pistol. For further illustration of the problem of censorious definition, see: assault weapon, definition 3.


assault rifle 1. A technical military term for a rifle with three essential features: (1) it is selective-fire and therefore capable of both semi-automatic and fully automatic operation; (2) it fires a cartridge that is intermediate in size and power between a submachinegun round (such as a 9mm Parabellum) and a battle rifle cartridge (such as the .308 or 7.62mm NATO); and (3) it is relatively compact and light in weight (as compared with a battle rifle such as the M14) and is therefore handler for personnel to carry and deploy in the field.

The historical prototype of the modern assault rifle was the German MP43/MP44 series Sturmgewehr or "storming rifle," from whose name the term "assault rifle" derives. MP43/MP44 proponents gave their new rifle design its daunting name to assuage Adolph Hitler's reservations about developing and adopting a weapon that was smaller, lighter and less powerful (by virtue its ammunition) than the Germans' standard battle rifle (the 8mm bolt-action Mauser 98). In large part, the advantage of the MP43/MP44 consisted in its selective-fire operation (as compared with the Germans' bolt-action Mauser or the Gewehr 41/43 semi-automatic rifles). But, like the M16 adopted much later in the U.S., the WWII German MP43/MP44 involved a step-down in cartridge size and power that was itself calculated to gain logistical as well as tactical advantages. The new MP43/MP44 assault rifle round was the 7.92x33mm (or 7.92mm Kurtz, for "short"), which was two-thirds the size and weight of the standard German 8mm (7.92x57mm) rifle cartridge; this was the prototype that set the standard for modern assault rifle cartridges. A smaller, lighter round meant that this ammunition would be less costly and easier to carry or supply in quantity: a soldier could carry twice the amount of ammunition into action. The step down in the power and lethality of the rifle's ammunition itself promised both a tactical and logistical advantage, since wounded combatants are often effectively neutralized while requiring many times the logistical support as dead combatants. By modern conventions of war, the proper objective of military engagement is to disable rather than to kill the enemy; killing is gratuitous and wounding is preferable so far as a wounded soldier disables more personnel than a dead soldier. Consistent with this doctrine, the assault rifle has been widely accepted by militaries since WWII as a replacement for the battle rifle even though it is less powerful and less lethal.
While the term "assault rifle," like "assault weapon," is usedequivocally in the media and political arena to refer to both selective-fire weapons and weapons that are semi-automatic only, the term properly refers to relatively light, compact selective-fire rifles of intermediate caliber and power. Assault rifles in this restricted technical sense, like all fully automatic weapons, are already strictly controlled in the U.S. under the National Firearms Act of 1934. It is ironic that latter-day media and political critics fasten on the assault rifle to epitomize "high-powered" lethal weapons, when the concept, on the contrary, entailed a deliberate step down in power and lethality (for which reason the assault rifle has also had its military critics). The description "high-powered assault rifle" is therefore a relative oxymoron. The relative "power" of a weapon is a function of the caliber, load, and ballistic performance of the ammunition used. On the whole, the wounding effects of assault rifles are much less lethal than those of higher caliber hunting or battle rifles. According to Dr. Martin Fackler, former Director of the Wound Ballistics Laboratory of the Letterman Army Institute of Research, news media myths exaggerating the "high power" and lethality of assault rifles have prejudiced surgeons, who consequently misdiagnose and mistreat "assault rifle" wounds by excising excessive tissue on the false assumption that it cannot be salvaged, thereby causing more crippling permanent injury than necessary (see Fackler's publications listed in the References below).

While the term "assault rifle" historically denotes a selective-fire military carbine-length weapon firing an intermediate cartridge, the labelling of any weapon for the specific purpose of "assault" is arbitrary, since any effective combat tool is inherently defensive as well as offensive in function. Indeed, the event that impressed the German High Command with the MKb 42(H) predecessor of the first modern assault rifle, the MP43/44, was its performance as both an assault and defense weapon in the dramatic breakout of outnumbered German troops from Soviet encirclement near Cholm, Russia, late in 1942.

2. A popular term currently used loosely by some and censoriously by others to refer to "military-style" semi-automatic rifles. The censorious definition of the term is, at bottom, a controversial value judgment: a military or military-style rifle that is perceived to have no legitimate or sporting purpose for civilians. The censorious use of the term was popularized in the late 1980's by media and political critics of semi-automatic as well as fully automatic rifles which they deemed to have no "legitimate" or "sporting" purpose for civilians by virtue of such features as high-capacity detachable magazines, a military appearance or geneology, or particular combat-suited fixtures such as a pistol grip, flash suppressor or bayonet lug. Unlike the technical military use of the term (definition 1), the censorious use of the term "assault rifle" eludes proper definition for the same reasons as does the censorious use of the more generic term "assault weapon": there are no purely technological criteria for a precise or univocal definition. Regarding the problems of definition, see: assault weapon, definition 3.

assault shotgun 1. A technical military term for a selective-fire shotgun which is therefore capable of fully automatic fire, such as were developed for the U.S. military’s now discontinued Close Assault Weapon System (CAWS) program (like Heckler & Koch’s “close assault weapon”). Such shotguns, like assault rifles (see: assault rifle, definition 1), are typically compact or bullpup configurations and may be equipped with pistol grips, ventilated barrel shrouds, and bayonet lugs. Such shotguns, like all fully automatic weapons, are strictly regulated under the National Firearms Act of 1934.

2. While it has no technical currency in this usage, the term has also been used colloquially as a synonym for the generic combat shotgun, which can be a short-barrelled semi-automatic, slide-action or revolver-action shotgun (such as the “trench gun” or Model 1897 Winchester and the South African Striker 12, which have seen military and law-enforcement applications). For example, Smith & Wesson developed a 10-round box magazine prototype designated the “AS” for “assault shotgun” in the early 1980’s in both semi-automatic (the AS-1) and selective-fire (the AS-3) versions. However, this usage of “assault shotgun” for semi-automatic weapons is ill-advised because it invites confusion with fully automatic or selective-fire shotguns devised as military Close Assault Weapons Systems (which are advisedly called “assault” shotguns, per definition 1) and confusion with the censorious political use of the term “assault weapon” (see: assault shotgun, definition 3, and assault weapon, definition 3). Marketing considerations may label an “assault” weapon as “good” just as political propaganda may tar an “assault” weapon as “bad”; in either case, the nomenclature is arbitrary and irrelevant to functionality, unless it conforms to the convention of distinguishing selective-fire from semi-automatic weapons. Loose use of the descriptor “assault” is like colloquial usage of the term “automatic” to refer to semi-automatic weapons; if applied indiscriminately to both fully automatic and semi-automatic weapons, it breeds confusion. It is generally misleading to label a shotgun or any other firearm for the specific tactical purpose of assault, because small arms suitable for assault are equally well deployed for defense. “Combat shotgun” is a more accurate label, because combat is both defensive and offensive. Combat-configured shotguns have been variously labelled, highlighting the shotgun’s generic versatility, as “riot guns,” “police shotguns,” “tactical shotguns,” “entry guns,” “K-9 shotguns,” “witness protection guns,” and “home-defense guns.” See: combat shotgun.

