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Why Packing a Pistol Perpetuates Patriarchy

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Why Packing A Pistol Perpetuates Patriarchy

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The Second Amendment of the United States Constitution guarantees the right of the people to bear arms.¹ Since the amendment's ratification, constitutional scholars and public policy advocates have deliberated over the proper meaning of its language. The controversy focuses on whether the right to bear arms is an individual right, entitling every citizen the right to own a firearm,² or a collective right, intended to give states the right to build a militia which protects against a tyrannical federal government.³

Women, too, share in this debate. Confronted with a society plagued with gun violence in the street and domestic violence in the home, women stand divided on matters of gun control. For some women, a gun is an essential tool for self-defense and safety. Because public authorities have been unable to protect women from stalkers, rapists, and domestic assaults, the handgun has become a private security guard for many women. Rather than becoming victims of crime, these women have chosen to arm themselves. The gun is their great equalizer,⁴ "the last frontier of feminism."⁵

This essay argues the contrary. It argues that for women, the handgun is not a source of empowerment. Instead, the handgun is a serious detriment to women and our communal interest in safety. Specifically, this essay demonstrates that: (1) Guns are a source of male domination; (2) Guns

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1. The Second Amendment states: "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." U.S. CONST. amend. II.

2. See, e.g., Donald B. Kates, Jr., *Handgun Prohibition and the Original Meaning of the Second Amendment*, 82 MICH. L. REV. 204 (1983) (arguing that the intent of the Second Amendment was to grant broad individual rights, thereby limiting gun control).

3. See, e.g., Maynard H. Jackson, Jr., *Handgun Control: Constitutional and Critically Needed*, 8 N.C. CENT. L.J. 189 (1977) (arguing that the Second Amendment grants the right to limit an individual's right to guns, thereby allowing gun control).

4. Joy Horowitz, *Arms and the Women*, BAZAAR, Feb. 1994, at 166 (quoting National Rifle Association female spokesperson, Paxton Quigley: "If you learn how to fight and have a gun, you can be powerful.").

5. *Id.* (quoting Quigley who was promoting guns to women).

foster violence in society and against women; (3) Women who endorse the theory that the gun is an equalizer are victims of the NRA⁶ and gun industry marketing campaigns exploiting our nation's violence; and (4) Women advocating gun use have misdiagnosed societal violence and ignored the communal interest in gun control as a result. In conclusion, this essay examines gun control laws today and what women can do for the future to unpack the pistol and curb the perpetuation of patriarchy.⁷

I. GUNS ARE A SOURCE OF MALE DOMINATION.

Firearms are a source of male domination—a symbol of male power and aggression.⁸ First, the gun is phallic.⁹ Just as sex is the ultimate weapon of patriarchy used to penetrate and possess women,¹⁰ the gun's sole purpose is to intrude and wound its victim.

Historically, men have used guns to conquer and dominate other peoples.¹¹ European men first developed small arms between the Fourteenth and Sixteenth centuries for use in warfare.¹² By the 1600s, guns were a common weapon of war for soldiers in Europe.¹³ In Colonial America, every male serving in the militia was required to carry a gun.¹⁴ Today, firearms and missiles are the backbone of the modern military, arguably America's most patriarchal institution.¹⁵

Beyond war, guns also have played a significant role in perpetuating patriarchy. During the slave trade, men traded firearms in Africa for slaves.¹⁶ At common law, guns were used to protect¹⁷ a man's home and all

6. National Rifle Association.

7. This article uses patriarchy to mean domination by men. WEBSTER'S NEW WORLD DICTIONARY OF THE AMERICAN LANGUAGE 1042 (2d College ed. 1980).

8. Arthur Austin, *A Primer on Deconstruction's Rhapsody of Word Plays*, 71 N.C. L. REV. 201, 221-22 (1992).

9. *Id.* at 222.

10. ANDREA DWORKIN, *INTERCOURSE* 63 (1987) (suggesting that men dominate women through sexual intercourse).

11. *See generally* Austin, *supra* note 8, at 221.

12. MICHELE BYAM, *ARMS AND ARMOR* 38 (1988). Interestingly, the Chinese had invented gun powder centuries earlier but did not use it as weaponry. IRVING ROBBIN, *THE HOW AND WHY WONDER BOOK OF GUNS* 9-10 (1963).

13. BYAM, *supra* note 12, at 39.

14. *See* Kates, *supra* note 2, at 214.

