Reasons and Public Policy

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In January 2013, members of New Trier Public Schools in Illinois hosted a forum to present information about guns and public safety. During the talk, the crowd became defensive about the message; finally, an army veteran begins to speak about our constitutional rights. He says: I went to war for your ability to have the First Amendment, to say what you stood up there and said today, to write what you want to write in your newspaper, and have whatever opinion you want to have. You can practice whatever religious freedoms you want. I would like you to answer the question, since you just mentioned one of the rights that I went to war over to defend, that is inalienable, to every American citizen. If this discussion was going on, about your First Amendment rights, would you still have the same opinion that we don’t need that any more either.

Goodman, a speaker from the New Trier Public Schools reasoned with the veteran as follows: when the second amendment to the constitution was adopted in 1791, Congress and the people had particular reasons for supporting it; we ought to reevaluate whether these reasons are relevant today.

I have a feeling that, to many Americans—call them constitutionalists—the idea of reevaluating the reasons for the second amendment is foreign. The Constitution, the Bill of Rights, the Declaration of Independence and other government documents written at that time, so think constitutionalists, state the inalienable natural rights of American citizens. Such rights just are, and no reasoning ought to take them away. In fact, audience members during this debate between Goodman and the veteran can be heard saying things like “eternal truth…true for all time” in the background.

I think this kind of reasoning put forth by constitutionalists is highly problematic (and, to be sure, it’s not just limited to debates about guns). The Constitution, the Bill of Rights, the Declaration of Independence, etc., are documents written by people. The people who wrote them, as smart as they were, were not infallible, and did not have any special connection to God (if He exists…) or any special deep insight into the nature of the universe that other scholars lacked. As evidence for this claim, we can point to the fact that Thomas Jefferson, while writing that “all men are created equal,” owned slaves. While we might defend Jefferson as being blameless on the grounds that, as a product of his time and culture, he did not consider enslaved Africans to be “men”, this is no reason to believe that Jefferson is an infallible individual since we all (hopefully) believe that Africans are “men” and enslavement is wrong. Thus, if the individuals who wrote these documents are fallible, then we have no prima facie reason to take them as conveying the absolute truth. Instead, as Goodman points out, we should probably look at the reasons why they were written and consider whether those reasons are relevant today.
One might object at this point (as the veteran does during the debate) that the reasons for holding onto the second amendment have not changed. This claim cannot be true of all of the reasons. Here are some reasons that people in 1791 supported the second amendment:

1. citizens ought to be able to form a militia
2. citizens ought to be able to participate in law enforcement
3. citizens ought to be able to suppress slave revolts
4. citizens ought to be able to protect themselves from tyranny

In the very least, we no longer believe the third reason to be legitimate. Further, given the nature of current military weapons, the fourth reason seems silly: no weapon available to a civilian can offer protection against the kinds of weapons that the government possesses. Given that these two reasons are a bit outdated, we can conclude that the legitimacy of a reason for a law depends on the time and context in which the reason was given. So, it seems to follow that we ought to focus on our context, consider how we ought to interpret the second amendment, and think about what reasons we might have for passing certain laws that limit it.

The purpose of this post is not to defend or denounce second amendment rights. Instead, the purpose of this post is to shed light on how important reasons are. It’s not enough to rally around a veteran simply because he is a veteran or point to inalienable natural rights; veterans can be wrong and debates about whether such rights exist are highly philosophical and far from settled. Instead, we ought to decide what values are most important and what policies would best promote those values. This process involves assessing reasons.