3. A shotgun subsumed under the latter-day censorious label “assault weapon” would, ipso facto, be an “assault shotgun.” The term “assault shotgun” is sometimes used censoriously by political critics for military look-alike semi-automatic or even slide-action shotguns with relatively short barrels, with or without pistol grips, that may also be variously called “riot guns,” “police shotguns,” “tactical shotguns,” “entry guns,” “combat shotguns,” or “home-defense guns.” For example, Canada, England, and the state of New Jersey have labelled and prohibited certain repeating shotguns as “assault weapons” and therefore “assault shotguns.” The “trench gun” of WWI, which was a short-barrelled slide-action Model 1897 Winchester shotgun sans pistol grip, might today be labelled an “assault” shotgun, by virtue of its compact design for close-quarter combat and its military application. Similarly, the semi-automatic High Standard Model 10A/B bullpup and the slide-action Mossberg Model 500 in bullpup configuration, devised for both civilian and police markets, would risk the appellation “assault shotgun” in today’s political climate. These examples illustrate the imprecision of colloquial or censorious usage, which fails to discriminate between fully automatic, semi-automatic, and slide-action or revolver-action weapons. Technically and precisely, an assault shotgun, like an assault rifle, is a selective-fire and therefore fully automatic weapon (per definition 1), which is already strictly regulated under the National Firearms Act of 1934. If military use is the criterion, slide-action shotguns would be considered “assault shotguns” par excellence, because slide-action guns have been favored for the role of combat shotguns since WWI for their
robustness and reliability in the field. Loose colloquial usage is ill-advised and easily confounded by the political trend in the late 1980's to label "military style" or combat-configured shoulder arms as "assault weapons." An archtypical subject of the censorious use of the term "assault weapon," which would thereby be nominated an "assault shotgun," is the so-called "Streetsweeper," a U.S.-marketed version of the South African Striker 12 shotgun. The Striker 12 is neither an automatic nor semi-automatic weapon, but rather has a spring-driven revolver action released by a heavy (18-pound pull) trigger, with a 12-round cylinder inside a drum that is loaded one round at a time like an old Colt Single Action Army revolver. The Striker 12 is heavy, bulky, slower to fire and far slower to reload than a slide-action shotgun; it is therefore a tactically specialized weapon. It is falsely reputed to be popular with drug traffickers and gangsters and long on mean looks, so it is predictably popular as an icon with Hollywood and political propagandists; as a result, its appearances in the media far outstrip and over-rate its limited use and utility. The Striker 12 is therefore an appropriately inept icon for the current ill-informed political campaign against so-called "assault weapons." As used to censure shotguns as well as other firearms, the term "assault weapon" is at bottom a value judgment applied to any military or military-style firearm that is perceived to have no legitimate or sporting purpose for civilians. This censorious usage has no proper technical definition and is applied indiscriminately to firearms that are functionally equivalent to common sporting arms. For a discussion of the problems of departing from precise technical definitions and labelling firearms as "assault weapons" for censorious or political purposes, see: assault weapon, definition 3.


assault weapon

This term may be given a technical definition (definitions 1 and 2, below), but is widely and loosely used as a value-laden, censorious term whose confusing and controversial use requires some explanation (definition 3, below).

1. A generic synonym for a military assault rifle capable of fully automatic operation. See: assault rifle, definition 1.

2. A generic term ambiguously applied to military small arms (rifles, shotguns, submachineguns or pistols) capable of fully automatic operation. See: assault rifle, definition 1; assault shotgun, definition 1; assault pistol, definition 1; machinegun; submachinegun; machine pistol.

3. A value-laded, censorious term that lacks a precise or technical definition and that is currently used loosely to refer to both military-style semi-automatic and slide-action firearms as well as selective-fire or fully automatic military small arms. The term is used censoriously to refer to a military or military-style firearm that is perceived to have no legitimate or sporting purpose for civilians. The problem of definition needs to be carefully understood, because the censorious use of the term "assault weapon" is the cause of widespread confusion and controversy.

As a label for classifying weapons as to type, the term "assault weapon" is ultimately
arbitrary. Unlike the designations "submachinegun" or "machine pistol" or the technical military use of the term "assault rifle" (see: assault rifle, definition 1), the more generic label "assault weapon" is highly ambiguous and question-begging. Features that enhance a weapon for offensive purposes (by virtue of which it might be classified as a so-called "assault weapon") also enhance its defensive utility; therefore, any "assault" weapon is inherently also a "defense" weapon (and vice versa). The arbitrariness of purpose-specific labels like "assault weapon" is illustrated by Fabrique Nationale's prototype P90 weapon system, which was christened simply "Personal Weapon," or Heckler & Koch's variant of the MP5K pistol-configuration submachinegun, the MP5K-PDW, whose designation stands for "Personal Defense Weapon."

The label "assault weapon" is highly ambiguous and question-begging even in its application to ostensibly offensive military weapons, because the term lacks precise technological criteria for its application: it has been loosely applied not only to rifles, shotguns, and pistols but also to fully automatic, semi-automatic, and even slide-action firearms (such as the "trench gun" of WWI, see below). "Assault weapon" may generically connote a military small arm ostensibly suitable or specifically designed for close-quarter assault, the offensive aspect of combat. But a wide variety of firearms -- rifles, submachineguns, shotguns, and pistols -- have been designed for military use in close-quarter combat. Submachineguns are paradigms of close-quarter combat weapons. Pistols are inherently close-quarter weapons; they have in certain cases been equipped for fully automatic operation, thereby blurring the distinction between pistols and submachineguns (see: machine pistol). Shotguns have been specially equipped for military use with shorter barrels, folding stocks, bullpup configurations, pistol grips and bayonet lugs as well as fully automatic operation to enhance their utility in close-quarter combat (see: assault shotgun).

