

Firearms – A Double-Edged Sword

Robert Șerbănescu

“Dimitrie Cantemir” Christian University of Bucharest, Bucharest, Romania, serbanescu.robert.2013@gmail.com

ABSTRACT: The dual nature of the human race has been the major cause for both positive and negative actions throughout history. Socrates insisted that a man must have a clear representation of both good and bad, so he may choose the proper approach. Therefore, any direction followed by an individual can lead to either desirable consequences or the opposite. Firearms were created as a means of protection and prevention from invaders. However, even if during periods of conflict they have proven their usefulness by defending homelands and other key locations, in the hands of an ordinary person they provided the possibilities to take the criminal activity to another level. In this manner, crimes could be committed at a faster rate, with more accuracy from a safe distance, lowering the chances of the victim to be able to defend themselves. In order for one to understand the concept of the firearms being a “double-edged sword”, he requires to have a clear representation of the complexity shown by a weapon structure, the key components, the power which can be generated by using a firearm and the damage done. Also, the representation, besides the mechanical and structural part, must include the criteria based on which an individual can have, keep and use a firearm, with the general differences from one legal system to another.

KEYWORDS: components, firearms, legal criteria, structure

Introduction

A firearm represents a structure composed of several parts which work in harmony with the single purpose to launch the projectile at a certain target in order to create damage on the surface of the object.

A brief history of the creation and modernization of the firearms is necessary so that one may understand better the changes that can happen to a human invention based on the direction taken by its users.

The first ever created firearm was the arquebus. In order to be maneuvered this weapon had to be handled by two people at once. Even if the interval between the loading and the actual shot was long due to the difficulty of the design, the bullet could reach a distance of 100 to 200 meters.

In the fifteenth century the musket was brought on the battlefields proving its worth mainly because it was lighter and more efficient, also some modifications were done to the projectiles.

Between 1625 and 1630 A.D. the country of French will come up with a new and better invention named “Rifle”. The rifle can be considered the main ancestor for the other models created in the centuries to come.

The quick progress made in this area of technology was caused by the repeated wars and conflicts in the last 400 years, to be more specific from the start of the colonial age up until today.

During the last century, as a result of two world wars and other regional battles, improvements of the highest importance were made both to the rifle and the pistol. One of the most worth mentioning is the creation of the machine gun. This weapon proved its superiority to her previous models in the domains of speed fire, time of loading and precision. As for the pistol, the first to be created was the revolver, followed by the modifications made by Samuel Colt. At last, the automated pistol made its appearance during the years 1850-1860 ending the era of the Colt model.

Even if the gunpowder was discovered by the Chinese people, it wasn't until the transition to the European continent that this element would become the main fuel for the new generation of weapons. This can be considered the decline of the ancient weaponry such as swords, bows and arrow.

Having their design forged and transformed in a timeframe of hundreds of years with more wars fought than lasting peace, nowadays firearms have reached a certain complex structure. As such, the first component to be presented is the pipe of the gun. Currently there are two types of pipes: the hinged and the smooth.

The hinged pipes have the remarkable feature that they present inside of them cuts made into a spiral form which have the function of providing a circular rotation to the bullet when launched, for a better precision. The composition of the hinged pipes begins with the detonation chamber, followed by the connection cone and the hinges themselves (Dobrin and Pleșea 2018, 23).

Smooth pipes have the disadvantage that the distance of the shot is considerably reduced, due the fact that the axe rotation of the bulled is not present when the fire is commenced (Dobrin and Pleșea 2018, 23).

Another piece of the firearms is the groove for the guns with a pipe longer than 60 cm. It is meant to be hold by the hand opposite to the shoulder serving as support for the gun bed.

Paper content

The body of the weapon keeps the pieces in one solid device and assures the connection between the internal mechanisms. Next to be presented it the weapons lock which introduces the cartridge and locks the cartridge room in the meantime preparing the release of the shot. The mechanism of extraction and ejection takes up the role of getting out the remaining tubes after the bullet is put into motion. In the same manner, the charger holds the ammunition.

There are several parts of the firearms which detain an accessory role. These pieces can be separated based on their nature.

With the mechanical nature, we are in the presence of accessories such as the weapon sight, the gun hunt and the target line. As for the optical nature, we can add the gun rear.

Some additional pieces can be used to enhance the performance of the device, for example the noise damper alongside the recoil reinforcer.

A good gun is a clean and well maintained gun, therefore the brush, the coat and others such are used for the good preservation of the components.

Ammunition can be categorized as the lifeline of a firearm, without it the main objective of the instrument being lost. The term is based on the french word “munition” declaring a general name for the cartridge.

From an objective perspective the ammunition can be defined as the total elements which bring together the cartridge of the weapon, for instance the tube, the staple, the load overturning and the bullet (Dobrin, Pleșea 2018, 25).

Having covered the development history of the firearms and its basic components, it is important to understand the circumstances and the conditions in which a person can possess, carry and use a gun. We will be referring only to the ordinary civilians, not the military personnel. This focus on the everyday citizen of a certain country is the best approach to place into evidence the social reflexes which have transpired into the modern society in regards to this subject.

The legislation of every country is a result of her past experiences, socially developed behaviors and accepted conducts. A nation is founded, developed, dragged through internal and external conflicts, reforms and reorganizations, bringing it to a certain point of self-awareness. It can be said that a state is essentially the representation of a normal human but at a much larger scale. The state experiences certain events, understands and learns from past experiences, resulting in measures taken in order to improve some aspects or to prevent a series of past mistakes. This is done by the state`s institutions, which work in order to realize the general interests of the society.

The comparison on the legislation of firearms will be done taking into consideration two countries from two different systems of law. The systems approached are the system based on the Romanic descent and the Anglo-Saxon.