15. The American military is under constant attack for its abuse of women. For example, 55% of women in the military report suffering from sexual harassment. Bradley Graham, *At Least Half of Military Women Face Harassment, Despite Fall Off*, WASH. POST, June 15, 1996, at A1. In 1991, at the Tailhook Convention, naval aviators abused women sexually. *Id.* The army is currently investigating numerous installations for sexual misconduct. Lisa Hoffman, *Army Has Accused 50 Trainers—Including Women—In Sex Scandal*, SCRIPPS HOWARD NEWS SERVICE, Nov. 26, 1996. When the army recently opened up a sexual harassment hotline, it received over 5,000 calls in three weeks. *Id.*

16. JAMES A. RAWLEY, *THE TRANS-ATLANTIC SLAVE TRADE* 271 (1981) (the Africans not only traded other Africans for firearms, they used firearms to capture more slaves).

17. *See* BYAM, *supra* note 12, at 48.

his possessions, including his wife.¹⁸ In the private sphere, the gun is passed down from father to son for hunting, a sport that continues to be a "rite of passage" for many young males.¹⁹ Even in today's media, movies and television glorify "guns and guys,"²⁰ often employing gun showdowns between the "good guys" and the "bad guys" as their focal point.

The Second Amendment itself disregards women. Most notably, the language legitimizing the right to bear arms refers specifically to a "well regulated militia," an institution that did not include women.²¹ Additionally, the Second Amendment was ratified by men²² at a time when women had no legitimate voice in society.²³ In interpreting the Constitution, scholars and judges often rely on the framers' intent.²⁴ Because none of the framers were women, women's views and voices were never heard. As a result, the absence of a female view during the creation of the right to bear arms critically impacts society.

Although feminist theory was not as developed two hundred years ago as it is today, much of the philosophy behind modern feminist thinking was in the making during the ratification of the Constitution and Bill of Rights and may have been available to lend theoretical commentary. Akin to modern formal equalists, many colonial women may have questioned whether the right to bear arms applied to men and women equally.²⁵ Also, corresponding to women's different voice theory, many colonial women may have been concerned with the impact of individual gun ownership on the community's safety.²⁶ Or other colonial women, viewing female oppression to be analogous to racial oppression,²⁷ may have protested the use of individual gun

18. JAMES CASNER & W. BARTON LEACH, *CASES AND TEXT ON PROPERTY* 220 (3d ed. 1984).

19. See Austin, *supra* note 8, at 221 (citing William Faulkner, *The Bear*, in *THE PORTABLE FAULKNER* 227 (Malcolm Cowley ed., 1954)).

20. Many movies and television programs glorify "guns and guys" by following plots that involve male heroes who tote weapons.

21. Uniform Militia Act, 1 Stat. 271 (1792) (requires the enrollment of every white male in the militia).

22. 3 *THE RECORDS OF THE FEDERAL CONVENTION OF 1787*, at 555 (Max Farrand ed., 1911) (listing the all-male delegates of the United States Constitutional Convention of 1787).

23. *Declaration of Sentiments*, Seneca Falls Convention, Seneca Falls, New York (July 1948), in 1 *HISTORY OF WOMEN'S SUFFRAGE 1848-1861*, at 70-71 (Elizabeth Cady Stanton et al. eds., reprinted 1985).

24. See MICHAEL J. GERHARDT & THOMAS D. ROWE, JR., *CONSTITUTIONAL THEORY: ARGUMENTS AND PERSPECTIVES* 39-126 (1993) (explaining that examination of the framers' intent is an important aspect when interpreting the Constitution).

25. Cf. KATHERINE T. BARTLETT, *GENDER AND LAW: THEORY, DOCTRINE, COMMENTARY* 71-248 (1993) (explaining that formal equality suggests a woman's right to equal treatment under the law).

26. Cf. *id.* at 589-671 (explaining that women's different voice theory suggests that women have a different perspective on the law than men, valuing an ethic of care, relationship, and how people are connected, rather than individual rights).

27. Cf. *id.* at 413-588 (where dominance theory suggests that all women, regardless of

ownership to suppress race and slave riots.²⁸

Nonetheless, the impact of the woman's voice on the right to bear arms will remain a mystery. Consequently, the Second Amendment will remain a male-imposed law in a society where generally men own guns, use guns to commit violent crimes, and oppose gun control.²⁹

II. GUNS FOSTER VIOLENCE IN SOCIETY AND AGAINST WOMEN.

The fact that men are generally the owners of guns does not mean that as a solution, women also should own guns. Rather, statistics prove the existence of guns fosters violence in society. Gun control laws, however, effectively decrease violence in society.