But, however we care to label a weapon to highlight its utility, no weapon can be typologically defined by its tactical utility for close-quarter "assault" alone, since every weapon, like combat itself, has two inherent functions -- defensive as well as offensive -- even in military contexts. Any specific tactical purpose for which a weapon is designed or named is a function of its history and context of use as well as its functionality.

For example, the "trench gun" was a slide-action shotgun originally designed with a far shorter barrel than a hunting shotgun for use in the confined trenches of WWI. Like the Thompson submachinegun, the "trench gun" might be considered an "assault weapon" par excellence of WWI. But repeating (slide-action or semi-automatic) shotguns of special configuration (for example, with pistol grips or relatively short barrels) have been designed and named for many purposes -- as "police shotguns," "riot guns," "entry guns," "K-9 shotguns," "combat shotguns," "witness protection guns," and even "home-defense guns."

The question "What's in a name?" applies here with a vengeance, as does the rule "Function is in the mind of the designer, the hands of the user, the eye of the beholder, the view of the vendor, or the schemes of the propagandist." The meaning of such nomenclature resides in the diverse and historical purposes attributed by designers, manufacturers, marketeers, politicians and users as well as in the objective utility and functionalities of the firearm. A firearm fashioned or named for one tactical purpose is readily turned to many others, as was the "trench gun." A gun that garners an intimidating name like "combat shotgun" can be functionally identical to one named for a more homely purpose, like "home-defense gun." When it comes to purpose-specific labels, the bottomline answer to "What's in a name?" is whatever the namer has in mind.
The nominal paradigm of the “assault weapon” is the “assault rifle,” whose name derived from the WWII German MP43/MP44 prototype of the modern assault rifle called the *Sturmgewehr* or “storming rifle.” This may be the first small arm named for the specific role of “assault,” and there was indeed a rationale for the name in its historical context. The rationale was largely political. As a relatively light, compact selective-fire weapon, the MP43/MP44 was considered a better close-quarter assault weapon than the Germans’ bolt-action Mauser rifle. (Of course, by parity of reasoning, it would also serve as a better close-quarter defense weapon. Indeed, the event that first impressed the German High Command with the MP43/44, was its performance as both an assault and defense weapon in the dramatic breakout of outnumbered German troops from Soviet encirclement near Cholm, Russia, late in 1942.) In large part, the advantage of the Mkb 42(H) and its MP43/44 successors consisted in its selective-fire operation (as compared with the Germans’ standard bolt-action Mauser or the Gewehr 41/43 semi-automatic rifles). But, like the M16 adopted much later in the U.S., the WWII German MP43/MP44 involved a deliberate step-down in cartridge size and power that was itself calculated to gain logistical as well as tactical advantages. The new MP43/MP44 assault rifle round was the 7.92x33mm (or 7.92mm Kurtz, for “short”), which was two-thirds the size and weight of the standard German 8mm (7.92x57mm) rifle cartridge; this became the prototype for the modern assault rifle cartridge. A smaller, lighter round meant that this ammunition would be less costly and easier to carry or supply in quantity: a soldier could carry twice the amount of ammunition into action. The step down in the power of the rifle’s ammunition itself promised both a tactical and logistical advantage, because wounded combatants are often tactically neutralized while requiring many times the logistical support as dead combatants. By modern conventions of war, the proper objective of military engagement is to disable rather than to kill the enemy; killing is gratuitous and wounding is preferable so far as a wounded soldier disables more personnel than a dead soldier. Consistent with this doctrine, the assault rifle has been widely accepted as a replacement for the battle rifle even though it is less powerful and less lethal. Indeed, the MP43/MP44’s proponents in WWII Germany gave the new rifle its daunting name to assuage Adolph Hitler’s reservations about developing and adopting a weapon that was smaller, lighter and less powerful (by virtue of its ammunition) than the longer ranged battle rifle. Thus, the label “storming rifle” was a political ploy devised to sell the concept to Hitler. This reflects the arbitrariness and propagandistic motivations that characterize the use of the term “assault weapon” today, as a value-laden label calculated to attract some or repel others.

So the answer to the question “What’s in a name?” is often: rhetorical, political, or marketing advantages -- aka “propaganda” value. Consistent with the use of “storming rifle” as a propaganda ploy by its military proponents in WWII Germany and like the censorious use of the term “assault rifle,” the more generic term “assault weapon” gained currency in the late 1980’s from its widespread censorious use by media and political critics to nominate certain firearms (which they deemed to have no “legitimate” or “sporting” purpose for civilians) for stricter control: since law-abiding civilians have no legitimate interest in “assault,” civilians presumably have no legitimate interest in “assault weapons.” Again, the meaning of this ambiguous term must be fixed by reference to historical context and propagandistic use. For censorious purposes in the political arena, “assault weapon” became shorthand for a value judgement, to wit: a military or military-style firearm that is perceived to have no legitimate or sporting purpose for civilians. Such a weapon might be a rifle, shotgun, or pistol possessing such features as semi-automatic operation (fully automatic firearms being already strictly regulated in the U.S. under the National Firearms Act of 1934), high-capacity detachable magazines, military appearance or geneology, or particular combat-suited fixtures such as pistol grips and bayonet lugs on shoulder weapons. But such features are merely convenient targets for censure, not essential to the censorious definition of “assault weapon,” which is
rather more arbitrary.

Censorious definition in terms of perceived illegitimacy for civilians is circular and question begging as well as ambiguous and subjective, because any so-called "assault" weapon is demonstrably suitable for "defensive" and various "sporting" purposes. The arbitrariness of the censorious use of the term "assault weapon" is seen when we examine the various candidate factors that purportedly qualify a firearm for censure as an "assault weapon."

(1) The "purpose" factor. Purpose itself is no criterion for univocal definition because no firearm (or any other implement) is inherently limited to a singular purpose. A baseball bat or a butter knife can become an "assault weapon." And there are no precise, technological criteria for distinguishing offensive (so-called "assault") weapons from firearms that have legitimate defensive utility or some "sporting" purpose. Again, any offensive weapon is, ipso facto, a defensive weapon, depending only on the intent and circumstance of the user. Purpose is a subjective function of use and intent as well as objective design or functionality. Use is in the hands of the user. Intent is in the mind of the user as well as the designer. And, contrary to the dogmatic denial of sporting purpose (based on an ignorantly narrow definition of the shooting sports as either hunting or bullseye shooting) there are harmless sporting uses (for example, a myriad of organized civilian competitions) for every manner of firearm, including military small arms and machineguns. Consequently, censorious legislation is advisedly reduced to identifying the offending weapons by ostensive definition; that is, by making a list of particular makes and models of firearms, whereby "assault weapon" is ultimately defined as any weapon which happens to be perceived and nominated by its critics as an unacceptable social liability or as otherwise inappropriate for civilian use.

