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## THE GREAT AMERICAN GUN VIOLENCE LOTTERY

[American Constitution Society](#), Dec. 17, 2013

[The Huffington Post](#), Dec. 20, 2013

*--Professor Erin Ryan  
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Remember, back in junior high school, when you read that classic of American literature, [“The Lottery”](#) by Shirley Jackson? In the story, a small town ritualistically draws straws each summer to see who among them will be stoned to death, to ensure a good harvest later that fall. (Goes the local proverb, “lottery in June, corn be heavy soon!”) As the lottery begins, the townspeople gather in the public square and begin to collect rocks. The head of each family draws a slip of paper from the box, hoping not to see an inky black dot. The family that draws the black dot advances to the next round, in which one member is selected for sacrifice the same way. Tessie Hutchinson, a wife and mother of young children, draws the condemning dot, and the story ends as the terrified woman is stoned by her neighbors while she frantically protests.

Now, looking around your own world, does this dystopian game of chance seem at all familiar? Thankfully not, you are probably thinking—but if we’re really being honest, it should. On the anniversary of the soul-wrenching Newtown shootings, it’s time to concede that we, too, are participants in a lottery of our own making—one so horrifying that we mostly choose not to see it. But let’s face the grim reality. We are all living in that same nightmare town, where innocents are mindlessly sacrificed in service to ideals that don’t require this kind of sacrifice. When it comes to gun violence in America, we play the nightmare lottery every time we send our children off to school, each time we visit a public place, walk the streets, and in some cases, live in our homes.

A year ago today, twenty-six first graders and their teachers were gunned down at the Sandy Hook elementary school in [Newtown, CT](#). Only days earlier, two people were killed and ten thousand terrorized by a gunman at a mall in [Clackamas, OR](#), where I live. A few months before that, a man walked into an [Aurora, CO](#) movie theater and opened fire on hundreds of people, shooting eighty-two and killing twelve. Just yesterday, hundreds of terrified teens were led out of a [suburban Denver high school](#) with hands on their heads after a fellow student shot two classmates and then killed himself while seeking revenge on a teacher. The mass shootings are particularly wrenching, but [nearly 100 children](#) under ten years old were killed by deliberate gunfire in 2012 alone, often by adults they knew.

Yet in the year since Newtown stunned the world, most states have responded by [weakening laws](#) designed to protect against gun violence. Out of 109 new gun laws enacted since the shootings, those weakening restrictions trump those tightening them by a [factor of almost 2-1](#). Remarkably, our collective response to the tragedy was to make it easier for more people with more checkered backgrounds to access more guns with less red tape—and then to be able to take them, concealed, into a wider array of public places. The gun violence lottery itself, however, is politically agnostic. Whether you think the right response to Newtown was more or

less guns, the fact of the matter is that gun violence has reached such epidemic proportions that all Americans are now effectively just drawing straws and hoping for the best.

And while Tessie's town endured its lottery only once a year, Americans play the lottery every single day. We try not to think about it, but we all know the truth, that—given our unique matrix of permissive gun access, hobbled law enforcement, and the glorification of mass violence in cultural media from videogames to primetime television—innocents will needlessly and regularly die. Every morning when we wake up, we know that someone will be killed by preventable gun violence that day, and we tacitly pray that it won't be a loved one. And then, every night, we thank heaven for having won the lottery that day. (That is, until the day comes when we tragically and irretrievably lose.)

Since publication in 1948, "The Lottery" has been taught nationwide as a parable of the insanity that can brew from even a well-intended crockpot of group-think, tradition, and unquestioned conformity. After all, Tessie's sacrifice is for the good of the community—to ensure honest work at harvest time and food on the family table. The lottery reflects long and respected cultural practices. "There's always been a lottery," Old Man Warner reminds the anxious townsfolk. When one observes that "some places have already quit lotteries," he retorts: "Nothing but trouble in that." As the horror of Tessie's fate crystalizes, her neighbors admonish her to stop fussing, to "be a good sport... all of us took the same chance." When the town leader methodically explains the fairness of the selection process, even Tessie's husband reluctantly disciplines her to cooperate with her own inexorable execution.