In 1994, 38,505 Americans were killed by firearms, resulting in 105 deaths each day.³⁰ Of those deaths, 1,356 were unintentional³¹ and 18,765 were suicide-related.³² This statistic is significant when compared to the Vietnam War; more Americans were murdered with firearms in 1993-1994 than were killed in 8.5 years of combat.³³

In 1992, handguns caused 13,220 deaths in the United States.³⁴ The United States total exceeds the combined total of Great Britain, Sweden, Switzerland, Japan, Australia, and Canada by nearly 13,000 deaths.³⁵ These countries have stricter gun restrictions. In Great Britain, where people generally only use firearms at gun clubs, 33 people died.³⁶ In Sweden, where a person must be licensed to carry a handgun, only 36 people died.³⁷ In Switzerland, where a background check is performed, a permit is re-

color, live in a world controlled by white men and must fight female subordination).

28. Carl T. Bogus, *Race, Riots, and Guns*, 66 S. CAL. L. REV. 1365, 1367 (1993) (suggesting that guns were a means of slave control).

29. Mary E. Becker, *The Politics of Women's Wrongs and the Bill of "Rights": A Bicentennial Perspective*, 59 U. CHI. L. REV. 453, 502 (1992) (citing U.S. DEP'T OF JUST., SOURCEBOOK OF CRIM. JUST. STATS. 109-11, tables 2.38-2.43 (Katherine M. Jamieson & Timothy J. Flanagan eds., 1787)).

30. GOPAL K. SINGH ET AL., U.S. DEP'T OF HEALTH & HUMAN SERVS., MONTHLY VITAL STATS. REP. 55 (Sept. 30, 1996).

31. *Id.*

32. *Id.*

33. *Id.* at table 18; HANDGUN CONTROL INC., FIREARM FACTS (Jan. 1995) [hereinafter FIREARM FACTS] (citing DEP'T OF DEF. ALMANAC & FED. BUREAU OF INVESTIGATION UNIFORM CRIME REPS.) (on file with author). Handgun Control Inc. is a non-profit, non-partisan organization that works toward adopting practical measures for the prevention of gun violence. They are located at 1225 Eye Street, N.W., Suite 110, Washington, D.C. 20005, (202) 898-0792.

34. HANDGUN CONTROL INC., STOP HANDGUNS BEFORE THEY STOP YOU (citing FED. BUREAU OF INVESTIGATION UNIFORM CRIME REPS. 1992) (on file with author).

35. *Id.*

36. *Id.*; HANDGUN CONTROL INC., HANDGUN LAWS IN OTHER INDUSTRIALIZED COUNTRIES (on file with author).

37. *Id.*

quired, and a handgun must be registered, 97 people died.³⁸ In Japan, where private ownership is prohibited except for gun collectors or licensed shooting teams, 60 people were killed.³⁹ In Australia, where a background check is performed and a license is required (usually only granted for business security reasons or target shooting), 13 people died.⁴⁰ In Canada, where a 28 day cooling-off period is imposed, a background check is performed, a permit is required, a photo is needed to buy a gun, and a special permit is needed to possess it, 128 people died.⁴¹

Critics argue that these statistics do not accurately represent the possible effects gun control laws would have on the United States, which has a unique culture. A comparison of North American cities, however, reflects the same results. For example, Vancouver and Seattle have comparable histories, socio-economic strata, media exposure, and burglary, robbery and assault rates. Yet Seattle's homicide rate is sixty percent higher than Vancouver's homicide rate.⁴² Likewise, Washington D.C. implemented tougher gun control laws in the mid-Eighties which reduced homicides by 25% and suicides by 23%.⁴³ "Criminals didn't, in other words, kill with a knife if they couldn't find a gun."⁴⁴

Gun control laws also advance safety in the home. When women purchase guns for self-protection and keep them loaded in their purses or bedside tables, women allow accessibility to children and others—one trigger pull away from deadly accidents. Consequently, gun-related accidents plague homes.⁴⁵ Statistics show that the presence of a gun in the home nearly triples the chance of a homicide occurring there.⁴⁶ Furthermore, guns kept in the home for self-protection are 43 times more likely to kill a family member or a friend than an intruder.⁴⁷ Other statistics show that suicidal adolescents are twice as likely to kill themselves if they have access to a gun at home.⁴⁸

38. *Id.*

39. *Id.*

40. *Id.*

41. *Id.*

42. Steve Fishman, *Upfront: What You Know About Guns Can Kill You*, VOGUE, Oct. 1993, at 146 (referring to a study published by Arthur L. Kellermann). See also *Handgun Regulation, Crime, Assaults, and Homicide: A Tale of Two Cities*, NEW ENG. J. MED., Nov. 1988, at 1256.