Controversy then shifts to the objective or functional basis for these perceptions.

(2) The "lethality" factor. Lethality is one salient operational concern in assessing the utility or liabilities of any weapon. The lethality of a firearm will be a function of at least two sets of factors: the performance of the weapon's ammunition (sometimes equated to "power," but in reality a function of several factors) and mechanical features that affect both the weapon's rate of fire and sustainable volume of fire (sometimes equated to "firepower").

(3) The "power" factor. It is ironic that latter-day media and political critics use the term "assault rifle" to epitomize high-powered lethal weapons, when the concept, on the contrary, entailed a deliberate step down in power and lethality. The relative "power" of a weapon is a function of the caliber, load, and ballistic performance of the ammunition used. So, for example, the description "high-powered assault rifle" is a relative oxymoron. On the whole, the wounding effects of assault rifles are less lethal than most common hunting rifles. According to Dr. Martin Fackler, former Director of the Wound Ballistics Laboratory of the Letterman Army Institute of Research, exaggerated media myths about so-called "high-powered" assault rifles have not only increased demand for semi-automatic look-alikes but, more perniciously, have prejudiced medical treatment: surgeons are apt to mistreat "assault rifle" wounds by excising excessive tissue on the false assumption that it cannot be salvaged, thereby causing more crippling permanent injury than necessary (see Fackler's publications listed in the References, below). It is generally misleading to consider "assault weapons" as "high powered," since pistols and shotguns, as well as rifles, have been nominated "assault weapons." True assault rifles are advisedly intermediate in caliber and power; many higher-caliber hunting rifles are much more powerful and lethal. Pistols (whether labelled "assault weapons" or not) are relatively low powered; likewise for submachineguns, which fire pistol cartridges. Shotguns can be relatively lethal as a function of their gauge and ammunition, but
these factors have nothing to do with whether shotguns are considered "assault weapons." If "assault weapons" were defined by "power," a single-shot, breach-loading 600 Nitro Express would qualify. In short, the "power" factor will not suffice as a definitive criterion for "assault weapons."

(4) The "firepower" factor. One salient functionality of "assault weapons" often singled out for censure is "firepower." "Firepower" is another ambiguous concept but it is in large part a function of rate of fire and sustainable volume of fire, both of which are facilitated by high-capacity detachable magazines as well as semi-automatic operation. The ideal rate of fire is the rate at which a weapon's action can mechanically be made to complete its cycle: in a fully automatic weapon, this will be equivalent to cyclic rate; in a semi-automatic or self-loading weapon, this will be as fast as an operator can operate the trigger; in a manually cycled firearm, this will be as fast as an operator can both chamber and fire successive rounds. Rate of fire can affect the hazards of criminal misuse as well as a weapon's defensive or offensive utility. However, effective rate of fire (the rate at which a skilled operator can fire rounds accurately) is the operative concern, and a repeating "hunting" or "target" rifle with an integral magazine is capable of a relatively high effective rate of fire, can be more lethal than any true assault rifle (see: definition 1), and is equally susceptible of criminal misuse. By this reckoning, there is no reason to draw the line at semi-automatic rifles with detachable "high-capacity" magazines. So, indeed, "assault weapons" singled out for censure and legislative restrictions have included slide-action or "pump" shotguns as well as semi-automatic shotguns with integral tubular magazines (for example, in New Jersey, Canada, and England). Again, by this reckoning, there is no reason to exclude lever-action rifles with integral tubular magazines. So unfolds the slippery slope: if rate of fire or effective rate of fire is a criterion for defining "assault weapons," any repeating firearm could qualify. In short, rate of fire will not suffice as a definitive criterion for "assault weapons."

(5) "Sustainable volume of fire" is another factor in the destructive capacity of a firearm that concerns those who would censure and ban "assault weapons." Sustainable volume of fire is the product of rate of fire and the amount of time over which that rate of fire can be sustained. In practical terms, sustainable volume of fire will be a function of three factors: rate of fire, ideal or effective; how many rounds can be fired continuously without reloading the firearm; and how rapidly the weapon can be reloaded. While sustainable volume of fire will also be a function of the skill of the operator, a weapon that accepts detachable feeding devices (magazines, insertable clips, or belts) can be reloaded more quickly than one with an integral magazine that must be recharged one round at a time. Weapons with detachable magazines will therefore be capable of a higher sustainable volume of fire than most weapons with integral magazines, provided that charged magazines are ready to hand. However, any firearm that accepts a detachable magazine is capable of both rapid magazine exchange and accepting extended "high-capacity" magazines. After-market "high-capacity" (20- or 30-round) magazines are provided for most semi-automatic "sporting" rifles as well as most pistols. Thus, the sustainable volume of fire that a firearm enables will be a function of the type of feeding device it accepts. If the ability to accept detachable magazines is a criterion, virtually all semi-automatic rifles and pistols will be consigned to the bin of "assault weapons." Again, we find ourselves on a slippery slope: an "assault weapon" will be any semi-automatic or repeating firearm that accepts a detachable magazine or, inevitably, any that could be converted to accept such a magazine. At this point, it is gratuitous to use the term "assault weapon" as if it defined a weapon type and more to the point simply to target magazine capacity for censure. If magazine capacity is the defining criterion for "assault weapon," then BB guns become "assault weapons" (as, indeed, they did under New Jersey's "assault weapon" ban).
The cosmetic factor: "military style" or "menacing appearance." Equally problematic are attempts to define the censorious use of "assault weapon" in cosmetic terms or by virtue of gratuitous combat accessories such as bayonet lugs, flash hiders, sound suppressors, ventilated barrel shrouds, muzzle brakes, or pistol grips. Such accessories are trivial to eliminate without affecting the essential functionality, not to say lethality, of a firearm. Synthetic "military style" pistol-grip stocks are easily replaced with traditional wooden stocks. (By the way, pistol-grip stocks happen to have an important non-military and non-combat application, as aids to the safe handling of any long gun by one-handed or handicapped shooters.) Appearance is also essentially unrelated to functionality. Ironically, the weapons nominated for most menacing appearance by censorious critics are often relatively inferior in performance and practicality to ordinary firearms; to wit: the semi-automatic Tech-9 variants (modelled on the Skorpion submachinegun), the Cobray (semi-automatic cousin to the MAC-11 submachinegun), and the notorious "Streetsweeper" shotgun. The menacing appearance of the Tech-9 variants and Cobray may make these quasi-handguns popular with Hollywood and teenage gangsters, but in fact these guns are cumbersome, stiff operating, hard to conceal, inaccurate and tactically inferior to ordinary pistols. The "Streetsweeper" or Striker 12 shotgun weighs ten pounds, has a clunky clockwork revolver action with a heavy 18-pound trigger pull, a 12-round cylinder within a drum that must be tediously reloaded one round at a time like an old Colt Single Action Army revolver, and it is slower to fire than a Model 1897 Winchester pump shotgun. Firearms with such superficially menacing appearances are cases where appearances are as deceiving as they are disfunctional. In any case, the relevance of either appearances or accessories to the social costs or appropriateness of civilian use, again, involve controversial political and value judgments. And the incidental or transitory nature of these features render them utterly irrelevant as definitive criteria for "assault weapons."

