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INTERNATIONAL PERSPECTIVES ON GUN CONTROL

*David Kopel**

I set out in my book, *The Samurai, the Mountie, and the Cowboy* (1992), to explore one of the great unexamined certitudes of the gun control debate, which is that other countries have stronger gun laws than the United States and they have less gun crime. Accordingly, the reason other countries have a lower crime rate must be because they have strong gun control laws. In my book, I looked at gun control in seven democratic nations in addition to the United States. I found that, of the seven nations I studied, the two safest nations by a wide margin had very strict gun control laws.

The first of these two nations with strict laws is Japan. In Japan, rifles and handguns are entirely outlawed and the possession of shotguns and air guns is only allowed under a very, very severe licensing system that imposes an enormous bureaucratic burden on the potential licensee. Japan is an extremely safe society. You can walk down the street at 4:00 A.M. in the roughest part of Tokyo and feel no concern at all for your personal safety. I think the Japanese gun laws have quite a lot to do with that, indirectly, because guns are unavailable. Japan has a very strong organized crime group known as the Yakuza. Illegal drugs, illegal guns, illegal anything else you want, Filipino sex slaves literally, all those kinds of things are available through the Yakuza. But there is very little demand even within the criminal community for guns. The cultural lesson that is taught in Japan by the very strict gun laws reinforces a message that exists throughout Japanese society—the individual is subordinate to the larger organization, whether it's the child and the family, the student and the school, the worker and the corporation, or the individual and society. People are expected to subordinate their individual desires to the greater collective good. Gun control, even though it doesn't directly work at disarming criminals who want to get guns, plays an important role in reinforcing this cultural message.

The other nation that is equally as safe as Japan is Switzerland. Switzerland also has very strict gun controls, but of a different kind. In

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Switzerland, every male, starting at about age twenty and continuing for the next thirty-five years of his life, has to serve several weeks a year in the militia. The nation of Switzerland has always been defended by a militia composed of ordinary citizens, rather than by a professional, full-time standing army; and citizens are required to spend several weeks every year in militia training. As part of the militia training, Swiss men are given assault rifles. These rifles are not the kind we have in the United States (which are guns that look, but do not function, like machine guns because they only shoot one bullet at a time when you squeeze the trigger). Members of the Swiss militia receive genuine article SIG brand assault rifles; they are military machine guns—the same as an M-16 rifle that a U.S. soldier carries. Militia members are required to keep their guns at home, to keep the ammunition, to periodically practice shooting, and to certify their marksmanship skills.

In many other ways, the Swiss government strongly encourages its citizens to be armed. There is a very lenient licensing system for handguns. In most cantons, which are the equivalent of states, there are relatively few controls on long guns. In fact, you can obtain anti-aircraft missiles, howitzers, bazookas, and low-grade artillery in Switzerland with much less trouble than it would take to obtain a building permit in New York City. The Swiss licensing system is wide open and aims to encourage the people of the nation to be as well-armed and as well-versed in as many kinds of arms as possible—it's not an optional thing. If you are a male, you have to be in the militia and you have to become a good shooter with your assault rifle. And yet, Switzerland has very little gun crime. The homicide rate is essentially the same as Japan's, and Switzerland has the same kind of safe streets that are characteristic of Japan.

What the gun laws do in Switzerland, in a way, is the same kind of thing that they do in Japan, which is to reinforce the existing social order. The laws help integrate people into the larger world of the community. That is one of the most important functions of the militia, and why the Swiss are resistant to abolishing the militia, even though, with the end of the cold war, there is no realistic threat to national security. The Swiss want to keep the militia as a very important socializing institution in the nation. Marksmanship is one of the things that brings the generations together. Dad will clean the rifle at the kitchen table and take Junior shooting at the target range. That is one of the things that keeps Junior happily occupied with the family as opposed to getting in trouble. What I think Switzerland and Japan collectively suggest is that the issue is, not how many guns are there in the society but, how guns are viewed in the

society and how they fit into the overall system of socializing individuals in the society.