43. *Id.*

44. *Id.* (quoting Fishman, *supra* note 42).

45. Don B. Kates & P. T. Harris, *How to Make Their Day*, NAT'L REV., Oct. 21, 1991, at 30. Gun-related accidents include: unintentionally shooting oneself, mistakenly shooting a loved one believing they were an intruder, involuntarily having an assailant turn the gun on the user, and unintentionally giving children access to the handgun for play. *Id.*

46. Arthur L. Kellermann et al., *Gun Ownership as a Risk Factor for Homicide in the Home*, NEW ENG. J. MED., Oct. 7, 1993, at 1084.

47. Arthur L. Kellermann & Donald T. Reay, *Protection or Peril? An Analysis of Firearm-Related Deaths in the Home*, NEW ENG. J. MED., June 5, 1986, at 1560.

48. FIREARM FACTS, *supra* note 33 (citing Centers for Disease Control and Prevention).

For victims of domestic violence, the freedom to purchase a gun also can be lethal. In the United States, domestic violence is the leading cause of injury for women between the ages of 15-44.⁴⁹ Between 2-4 million incidents of domestic violence occur each year.⁵⁰ Of those, an estimated 150,000 are gun-related.⁵¹ Where there is a gun at home, women subjected to one incident of physical abuse at home are almost five times more likely to be murdered or fatally shot in a later instance of physical abuse.⁵² An Atlanta study about domestic violence involving guns found that death was twelve times as likely to occur. Overwhelmingly, it was women who died.⁵³

Therefore, although the option to buy a gun exists in society, buying guns is not an answer to violence in the United States, nor is it the answer to women's safety concerns. On the contrary, fewer guns and stronger gun control laws statistically have proven to be more effective.

III. WOMEN WHO VIEW GUNS AS AN "EQUALIZER" ARE VICTIMS OF THE NRA AND THE GUN INDUSTRY'S MARKETING CAMPAIGNS AND FEAR TACTICS.

The NRA and gun manufacturers have capitalized on the violence in the United States, and although some women perceive buying guns as empowering, these women have actually become victims of marketing campaigns and fear tactics. First, in the late 1980s, the gun industry, realizing the male gun market was saturated, focused on women as a new focus group.⁵⁴ In the name of feminism and motherhood, the gun industry and the NRA aggressively pursued their new consumers: women, aged 25-40, mostly professionals, with a median income of \$55,000.⁵⁵

Then, in February 1989, Smith and Wesson produced the Lady Smith,TM a handgun designed for women. According to them, it is elegant yet practical.⁵⁶ Soon after, a large number of gun advertisements focused on societal violence toward women, most often "stranger danger."⁵⁷ Advertisements headlined phrases such as: "Things that go bump in the night

49. HANDGUN CONTROL INC., GUNS AND DOMESTIC VIOLENCE: QUESTIONS AND ANSWERS (on file with author).

50. *Id.*

51. *Id.*

52. See Kellermann et al., *supra* note 46.

53. HANDGUN CONTROL, INC., WOMEN & GUNS (Apr. 1996) [hereinafter WOMEN & GUNS] (citing James Mercy, acting director, Division of Violence Prevention, Centers for Disease Control and Prevention) (on file with author).

54. Karen Lehrman, *Boy Toys*, THE NEW REPUBLIC, Mar. 30, 1992, at 45.

55. Letty Cottin Pogrebin, *Neither Pink Nor Cute: Pistols for the Women of America*, THE NATION, May 15, 1989, at 666.

56. HANDGUN CONTROL INC., WOMEN AS TARGETS FOR GUNMAKERS [hereinafter WOMEN AS TARGETS FOR GUNMAKERS] (on file with author).