The "criminal use" factor. The censorious term "assault weapon" is at bottom convenient shorthand for a value judgement, again: any weapon which happens to be perceived and nominated by its critics as an unacceptable social liability or as otherwise inappropriate for civilian use. The underlying criteria by which a weapon is nominated for "assault weapon" status are either criminological or political. Criminological criteria, while indifferent to weapon type or classification, are nonetheless the closest thing to objective criteria for censorious purposes. As the popular albeit false political myth puts it, "Assault weapons" are the criminals' "weapons of choice." But here at least we have the basis for a clear ostensive definition: "assault weapons" are those firearms that are widely misused by criminals. As it happens, most (but not all) of the firearms currently consigned to the category of "assault weapons" share the characteristics of being semi-automatic and accepting detachable magazines, by virtue of which they are perceived to enjoy a high rate of criminal misuse. The essentially open-ended nature of censorious classification as an "assault weapon" on criminological grounds is seen in the inexorable logic with which this principle of classification must be applied: Regarding handguns, were semi-automatic pistols effectively removed from both civilian and criminal hands, then criminals would use only revolvers and revolvers would then become the "assault weapons" of the day. Regarding shoulder weapons, were all military-style or semi-automatic weapons effectively removed from use, criminals would use only the remaining available arms and then ordinary slide-action, lever-action, bolt-action (and, inexorably, by the logic of this open-ended definition) even single-shot firearms would become the "assault weapons" of the day. This may or may not be the long-term firearm-eradication strategy at work behind proposed "assault weapon" bans, but it is, in any case, the inexorable logic of censorious classification on criminological grounds; the bottomline is very simple: any type, make or model of firearm that is widely misused by criminals should be banned from all civilian use. (These hypothetical scenarios, of course, assume a fact not in evidence: that a
civilian ban on any type of weapon would indeed keep such weapons out of criminal hands. But we are concerned here with the problem of defining "assault weapon," not with the efficacy of firearm bans.) "Assault weapon" is thus a label of convenience for which definition ultimately becomes as useless as it is question-begging: the agenda is simply to ban all firearms that are demonstrably subject to widespread criminal misuse, not to select any definable type of firearm for special censure. Labelling these as "assault weapons" becomes meaningless.

In summary, the fundamental problem for defining the censorious use of the term "assault weapon" is the lack of either definitive technological criteria or uncontroversial operational standards that uniquely warrant any type of firearm for censure. The line must ultimately be drawn for particular weapons on criminological or political grounds, such as the perceived costs of misuse by criminals or perceived inappropriateness of use by civilians. Thus, the censorious use of the term "assault weapon" ultimately entails contestable value judgments about "acceptable" social costs or "legitimate" use and is therefore inherently controversial. In addition, recourse to presumably objective criminological criteria such as being a "weapon of choice" for criminals would classify virtually any firearm as an "assault weapon," thereby defeating the very purpose of definition. Indeed, by statistical standards of appreciable criminal misuse, ordinary revolvers must figure as "assault weapons" today. By contrast, for an example of a properly typological definition on the basis of unique functionality, see: assault rifle, definition 1.


**combat shotgun** 1. A shotgun advisedly configured primarily for combat, either offensive or defensive, in military, law enforcement or civilian applications. The essential features of a combat shotgun are that it be a repeater (for example, selective-fire, semi-automatic, slide-action, or revolver-like action with a rotating spring-driven cylinder) and that it be wieldy for carry by personnel and in vehicles as well as for close-quarter fighting. Combat shotguns are relatively short, carbine length (typically with 18- to 22-inch barrels) compared with longer hunting shotguns (with 26- to 30-inch barrels). Shotguns with barrels under 18 inches in length are strictly regulated under the National Firearms Act of 1934; but 12- and 14-inch shotguns typically serve in special law enforcement capacities as "witness protection" and "entry" guns, respectively. Additional fixtures of tactical convenience are pistol-grip stocks, extended tubular magazines or box magazines (having six- to ten-round capacities compared with regulation hunting capacities of three or four rounds), bullpup configurations, synthetic stocks, ventilated barrel shrouds, slings, rifle sights or, in military application, bayonet lugs. While "combat shotgun" covers a variety of specific applications
because combat can be both defensive and offensive, combat-configured shotguns have been variously labelled, highlighting the shotgun’s tactical versatility, as “trench guns,” “riot guns,” “police shotguns,” “tactical shotguns,” “entry guns,” “K-9 shotguns,” “witness protection guns,” and “home-defense guns.” Box-magazine shotguns (such as European American Armory’s PM-2) are convenient as “home defense guns” because the detachable magazine allows the weapon to be stored unloaded but to be loaded quickly on demand as well as convenient as “police” or “tactical” shotguns because separate detachable magazines can be loaded with different ammunition (for example, buck shot or slugs) allowing a rapid switch in ammunition type in response to changing tactical needs.

The more purpose-specific and arbitrary label “assault shotgun” is properly reserved for a selective-fire shotgun which is therefore capable of fully automatic fire, such as were developed for the U.S. military’s now discontinued Close Assault Weapon System (CAWS) program. Slide-action shotguns (like the Winchester Model 12 or, later, the Remington 870) have been favored by the military for combat roles since WWI because of their robustness and reliability in the field. More recently, for the Close Assault Weapon System (CAWS) program in the 1980’s, prototype selective-fire shotguns were developed for the U.S. military (like Heckler & Koch’s “close-assault weapon” in bullpup configuration) and semi-automatic shotguns have become competitive for combat roles in both the military and law enforcement.