In the cultural grip of the ritual, nobody seems to understand that the town could just opt out, ending the lottery forever. But neither, it would seem, do we! Today in this country which I so love, we have succumbed to the same toxic stew of group-think, tradition, and heartlessness about the inevitability of gun violence—seemingly accepting the gun lottery as our fate, rather than a set of concrete choices that we have made and can unmake.

Tessie's community tolerates their sacrifice to ensure the harvest, though we somehow suspect the corn would grow absent slaughter. Our own communities tolerate the slaughter in the name of other ideals: personal freedom, cultural identity, and market supply and demand. Personal freedoms are worth some sacrifices, to be sure, but—the lives of innocent children attending public school? In any moral universe, that can't be right. On balance, wouldn't the more appropriate personal sacrifice for this particular freedom be the minor inconvenience of waiting for a background check that screens for mental illness or criminal history? And for that matter, do we really need to be able to carry a concealed assault weapon, purchased (sans background check) at a gun show, to feel free?

Whatever the Second Amendment stands for, surely it doesn't stand for this. There is a middle ground between the post-apocalyptic vision of gun-less civilians enslaved by evil tyrants and the post-apocalyptic gun violence free-for-all where we seem to be headed. We have moderated plenty of other constitutionally protected freedoms in the name of security from harm (just ask the NSA). Why has finding that sweet spot been so much harder when balancing personal gun rights with everyone else's right not to be the next mass shooting victim?

This can be tricky to talk about, but at bottom—it's a cultural thing. For gun lovers, their weapons represent the classic American ideals of rugged individualism and independence. You can hunt your own food with a gun. You can defend yourself and your family without asking others for help. Plus, they can be fun to shoot—and for some, the bigger the merrier. Culture matters, so gun control advocates must be careful about caricaturing gun country. And as President Obama [learned the hard way](#) during his re-election campaign, it's hard to start a meaningful conversation with someone who feels disrespected on the topic.

But here's the thing about culture: it changes. American culture has always been a work in progress: remember those separate drinking fountains? When married women couldn't own property? When nobody ever recycled and everyone smoked unfiltered cigarettes? Gun culture has been changing too, embracing an extreme that departs from tradition. The family shotgun of yesteryore was no AK-47, and certainly not a private munitions armory. American political and popular culture has come to tolerate and even celebrate gun violence in ways that go beyond any sensible definition of heritage, personal liberty, public safety, or recreation.

Yet just as our gun culture has changed for the worse, it can also change for the better. If the common-sense majority can just shake off this paralyzing mantle of powerlessness, we can start making the changes we want in our world. Even if we can't all agree on every proposal, we can move forward on matters of consensus. Polling shows that most Americans want legal access to [handguns](#), but we mostly agree that [background checks](#) are helpful. [Assault rifles](#) aren't necessary for suburban self-defense. [Mental illness](#) and guns shouldn't mix. Nor should guns and substance abuse or other criminal history. The encroachment of [videogame violence](#) into all other cultural media has [consequences](#). The entertainment industry should be accountable for cross-promoting with the violence industry, and consumers should [vote with their feet](#).

The middle ground we are looking for already exists within many American families. My husband grew up in Alaska, where his family reasonably kept guns to protect the children from grizzly bears and eat moose through the winter. I grew up in New York, where there were no bears or moose, but still plenty of guns—often resulting in the accidental deaths of children. Our red-state/blue-state, rural vs. urban upbringings reflect some of the cultural divides across our nation, and he and I don't always agree on every gun-related issue. But even from these diverging vantage points, there is rich common ground to be found. Subjecting our children to the gun violence lottery doesn't make sense, no matter where or how you grew up.

So let's get it together and start making changes from the bottom up as well as the top down. Monitor your media consumption, and vote your gun policy preferences. Believe that you can make a difference on Election Day, and all the days in between. We don't have to keep living in Shirley Jackson's dystopian nightmare. As one nation, indivisible in spite of our differences, let's decide to move forward. Listening carefully and working together, let's start making the common-sense changes that can end the madness, once and for all.

*--Erin Ryan, a professor at the Northwestern School of Law, Lewis & Clark College, is the author of [Federalism and the Tug of War Within](#).*