57. See Horowitz, *supra* note 4, at 167 (quoting Quigley who calls violence from an unknown person "stranger danger").

aren't always your imagination . . .";⁵⁸ "You thought no one could fit in your back seat . . .";⁵⁹ and "Self-protection is more than your right . . . it's your responsibility," with a picture of a mother tucking her child into bed.⁶⁰ The NRA's advertisements were similar, with headlines such as: "Should you shoot a rapist before he cuts your throat?" and "He's followed you for two weeks. He'll rape you in two minutes. Who Cares?"⁶¹ The gun industry capitalized on women's fears by stressing the danger of rapists, stalkers, and burglars. Yet violence against women is generally not committed by "strangers in the night" but by known acquaintances.⁶² More than twice as many women are shot and killed by their husbands or lovers than by strangers,⁶³ leaving only a small percentage of violent crime victims who successfully use a gun to defend themselves against strangers.⁶⁴

Ironically, while gun advertisements emphasized the need for a woman to have a gun for safety, gunmakers gave little concern to ensure safe gun use.⁶⁵ In a qualitative analysis examining 125 gun magazines and twenty advertisements,⁶⁶ statistics showed that none of the advertisements expressly mentioned any need for a woman to seek training in how to use a gun and only 20-25% discussed safety features or safety equipment.⁶⁶ Nothing in the advertisements emphasized a need for women to learn safe gun posture, how to load and unload ammunition, or how to operate a gun and store it.⁶⁷ Unfortunately, research among women shows that they feel secure simply from gun ownership.⁶⁸ There is little concern for learning proper gun care.⁶⁹ Considering the lethal nature of a gun and the high number of accidents occurring because of improper gun use, it is peculiar that the gun industry, which purports to be an advocate for women's safety, does not advertise the need for education in gun operation and use.

In addition, the NRA and the gun industry have misled the general public in the statistics they cite concerning the increase in women gun owners over the past decade. During the 1980s, Smith and Wesson hired the Gallup organization to determine the potential number of women gun buyers for a

58. WOMEN AS TARGETS FOR GUNMAKERS, *supra* note 56 (referring to advertisements published in AMERICAN RIFLEMEN).

59. *Id.*

60. Colt™ advertisement, LADIES HOME JOURNAL, July 1992.

61. WOMEN AS TARGETS FOR GUN MAKERS, *supra* note 56.

62. See Horowitz, *supra* note 4, at 167.

63. *Id.*

64. WOMEN & GUNS, *supra* note 53 (citing FED. BUREAU OF INVESTIGATION UNIFORM CRIME REPS., 1992).

65. See Debra Burke et al., *Women and Guns: Legal and Ethical Implications For Marketing Strategy*, 12 ST. LOUIS U. PUB. L. REV. 393, 395-96 (1993).

66. *Id.*

67. *Id.*

68. *Id.* at 393.

69. *Id.*

study which was never intended to be published.⁷⁰ At the end of the study, Gallup identified approximately 15.6 million women who could buy guns, but only 900,000 women who were likely buyers.⁷¹ In 1989, Smith and Wesson reported that 15.6 million women were potential buyers.⁷² Within only a few years, the media turned potential buyers into actual owners, quoting the number of actual women gun owners in the United States to be 15-20 million.⁷³ Typically, statistics quoted by the media and the NRA state that 17-20% of women own guns, and these statistics soar to as high as 43.5%.⁷⁴ However, the General Social Surveys, conducted by the National Opinion Research Center at the University of Chicago, indicate that during 1980-94, the number of women gun owners has remained static at about 11.6%.⁷⁵ Yet Smith and Wesson, the NRA, and other gun manufacturers continue to misquote the number of women gun owners in the United States and continue to let the media mislead the public.⁷⁶ They have effectively created a perception of "everybody is doing it—you should too." The only problem, however, is that not everybody is doing it.

IV. WOMEN ADVOCATING GUN USE HAVE MISDIAGNOSED SOCIETAL VIOLENCE AND IGNORED THE COMMUNAL INTEREST IN GUN CONTROL.

Most people would agree that a handgun often provides a person with a sense of security. Unarmed, anyone could fall victim to an assault. But, while gun ownership may provide some protection in the short term, it fails to address the deep-rooted problems of gun violence in society and will only perpetuate violence in the long term.

Women who are buying into the patriarchy⁷⁷ need to examine the impact of guns on all levels of society. Individual gun ownership has increased the violence in inner city communities.⁷⁸ For example, there have been approximately 1,000 murders in Los Angeles per year.⁷⁹ Approximately 70%

70. See Horowitz, *supra* note 4, at 167. See also Tom Smith, *Armed and Dangerous Statistics: Media Coverage of Trends in Gun Ownership By Women*, THE PUBLIC PERSPECTIVE, May/June 1990, at 6.