The historical prototype of the combat shotgun was the blunderbuss, which was short and light and whose belled barrel made reloading much swifter than with unflared muzzle-loading shotguns. The blunderbuss was employed not only on the battlefield but also in close-protection service (for example, guarding royal coaches, where it was known as a “coaching gun”). The first modern combat shotgun was the short-barrelled Model 1897 Winchester slide-action, which typified the “trench gun” of WWI and the “riot gun” in law enforcement. However, the modern combat shotgun is not only a close-quarter weapon; with rifled slugs, it serves as a versatile medium-range (50 to 100 yards) weapon to supplement police officers’ side arms in the field, as does the police rifle or carbine. See also: bullpup.

2. The basic discipline and training in the safe handling, carry, and effective employment of the combat shotgun; also called “police shotgun.” “tactical shotgun.”


**machine pistol** A machine pistol is a fully automatic or selective-fire handgun. Machine pistols have been chambered to fire a wide variety of pistol cartridges such as the 9x19mm NATO/Parabellum (the typical chambering), the .45 ACP (the MAC-10), the .32 ACP (the Czeck Skorpion), the 9x18mm Makarov (the Polish Wz63 and Soviet Stechkin), and even the .22LR (the Mexican Trejo).

Machine pistols can be classified by origin, so far as they are either (a) developed directly from a conventional semi-automatic pistol, like the Beretta 93R derived from the 92F or the Astra
Model F and the Star MD selective-fire copies of the Colt M1911; or (b) derived from an existing submachinegun by abbreviating the barrel or overall dimensions, like the Mini Uzi or MP5K (the "K" designation is for kurtz or "short"); or (c) originally developed de novo as a selective-fire or fully automatic handgun, like the Steyr TMP (Tactical Machine Pistol), the Ingram MAC-10, the Czech M61 Skorpion, the Soviet Stechkin, the Polish Wz63, and Heckler and Koch's VP70.

And machine pistols can be classified by configuration, depending on the provision of fore-ends, fore-grips (fixed or hinged), or shoulder stocks (removable, collapsible, or folding): (1) a machine pistol may have neither a fore-end nor fore-grip nor any provision for a shoulder stock, like the Glock 18 or Ceska Zbrojovka's selective-fire version of the CZ-85; (2) it may be equipped with a fore-grip but with no provision for a shoulder stock, like the Beretta 93R, the Heckler and Koch MP5K, and the Steyr TMP; (3) it may have provision for a removable or folding stock but no fore-end or fore-grip besides a magazine well forward of the trigger guard (like the Astra or Mauser selective-fire "Schnellfeuer" versions of the C/96 semi-automatic "Broomhandle" Mauser pistol), or no fore-grip or fore-end whatever (like the MAC-10), or with the butt plate of the folded stock providing a fore-grip (like the Mini Uzi and Micro Uzi); or (4) it may have both a folding or collapsible shoulder stock as well as a fore-grip, like the Heckler and Koch MP5K-PDW (Personal Defense Weapon).

The configuration of a machine pistol, rather than its origin, determines its functional similarity to a conventional pistol: the most "pistol like" machine pistol has neither fore-grip nor shoulder stock and is advisedly fired in a two-handed hold. But machine pistols derived directly from a conventional semi-automatic pistol (like the Beretta 93R or the Astra Schnellfeuer), especially those with neither fore-grip nor shoulder stock (like the Glock 18 or selective-fire CZ-85), are most "pistol like" in both function and external appearance. However, compact "handgun" dimensions and barrel length, chambering for pistol ammunition, hand-held operability, and fully automatic capability are the common features of the species.

Like zoology, firearm classification does not always admit of immutable lines. For comparison, a submachinegun is typically a fully automatic or selective-fire shoulder weapon (often with a collapsable or removable stock) chambered for a pistol round, while a machine pistol is a handgun with a fully automatic mode. But machine pistols and submachineguns can be essentially similar in both configuration and functionality: machine pistols are often equipped with fore-grips as well as provisions for shoulder stocks in a carbine configuration, while submachineguns may be stockless in a handgun configuration like the MP5K. Edward Ezell's Small Arms of the World classifies West German submachineguns as Maschinenpistolen and classics like the M61 Skorpion are commonly referred to both as machine pistols and as submachineguns.

Historical conventions in firearm designation confounds the nominal distinction further: the German designation "MP" (for Maschinenpistole) was applied not only to a long line of German WWII submachineguns like the MP34, MP38 and MP40 as well as the modern MP5 today, but also to the prototype of the modern assault rifle, the MP43/MP44 Sturmgewehr or "storming rifle" (which was finally more appropriately designated the StG44); later, the East Germans also designated their AK-style rifles as Maschinenpistolen. The confusing practice of designating assault rifles as Maschinenpistolen began with the WWII German proponents of the assault-rifle concept who felt compelled to disguise their R&D efforts because Hitler for a time forbade development of new weapons based on the intermediate cartridge (the 7.92x33mm) that eventually set the standard for the modern assault rifle (see: assault rifle, definition 1). The first prototype of the Sturmgewehr was appropriately named a Maschinenkarabiner (machine
carbine) and designated the Mkb 42(H), but was renamed the Maschinenpistole 42. The improved versions of the MP42 were in turn developed under the advisedly deceptive designations MP43 and MP44 so as to appear to be merely further developments of pistol-caliber weapons. When Hitler finally approved the assault-rifle concept, he did so under the imposing label "Sturmgewehr" and ordered that the MP44 be re-designated the StG44 in December of 1944.

To confound usage further still, while the historical paradigm of the machine pistol is the selective-fire Astra (and, later, Mauser) Schnellfeuer based on the semi-automatic C/96 "broomhandle" Mauser pistol with a removable shoulder stock, the Schnellfeuer's purely semi-automatic look-alikes have also misappropriated and popularized the appellation "machine pistol" as a colloquial term. Popular usage notwithstanding, a semi-automatic pistol is not, properly speaking, a machine pistol. The machine pistol, like the machine carbine and the machinegun, is a fully automatic weapon.