Romanic systems of law are a direct result of their heritage from the Roman Empire`s juridical composure. The main characteristics are the following: it is a written system structured in different levels based on the importance of the springs of law; a pronounced accent is placed on the codification of each law; it is divided into public law and private law; there are a series of fundamental principles which serve as a guideline for the application of the legal norms; it is segmented into several institutions and branches (for example: criminal law, civil law, administrative law, constitutional law etc.) (Popa 2008, 58).

Anglo-Saxon systems are substantially different from the ones mentioned above. In this manner, mostly the codification of the legislation is not present, it is not divided into public law and private law, the accent is placed on common law, equity and statutory law (Popa 2008, 59). In these system the practice of the courts can serve as a model and implement a certain decision when a case shows up and has the same circumstances as a past one. We could say that the court practice has the power to create legislation. However, the practice in the Romanic system does not have this ability, it can serve only as a reference for future cases.

Romania is part of the Romanic family systems of law, in the domain of weapons possession having laws which specify the conditions necessary for a civilian to have, carry and use a firearm. Also, the legislation is aligned with the international agreements, especially the ones implemented throughout the European Union. At a national level, the main law displaying the lines to be followed in the event that a Romanian citizen wishes to purchase a gun is Law number 295/2004 with the modifications up to date. The firearms are divided into five categories.

Category A is represented by the military arsenal (rocket launchers, automated guns), these can be used by the personnel of the institutions which have roles in the national defense domain and public safety system. Category B incorporates the short and long firearms semi-automated which are available to the persons who acquire a special permit. C and D category weapons must be registered and authorized according to the legal norms, we can mention the revolver for the first mentioned group and the tranquilizers for the second one. Lastly, we have category E, these do not require to follow the registration and authorization procedures. As an example, we can name the paintball devices and Airsoft guns (Law no 294/2004, Chapter I, Art. 4).

Citizens have to purchase the weapon at a legally recognized weapons store. Also, the gun has to be presented to the police section where all the data and the characteristics will be entered in a tracking system. The police are the main authority in granting the right to detain and use a gun. Complementary, in order to assure that the public interest is protected, and the weapon is not given to a mentally unstable individual, the “candidate” is bound to take several medical and psychological exams.

Romania has acknowledged and implemented the laws created for the European community by the measures taken as a result of the 91/477/CEE directive of the European Parliament, proving that is an active and interested member of the external matters.

The United States of America have their legislation based on the common law system. In this, manner, USA is part of the Anglo-Saxon law structures family alongside the United Kingdom, Australia and New Zealand.

The constitution is the main focal point for all the laws that govern the American society. As for the subject for gun usage and possession, the Second Amendment states that for the protection of the free state, the people have the right to keep and bear arms. (USA Constitution, Second Amendment).

Although this has sparked numerous debates, some believing that the amendment refers only to an organized Militia having the right to guns, it was decided in 2008 by the Supreme Court that any citizen has the possibility to keep and use a firearm for self-defense. This ensures that an American citizen can protect his property and his/her loved ones from any aggression. Subsidiary, the right to have and bear guns is tied to the obligation that only in a situation of necessity should this freedom be exercised.

Conclusions

Based on the above presented information we can draw a series of conclusions. The concept of “a double-edged sword” is applicable to the firearms as they have proven to either defend a community, a general interest or to help raise the criminality to another degree. As a result of the new methods that the potential criminals had at their disposal, the authorities have had to implement several regulation to combat and prevent illegal actions taken by certain individuals.

Based on past experiences, a legislation of a nation develops accordingly. Such is the case of the United States of America. Having been at war since its founding days either with the British

Empire or the native people of the land, a social reflex has formed, thus the population being used to carry guns all the time for defense purposes. Fast-forward to present day, the Constitution guarantees the right for any individual to use a firearms in order to defend what is dear to him. At the opposite part, Romania created a series of conditions which require to be met for the ordinary citizen to use a gun. Even if the right to bear arms is recognized by the state, military weapons are not accessible to the general public. We can place this effect on the argument that Romania, being part of the Romanic systems of law, has written laws in regards to this subject, special laws with imperative norms which cannot be interpreted otherwise than their original meaning.

As we have seen, the historical part of the firearms is complex and diverse, having went through several development steps with each century. Guns and pistols present a series of components with the primal objective to work in harmony, transforming the chemical energy into kinetic energy so that the bullet may be fired at the target.

On the planet there are different systems of law, from the Romanic to the Anglo-Saxon and from the Muslim to the Hindu, all based on a historical and social heritage. Finally, with all the laws and regulations, the way a gun is used manifests as a direct result of the discerning, education, concepts and empathy of each human. A man or woman raised in a violent environment, will choose the path of evil. At the opposite polar, a child raised with empathy, kindness, good education and correct knowledge will become productive member of society, only as a last resort choosing to hurt others.

References

- Directive 2008/51/CE of the European Parliament from the 21st of May 2008 for the modification of the Directive 91/477/CEE of the Council referring to the control over the acquisition and detention of weapons.
- Dobrin, Daniel George and Pleșea Ion. 2018. *Judicial Ballistics. Theoretical and practical aspects. Second edition* Bucharest: ACR.
- General Rifling Characteristics File 2016*, U.S. Department of Justice – Federal Bureau of Investigation.
- Law no 295/2004 referring to weapons and ammunition, published in the Official Gazette of Romania, no 583/30 June 2004.
- Măcelaru, Vasile. 1972. *Judicial Ballistics*. Bucharest: C.P.C.S.
- Popa, Nicolae. 2008. *General theory of Law*. Bucharest: C.H. Beck Publishing House.
- Romanian Constitution, European Convention for Human Rights, Fundamental rights of the European Union*. 2018. 10th edition. Bucharest: Rosetti International.