71. See Horowitz, *supra* note 4, at 167.

72. *Id.*

73. *Id.* at 169.

74. Tom W. Smith & Robert J. Smith, *Changes in Firearms Ownership Among Women, 1980-1994*, 86 J. CRIM. L. & CRIMINOLOGY 133, 143 (1995).

75. *Id.*

76. See Horowitz, *supra* note 4, at 169.

77. When this author discusses or criticizes women gun owners, she is not referring to women who own guns for hunting or sporting reasons but who have purchased handguns for self-protection.

78. See Becker, *supra* note 29.

79. See Bogus, *supra* note 28, at 1383 (citing FED. BUREAU OF INVESTIGATION UNIFORM CRIME REFS., 1991, at 93, table 6).

of the murders can be attributed to firearms.⁸⁰ There are 125 youth gangs in Chicago alone, some with up to 20,000 members.⁸¹ In one year, these gangs accounted for 924 homicide victims, 70% of whom died from gunshot wounds.⁸²

Furthermore, there is a disproportionate impact of gun violence in lower income communities and African-American communities.⁸³ For example, the leading cause of death for African-American males aged 15-34 is gunshot wounds.⁸⁴ The age adjusted death rate for firearm injuries on the African-American population is three times that of the white population.⁸⁵ Three out of five young people murdered are killed with guns, wherein a significant portion of the murders occur in the inner cities where poverty is the greatest.⁸⁶ "As one Los Angeles gang member told Ted Koppel of *Nightline*, the difference between the Watts 25 years ago and the most recent turbulence was the prevalence of Uzis and assault weapons"⁸⁷

Unfortunately, women often perceive the norm in society according to "white, middle class, heterosexual, able-bodied, and otherwise privileged" standards and ignore realities concerning other women.⁸⁸ Not surprisingly, women who are most interested in gun ownership are privileged women and not subject to inner city gun violence.⁸⁹ Women, however, who pack pistols have more to consider than personal empowerment. Guns in society are taking a heavy toll on lower-income, often non-white, communities. Packing a pistol may promote personal safety, but it does not end the violence in these areas.⁹⁰ Women who have fought to have a voice in society have a responsibility to address gun oppression on women and people of all races and

80. *Id.* at 1384 (citing FED. BUREAU OF INVESTIGATION UNIFORM CRIME REFS., 1991, at 126) (finding that more than 66% of all murders are committed with firearms).

81. TED GOTTFRIED, GUN CONTROL: PUBLIC SAFETY AND THE RIGHT TO BEAR ARMS 41 (1993).

82. *Id.*

83. See Becker, *supra* note 29.

84. FIREARM FACTS, *supra* note 33.

85. SINGH, *supra* note 30, at 56.

86. See GOTTFRIED, *supra* note 81.

87. See Bogus, *supra* note 28, at 1385 (citing Arch Paddington, *Is White Racism the Problem?*, COMMENTARY, July 1992, at 35 (comparing the 1965 and 1992 riots in the Los Angeles inner city Watts district)).

88. See BARTLETT, *supra* note 25, at 871-72. The tendency for women to attribute the traits of white, middle-class, heterosexual, able-bodied, and otherwise privileged women to all women is referred to as "false universalism." *Id.*

89. See Burke, *supra* note 65, at 395 (finding that women aged 25-40, mostly professionals, with a median income of \$55,000, are most interested in buying guns).

90. The idea that specific racial and economic classes of women further their own personal needs and ignore the needs of other classes of women is a theory promoted by feminist bell hooks. She criticizes modern feminism for promoting only the goals of white women and perpetuating racism. BELL HOOKS, AIN'T I A WOMAN 190-191 (12th prtg. 1992). Women, who advocate gun ownership without considering the impact of gun violence on inner city women and those they love, support her theory. See *id.*

incomes. Ignoring the impact of gun violence in the inner cities affronts the entire premise of liberty for which women have been fighting.⁹¹

Nevertheless, even if the impact of guns on inner city communities does not trouble gun-toting women, endorsing broad individual gun ownership is detrimental to society as a whole. A gun is only an effective self-defense tool if the attacker is not armed. If society accepts that gun ownership is necessary for survival, eventually everyone will possess a gun. The gun will no longer be an equalizer. It will be a lethal weapon accessible to any frustrated person.⁹²

Moreover, the doctrine supporting gun ownership for survival is, in essence, supporting vigilantism. Should women encourage people to take the law into their own hands? In the case of domestic violence, some women are forced to take the law into their own hands to survive (and their actions are not being judged by this author's remarks). Advocating gun use as self-defense, however, creates an opportunity for unjustifiable aggression without preventing violence in the first instance.