Alternatives to ‘War by Other Means’

Dispute Resolution & Social Controversy

Case in Point: Gun Control

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He who decides a case without hearing the other side ... tho he decides justly, cannot be considered just. -- Seneca

Abstract

This book-in-progress began as a collection of class handouts for a course at Carnegie Mellon University entitled "Conflict, Culture, & Dispute Resolution," on which I (an applied ethicist) collaborate with Dr. Martha Harty (a certified mediator). The course teaches Alternative Dispute Resolution (ADR) methodology and its application to social conflicts and controversy as well as to interpersonal disputes. The handouts are evolving into a handbook for the course which will evolve further into a book. The mission of the book is to explore the application of ADR methodology to divisive social controversy. The goal of the book is one goal of ADR: to search for common ground and mutual interests among disputants in a social controversy. This cannot be accomplished or even illustrated in the abstract. A specific controversy is needed. The gun-control controversy is my case in point. Reasons for this choice are given in the book.

A method is a way of doing something (for example, resolving disputes, skinning a cat), a set of techniques, heuristics or rule-governed procedures for getting some job done. A methodology is not only a method, but also the "logic" of the method, some supportive theory or rationale for why one way of doing something (the prescribed method) is "good" or "better" than some alternative. Thus, the application of ADR methodology requires some critical reflection and self-consciousness about the rationale of both the method and its application.

The book's mission is to explore how ADR can be applied to remediate intransigent polarization in bitter social controversy. A social controversy is a complex of asynchronous disagreements among tens of thousands of people. This is different from being directly involved in a personal dispute with identifiable individuals or groups whose differences will be negotiated or mediated 'around a table' in real time. Instead, we thematize disputes among a great number of people who may be neither present nor known to us. This exercise is problematic. It requires that we be both careful and imaginative in characterizing the points of view of parties to the dispute, to ensure that we fairly and accurately reflect what actual disputants really care about. We need to make our assumptions and speculations very explicit. One aim of the book is to clarify what is necessary for a fair and rigorous application of ADR to social controversy, recognizing that there are several ways this might be done, either with groups or, unilaterally, by individuals.

While the book will outline various modes of application, I will explore in detail the utility of an ADR approach to the analysis and speculative resolution of social controversy. The basic problem I address in social controversy is the endemic difficulty for all parties of "hearing the other side." The goal of ADR in this application is also a goal of ethics: a fair hearing for all sides and remediation of intransigent polarization by consensual procedures. Because this mode of application is a derivative and unilateral application of methods that were designed to be applied in a real-time process of negotiation or mediation where the disputing parties are actually present, I will take special care to understand how ADR applied to the analysis of social controversy (where disputing parties are not present) differs from the real-time practice of principled negotiation or methodical mediation (where disputing parties are present).

The book will be in two parts: Part I, Methodology, articulates the methodology of ADR and its derivative applications to social controversy. Part II, Application, will consist of a series of case studies, sustained application to specific disputes in the gun-control controversy.
He who decides a case without hearing the other side... tho he decides justly, cannot be considered just. -- Seneca

The Need for Alternatives to ‘War by Other Means’

There is no one whose life is unaffected by social controversy, no one who does not suffer the costs. Debate may be good sport, controversy may be healthy and essential to keeping the “market place of ideas” honest; it is certainly endemic to democratic process. But a society engulfed in controversy is also a society polarized and paralyzed, an unjust society in Seneca’s terms, a society that cannot solve its problems in what Fisher and Ury (Getting to YES) characterize as a “wise, efficient, and amicable” fashion.

Sometimes the polarization is so extreme that people on both sides cannot imagine any solution other than a clear “win” for their side. They may even feel that there is no sane or rational person on the other side with whom they can talk. Sometimes the value of their own position seems so vital, and that of the other side so dangerous, that they pay little attention to the costs of the struggle itself - costs to the entire system [society], or costs to their own integrity as they set aside any thoughts, feelings or values they have that don’t conform either to their own stated position or to the “party line.” (Laura Chasin, Richard Chasin, Margaret Herzig, Sallyann Roth, and Carol Becker, “The Citizen Clinician: The Family Therapist in the Public Forum,” AFTA Newsletter, Winter 1991.)

March 17, 1993: Dr. David Gunn, who worked in a Florida abortion clinic, is shot dead by a pro-life activist. The brutal murder is rued by all. But leaders of the pro-life cohort aver that, after all, the doctor killed was himself a mass murderer. On the pro-choice side, other doctors declare that they have taken to carrying guns as protection against their own death threats. Gun-control advocates jump in, decrying the increasing multitudes who take up the gun in the name of self-protection, the consequent proliferation of guns in private hands, like the hands of Dr. Gunn’s murderer. Gun-control advocates point to Dr. Gunn’s murder to say, “See! This is what happens in an unregulated armed society!” Gun-rights advocates point to Dr. Gunn’s murder to say, “See! This is why decent citizens need the right to arm themselves!” But, sad to say, neither side seems to see or listen.

Dr. Gunn bore a portentous name for a man whose tragic death would become a symbol in two of the most bitter, intractable and expensive life-and-death controversies that rend our communities: abortion and gun control. Both controversies pit our deepest concerns about the sanctity of human life and liberty against each other. Both divide us indecently over matters of decency. Both test mightily the fundamental values in whose name all sides contest. The tragedy is that these controversies have done more to rend than to strengthen the fabric of civic life, the values of honesty, decency and respect for persons that all piously proclaim but few observe in the heat of political struggle, in alienated polarization.

Politics was aptly called “war by other means.” Politics, preoccupied with partisan defeat or victory, has so far failed us. The law, proudly born of politics, fails to protect us if it fails to command respect on all sides. America harbors controversy that vents in murder, riot and veiled threats of civil war -- all in the name of justice. Righteousness duly animates all sides of controversy; the righteous make “war by other means,” “without hearing the other side.”
Law and politics alone will not save this land for our children; we must bear the shame for the world we bequeath them, or we must do better than the law and politics. If there is an alternative, however much we love a good fight, we owe it to our children and their future to explore it. In the meantime, in our present straits, while "war by other means" is waged, justice takes the hindmost and solutions to costly social problems are delayed. Justice delayed is justice denied.

An Alternative to 'War by Other Means'

My project is not to debate, but to analyze the controversy in terms of its underlying interests. My aim is to seek common ground in the controversy. My approach is derived from the field of Alternative Dispute Resolution (ADR). ADR is an alternative to debate. ADR also provides an alternative way to understand a controversy, an alternative to simply rehearsing the litany of arguments pro and con. After so many years of rancorous debate, arguments for and against "gun control," "abortion" and the like are tiresome. Does anyone really listen any more? Did we ever? It's time to look beyond argument, to transcend polarized debate.