This lesson was reinforced by what I found in Great Britain. Great Britain has a skyrocketing crime rate. It has not quite reached U.S. levels, but it has gotten much, much higher, especially compared to where it was at the turn of the century when violent crime in Britain was essentially unknown.

In 1900, Britain had no gun laws at all. At that time, an individual who had just escaped from an institution for the violently, criminally insane could walk into a store and say, "I would like three dozen shotguns, a few Gatling guns, 20,000 rounds of ammunition, some heavy explosives and three gross of handguns." The only question the clerk would ask would be, "Well, do you have enough cash to pay for it?" An individual who could pay for the weapons would be able to walk out of the store with no problem. Britain only had one law: if you wanted to carry a handgun in public, you had to get a tax stamp at the post office. And, this law was simply seen as a revenue-raising measure. That was the time in Great Britain when its gun crime and its overall violent crime was at its absolute nadir historically. Since then, British gun controls have become more severe by progressive steps. As Britain has moved a long way towards prohibition, the gun crime rate in Britain has skyrocketed. That fact suggests that what Britain had in 1900, and has lost to a large degree by 1994, is the Victorian morality, the set of social controls that kept people from getting in trouble in the first place. As those have eroded, the crime rate has gone up tremendously. I don't think that the gun laws are the cause of that increase in crime rate, but they apparently have been able to do very little to staunch it.

I'll defer any discussion of Canada since I will be followed by a Canadian expert who would immediately say that everything I said was wrong. But, I would suggest that there is strong criminological evidence that in Canada, which in some ways has a gun culture closer to the United States than other nations do, there are criminologists who will go back and forth on this, some will say the Canadian gun laws are great, others will say they've been absolutely ineffective and maybe have even done some harm. I think they would all agree that the Canadian gun laws have reduced gun suicide. There would be a disagreement about whether they reduced total suicide or whether there's been a substitution effect. And my suggestion would be to urge you to read the criminological studies yourself, because Canada, unlike most other nations, actually has a functioning criminology community that examines the gun issue. I was astonished to find out that Great Britain has adopted this whole series of

gun controls without a single academic study in the entire 20th century about whether they're effective or not.

The country that I think has the most direct application for us, however, is one that we don't have a lot in common with, and that's Jamaica. In response to a sharply rising crime rate in Jamaica in the early 1970s, the government imposed complete gun prohibition. In fact, possession of a bullet meant a mandatory life sentence in prison. There was a special gun court where people would be tried in secret for gun possession offenses. And in conjunction with this tremendous crackdown on guns, they also did everything else that you can imagine Oliver North or Ross Perot doing to our Bill of Rights in your worst nightmares. They had gun sweeps, drug sweeps, militarized law enforcement, the government breaking into people's houses, with no probable cause at all, to look for illegal weapons and drugs. Every kind of oppressive measure you could want, censorship of violent television and movies, everything you could want in terms of "let's get really serious and crack down and get rid of all these silly constitutional liberties that are standing in the way of rough and tough law enforcement," they did. What happened was the crime rate and the homicide rate dropped substantially for the first six months. They then started to rise again, got back to their old levels, and within a few years were far ahead of their old levels, and a few years later were at double and triple the levels which had inspired this kind of crackdown in the first place. One of the kinds of violence that increased in Jamaica was homicide by police officers. Jamaicans were getting killed by their police at a rate higher than the general American homicide rate of anybody getting killed by anybody.

The gun laws, according to America's Watch, the human rights group, were a pretext for this because a policeman would kill a personal enemy, drop a bullet or a gun on him and say, "Oh, I shot him in a gun fight," and that would be the end of the investigation because the public had been so tuned into hysteria over the gun laws that it was a very easy cover. The criminologists who have studied the Jamaican gun law—and none of these are people who come from an instinctively pro gun position—have all found that the Jamaican gun law had a terribly dangerous effect. Besides the fact that for whatever reason it didn't work very well, the law also was a political distraction function for the government by which the government could say, "Look, we're doing something about crime," and it enabled the government to avoid doing things about the ultimate causes of Jamaican crime, including its very serious problem with the class system, poverty, repression and the fact that the majority of the Jamaican people were in many ways cut out of any chance to participate in the mainstream economy.