Women do not have to surrender to the existing societal structure where the white male norm is status quo⁹³ and violence against women is not a serious concern. Instead, women have a choice: they can support individual gun ownership like many of their male counterparts do and give in to the patriarchal world, or they can seek radical changes to end the violence. Glenda Simms, President of the Canadian Advisory Council on the Status of Women, suggests:

I reject the view that we have been bogged down by "victim feminism." To my mind, this way of seeing feminist differences—and we do have them—individualizes what is a systematic problem. And the solutions, too, must be systematic. Arming individual women is the wrong solution to the wrong problem [The solution] must involve women and men and children, as well as the institutions which recreate our society from generation to generation.⁹⁴

91. Throughout history, women have struggled to achieve equal rights and opportunities. See, e.g., *Declaration of Sentiments*, *supra* note 23 (providing a summary of colonial women's rights denied by men).

92. In his book *Gun Control: Public Safety and the Right to Bear Arms*, Ted Gottfried explains that when people get upset, they lose their judgment, and often resort to gun use if a gun is accessible. He tells the anecdotal story about a woman who was shot by her boyfriend as they were going to church merely because he thought she had been out with another man the night before. When questioned by the police, the boyfriend explained that although he was upset, he never intended to shoot her. GOTTFRIED, *supra* note 81, at 46. If he had not been carrying a gun, he likely never would have shot her. See *id.*

93. See CATHERINE A. MACKINNON, *FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW* 34-36 (1987) (suggesting that the norm is measured against the male standard).

94. Glenda P. Simms, *Guns at Home, Guns on the Street: An International Perspective*, 15 N.Y.L. SCH. J. INT'L & COMP. L. 237, 244 (1995) (speaking on behalf of the Canadian Advisory Council on the Status of Women on the struggle to end violence against women).

CONCLUSION: GUN CONTROL LAWS TODAY AND WHAT WOMEN CAN DO FOR THE FUTURE.

Creating a less violent society and furthering gun control laws is a viable option for women. Although the issue of the right to bear arms has not been completely resolved, the United States Congress⁹⁵ and the United States Supreme Court⁹⁶ have upheld gun control legislation, interpreting the Second Amendment to give a collective and limited right to bear arms.

In 1934, Congress passed one of its first gun control laws, the National Firearms Act, which required individuals to register possession of a firearm.⁹⁷ Current gun control laws are more sophisticated.⁹⁸ For example, in 1993, Congress passed the Brady Act, which requires a five day waiting period and a mandatory background check before the purchase of a handgun.⁹⁹ In 1994, Congress passed the Assault Weapons Ban, which illegalized the import or manufacture of certain semi-automatic weapons.¹⁰⁰ Most recently, in September 1996, Congress passed the Domestic Violence Firearms Ban, which prohibits anyone convicted of a misdemeanor crime of domestic violence from purchasing a gun.¹⁰¹

Although the Supreme Court has given the matter little discussion, the Court generally has found gun control laws constitutional, establishing that "the Second Amendment guarantees no right to keep and bear a firearm that does not have 'some reasonable relationship to the preservation or efficiency of a well regulated militia.'"¹⁰² Thus, further limitations on private gun ownership are feasible.

Rather than spending money to buy a gun, women, as voters and lobbyists, can make a difference in making the street and home safer. Despite the prevalence of guns at home, only fifteen states have passed child access

95. *See, e.g.*, 18 U.S.C. §§ 922, 924 & 42 U.S.C. § 3759 (Brady Handgun Violence Prevention Act, Pub. L. No. 103-59 §§ 101-06, 107 Stat. 1536-44 (1993)) (mandating a five-day waiting period before taking possession of a firearm).

96. *See, e.g.*, *United States v. Miller*, 307 U.S. 174 (1939) (finding that regulating private ownership of a firearm is only unconstitutional if it interferes with arming the state militia).

97. Act of June 26, 1934, ch. 757, 48 Stat. 1237-38 (1939).

98. *See, e.g.*, 18 U.S.C. § 921 (Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. No. 90-351, 82 Stat. 197, 230-31) (making it a federal crime for anyone who had been convicted of a felony to receive, possess, or transport a firearm).