In political or policy debate, each party seeks to defeat its opposition with argument crafted to gain votes or support in some political arena (such as a committee, a town hall, congress, or an election). ADR, by contrast, seeks common ground, shared objectives, a resolution to the dispute that mutually satisfies important interests of all parties; ipso facto, this should also gain votes, but not necessarily for any of the original partisan positions. The terms of a debate are set by the stated positions and arguments pro and con. By contrast, the terms of ADR are the often tacit interests, values and ultimate objectives of the disputing parties that lie behind their stated positions and arguments.

Debate seeks the defeat of one side of the dispute, a winner and a loser. Disputants may care more about winning than the public good, because, in game-theoretic terms, debate is a zero-sum game. ADR is not. By contrast, ADR seeks win-win solutions from the start and therefore emphasizes different attitudes and methods from debate.

Debate is preoccupied with argument: argument supporting one's position, argument against the opposed position, and often simply argument against the opposed party (such as "mud slinging," "name calling" and other ad hominem attacks) -- argument calculated to persuade voters (citizens or lawmakers) for one side and against the other. These arguments may often be irrelevant to the merits of the contested policy (such as "You scratch my back, I'll scratch yours," "Concede me this point, and I'll concede you that one" -- the political ideal known as "compromise"). ADR, by contrast, is preoccupied with the basic long-term interests, concerns and goals of the opposed parties. ADR does not ignore argument, but seeks to probe beyond stated positions and arguments in the expectation of finding common interests and goals.

ADR does not seek compromise, a kind of mutual loss. Rather, ADR seeks mutual gains, sometimes called "integrative solutions." This may sound like the proverbial glass which may be regarded as half full, or half empty -- the savvy pragmatist will ask "So, what's the difference?" Compromise and mutual gain may look the same, but they do not feel or behave the same. This may sound mystical, but the difference is very pragmatic: integrative solutions are designed to be more robust than compromises, to keep the peace longer. And they are more cost effective: integrative solutions are less expensive both to reach and to maintain.
Another hallmark of ADR is its emphasis on problem solving preceded by exhaustive brainstorming of alternative solutions rather than perpetually pitching partisan proposals (the “opening gambits,” “ultimatums,” “bottom lines” and “final offers” of partisan negotiation). Debaters argue partisan proposals, policies calculated to serve their respective positions; these may, of course, be cloaked in the mantle of the commonweal, but the commonweal as perceived from partisan positions. By contrast, ADR works to survey all possible solutions and to assess the alternatives by the standard of mutual rather than partisan interests. Partisan proposals are crafted to win in the political contest, and sometimes are calculated to yield to unavoidable compromise with the opposition. By contrast, ADR proposals are crafted from the start to address the interests of all parties and to do better than mere compromise in the end. Mere compromise is no more the aspiration of ADR than it is the aspiration of a partisan zealot.

In short, ADR seeks win-win alternatives that satisfy important interests on all sides, alternatives to the triumph, defeat, or compromise of partisan policies. ADR therefore demands that we pay rigorous attention to the interests, values, and goals that lie behind stated positions. The aspirations of ADR may sound implausible from the cynical viewpoint of contentious business as usual, but the difference in emphasis and attitude between ADR and debate can indeed make a qualitative difference in the negotiation of conflicted interests, in the efficiency of closure, and in the robustness of solutions. Implausible though it may seem, ADR must be judged on the merits of the process and the solutions rendered. Can we afford to ignore an approach with such aspirations? Could we tell our children that we didn’t see fit to try?

My unilateral application of ADR principles to the analysis of controversy is necessarily a derivative application, an essentially speculative application. In my unilateral application, I shall aspire to the role of mediator and rigorously try to live up to the role of principled negotiator. I shall at least posit logical alternatives, articulate substantive concerns underlying opposed positions, prospect common ground in the controversy (what Pruitt and Rubin in Social Conflict call “integrative solutions”), and illuminate a path for transcending polarization.

I will illustrate my derivative application of ADR methodology in a series of case studies of specific disputes in the gun-control controversy.

The first case study will be the controversy over a national waiting period for the purchase of handguns, the Brady Bill controversy. The first generation of this case study for the book will be a paper entitled, “Why Wait? Understanding the Brady Bill Controversy -- A Dispute-Resolution Approach.” The controversy over a national waiting period is an appropriate and telling case study, because polarization and the intransigence on both sides have ironically caused a very long wait for an allegedly “modest and reasonable” measure of gun control. The question “Why wait?” applies in the first instance to the laborious resolution of the political dispute itself. This dispute, perhaps more than any other, clearly dramatizes the need for an alternative to polarized political battle in the public interest.

The second case study will be the controversy over banning ‘assault weapons.’ The first generation of this case study for the book will be a paper entitled “What Kind of Person Needs an ‘Assault Weapon’? Understanding the ‘Assault Weapon’ Controversy -- A Dispute-Resolution Approach.”

Other case studies will include “Who Needs More than One Gun a Month? Understanding the Handgun Rationing Controversy -- A Dispute Resolution Approach.”
Why Wait?

Understanding the Brady Bill Controversy
Or
A Dispute Resolution Approach to Gun Control

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Abstract

As the latest "compromise" version of the "Brady Bill" moves at last towards passage into law, the public will want to know "Why have we waited so long?" Partisan accusations will not provide the answer to this question; the blame game is itself part of the problem. Understanding the politicized mechanisms that obstruct convergence on common ground might. But the important lesson for the public and its political leaders is not why political partisanship fails in public service, but rather how to do better, how to raise the standards of public conversation, how to raise the standards of public expectation. The question "Why wait?" applies to the laborious resolution of sanctimonious political debate itself. There is a methodical alternative to contentious debate, which the public should know and demand -- of its leaders and of itself -- a way to transcend polarization.

This essay, "Understanding the Brady Bill Controversy," is similar in intent to Roger Wertheimer's now classic article, "Understanding the Abortion Argument." The aim is not simply to rehearse or adduce argument, but to look beyond rhetoric and argument, to listen to both sides, to seek common ground in the deeper interests of the contestants as well as to understand truly irreconcilable differences. The hope is to raise the level of public conversation above the disputed political positions, to provide access to other levels of shared concern, to provide a method for hearing the other side, for mutual understanding, for transcending polarization. Only then can honest argument about the facts of the matter, values, or policy be joined.

Outline

1. The Dispute Resolution Approach: An Alternative to 'War by Other Means'
2. Why Wait? Positions & Points of View on the Brady Bill
3. Separating Positions and Interests: Transcending Polarization
4. Respecting and Reconciling Interests: Integrative v. Non-integrative Solutions