I would suggest that is one of the two tremendous dangers we face from the gun control debate in the United States. There are some gun control advocates, but not many, who expect dramatic changes to result from American gun laws. More commonly, when people are advocating gun controls, they say, "Well, we understand it's not going to do that much good but if it saves one life it's worthwhile." Everybody is generally expecting marginal results, as we had in this huge five-year long public debate over banning so-called "assault weapons," which everybody by the end of the debate acknowledged were used in about one to three percent of gun crime. Even the most optimistic result that could happen out of that is if every criminal who used an assault weapon just gave up a life of crime, there was not going to be that much of a change in the gun crime rate.

All this public attention over "assault weapons," or in Jamaica over their gun prohibition laws, distracts the attention from the reforms which I think are much more essential to reducing our terribly high overall crime rate. We have a dysfunctional welfare system. We have a dysfunctional government school system. We would be much better off if all the energy that goes into arguing pro and con about gun control laws instead went into how can we fix the fact that the government is paying teenagers to have children they're not prepared to raise and then destroying their last chance at socialization by sending them to a totally broken government school system.

Now, you can have pros and cons about how to do that. You could say, "Let's spend more money on welfare. Let's spend more money on the public schools" or you could say, "Let's voucherize everything. Let's end welfare." And I don't want to get into which side of that debate might be the right way to go, but I would suggest that this is the debate that we ought to be having if we're genuinely serious about making progress about armed crime and violent crime in this country.

In conclusion, I'd like to point out one other way in which gun laws in an American context, at least taken to their extreme, could be quite dangerous. American homicides, unlike homicides in other nations, are generally perpetrated with guns; about two-thirds of our homicides are with firearms. Rapes in the United States are rarely perpetrated with guns; only about seven percent of rapes involve guns. If you compare how disproportionately more murders we have than other countries do and also look at how much disproportionately more rapes we do than other countries, you find that they're both about the same. In other words, Americans are more criminal across the board, not just for the kind of crimes which easy availability of guns might lead to, such as homicide, but for all kinds of violent confrontational crimes. I would suggest the

most important reason for that has been our shameful record on racial issues, which most other countries, other than Jamaica, have been fortunate not to repeat.

But the anomalous thing I found, looking at the international crime statistics, is yes, we've got way more murder, way more rape, way more armed robbery than other nations, and yet for one type of crime we have much less. There is much less burglary of occupied residences in the United States than there is in countries like Canada or Australia or New Zealand or England. Even though we're off the charts compared to them on so many other violent crimes, we actually have less burglary of occupied residences. No one has been able to come up with a satisfactory explanation for this anomaly other than this explanation—American burglars, unlike burglars in other nations, face a substantial risk of getting shot. The statistic of an American burglar's chance of getting shot is about equal to his chance of going to jail. It's about one to two percent in each case if he breaks into an occupied home. If you figure that prison deters some burglaries, then getting shot (which is a more severe consequence and a more immediate one), deters some others. That is why American burglars, as policemen everywhere in the country will tell you, make a point of trying not to enter occupied homes, which is not something that burglars in Canada or Great Britain will bother to do. Even though there's a fairly high gun density in Canada, about a quarter of households there have guns, there's much less interest in owning a gun for self-defense and having it available. I think that's part of the explanation why American homes are safer from burglars than are other homes.

What we want to do in a sensible gun policy is take guns out of the hands, to the extent we can, of people who are misusing them, such as inner city teenagers, who just have a homicide rate that has jumped off the charts in the United States. First of all, we ought to be trying to fix their lives, but second of all, to the extent we can, we ought to be disarming them and at the same time not reducing the guns in the hands of responsible adults who in the United States contribute to public safety by deterring burglary. They contribute to public safety not just for themselves but for everybody, because a burglar—since half the households in the country have guns—isn't going to know which household has a gun and which doesn't before he breaks in.