99. 18 U.S.C. §§ 922, 924 & 42 U.S.C. § 3759.

100. Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, §110102, 108 Stat. 1796, 1801 (1994).

101. Omnibus Appropriations Act of 1997, Pub. L. No. 104-208, § 658, 110 Stat. 3009 (1996).

102. *Lewis v. United States*, 445 U.S. 55, 65 (1980) (quoting *Miller*, 307 U.S. at 178); *See also Adams v. Williams*, 407 U.S. 143, 150 (1972) (Douglas, J., dissenting) (stating "[t]here is under our decisions no reason why stiff state laws governing the purchase and possession of pistols may not be enacted. . . . There is no reason why all pistols should not be barred to everyone except the police.").

prevention laws making adults responsible when minors gain access to their weapons and use the weapons to kill or injure others;¹⁰³ the remaining states should mobilize to take action. Laws also can be passed to limit the production and sale of guns. For example, a limit on the number of guns an individual can buy per month can prevent gun runners from buying more than one weapon.¹⁰⁴

In addition to supporting large-scale gun regulations, women can address the issue of gun violence in their own homes. Although the United States is plagued with gun violence, gun ownership is not only legal, it appears to be socially acceptable.¹⁰⁵ The country has become desensitized to issues concerning guns.¹⁰⁶ To make the United States less tolerant of guns, women's general awareness must be raised to consider the impact of broad gun ownership. In turn, women can educate their families regarding the dangers of guns and encourage the utilization of non-firearm methods for home protection, such as a security system, a family guard dog, better lighting, or a neighborhood watch program. If every woman, regardless of race or income, refuses to allow a gun in her home, this seemingly trivial effort would be a movement.¹⁰⁷

Without directly lobbying against guns, there are other effective solutions to decrease gun violence. The fact that gun violence is disproportionately higher in lower income, inner city communities¹⁰⁸ indicates that violence is a result of large scale socio-economic problems which need to be addressed. If the economic and educational inequalities in society are addressed, it is likely that much of the gun violence will decrease.¹⁰⁹ Although this would require a mass societal effort, women can contribute to the cause

103. See, e.g., FLA. STAT. ANN. § 784.05(3) (1995) (making it a crime to store or leave a firearm unlocked within reach of a minor).

104. See, e.g., VA. CODE ANN. § 18.2-308.2:2(Q) (1996) (limiting the sale of guns to one gun per person every 30 days).

105. There are in excess of two hundred million guns in the United States, growing each year by four to five million. See GOTTFRIED, *supra* note 81 at 13 (citing the Bureau of Alcohol, Tobacco and Firearms). See Bogus, *supra* note 28, at 1387 (citing *How Safe Is Your Neighborhood*, GALLUP POLL MONTHLY, Sept. 1990, at 38 and *Gun Ownership*, GALLUP POLL MONTHLY, Mar. 1991, at 52) (reporting that less than half of both the black and white population favor handgun bans, and that over 60% of homes in the South have guns).

106. In his book, *Gun Control: Public Safety and the Right To Bear Arms*, Gottfried refers to a "masculine firearms culture," explaining that "some westerners wear gunbelts as casually as they wear ten-gallon hats, and carry shot guns as nonchalantly as tote bags." See GOTTFRIED, *supra* note 81, at 46.

107. Here, the term "guns" refers to firearms in the home which serve no sporting or hunting purpose—generally handguns or semi-automatic weapons used for protection or inner city violence.

108. See Section 4 of this Essay (explaining that lower-income, inner city communities are disproportionately affected by gun violence).

109. See Bogus, *supra* note 28, at 1385 (noting that other immigrants who had high levels of pre-industrial violence but were integrated into white, mainstream society, had decreases in their homicide rates).

by supporting inner city drug and alcohol treatment centers, recreational facilities for youths, affirmative action policies, superior inner city schools and teachers, and other programs. Alternatively, women could help end gun violence against women by educating people on domestic abuse and demanding tougher laws on crimes related to women.¹¹⁰

Regardless of the means, as a matter of public policy, women need to take a stand in preventing gun use in society. Contrary to patriarchal rhetoric, packing a pistol is not powerful—it is lethal. For both women and society, a better society is an unarmed society.

110. See Section 3 of this Essay (explaining that women are most often victims of gun violence in cases where they know their assaulters).