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## INTERNATIONAL PERSPECTIVES ON GUN CONTROL

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I am very pleased to be here today for a variety of reasons. I should be clear, though. I do work as an academic. When it comes to the issue of gun control, I am very clearly an activist. So I do not want to even pretend that I'm going to give you an objective, unbiased view on this subject, because I am not. On any issue, those of you who do academic research know how data can be used or misused. You know that ideological perspectives drive conclusions that are drawn and so I want to be upfront and tell you that I believe gun control is important, I believe it does reduce violence, and I'll give you the arguments why I think that is the case. I will also talk about the Canadian situation because I do actually agree with some of the things Mr. Kopel said in terms of the cultural context that you have to look at with respect to laws in any country.

What I would argue is that laws are both a reflection of culture and a tool for shaping culture. I think that's one point. And I think the second point is that we have to ask ourselves whether we're going to use culture, tradition and history as an explanation or an excuse. So in terms of the context, I want to be very clear where I'm starting. Canadians are very interested in American gun control from a variety of perspectives. *The Economist*, in an article not too long ago, defined Canadians as "Americans with health care and no guns." I think, quite honestly, Canadians spend a lot more time thinking about Americans than Americans spend thinking about Canadians. It's the mouse next to the elephant. We're inundated with culture, with products, with all sorts of things from the United States and are acutely aware of what is happening there. As a result, many Canadians really define their nationalism, in terms of what is different from the United States. And I think, to many Canadians, gun control is one of the things that we view as being fundamentally different between our respective countries.

The other reason Canadians are interested in American gun control, quite honestly, is because we are receiving the consequences of your current laws. A study was just conducted in Toronto which showed about two-thirds of the guns used in crime had probably been smuggled in from

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the United States. We have no domestic gun manufacturing industry with the exception of some very, very small companies. As a result, most of the guns used in Canada are either imported legally or illegally. So gun control in the United States, particularly with respect to your control over dealers has a very significant impact on Canadian public safety. And I guess the third reason is we've had a few tourists. In fact, I think in the early months of 1992 there were more Canadians shot in Florida than in their provinces of origin. So there are some other reasons Canadians are interested in American gun control.

The reasons why I think Americans might be interested in Canadian gun control have to do with the pieces which may have some relevance, and I wanted to start by giving you some comparative information. Some of you may be familiar with the work of Martin Kilius, a Swiss criminologist who looked at suicide murder rates in fourteen countries and concluded that access to guns was a factor in murder and suicide rates based on the analysis. There have been a number of empirical studies on both sides which use data to show it works, it doesn't work, access is or is not a factor, and I don't really want to get into a statistical battle today, but I'll give you just some highlights. Canada has roughly one-tenth the population of the United States. So we have 28 million people; you have 260 million people, roughly. We have about 7 million guns; you have roughly 200 million guns. That means on a per capita basis, you have three times as many guns as we have. But significantly, and I think this is probably the critical thing, you have six times as many handguns on a per capita basis.

We recently introduced new gun control legislation in 1991. But, the legislation that was probably most significant in the course of history in our two countries was the legislation that controlled access to handguns, which was introduced in 1978. I'll talk about that at length because I think access to guns, handguns in particular, is important. If you look at accidental deaths with guns, the United States again on a per capita basis has four times as many accidental deaths with guns as Canada. Next, look at murders without guns. This goes back to this question of, "Are Canadians less violent than Americans?" Murders without guns, interestingly, in Canada and the United States are roughly comparable. In Canada, there are 1.9 murders without guns per 100,000 people; in the United States, it's 2.5 per 100,000. In the United States the rate of murder without guns is less than fifty percent higher. Next, look at murders with handguns. In Canada, it's .2 per 100,000; in the United States, it's 3.8 per 100,000. You have roughly twenty times as many murders with handguns on a per capita basis in the United States than we have in Canada. And if you look at robberies with guns, I would really

debate any notion that arming is making you safer. You have more than three times the rate of robberies with guns than we have in Canada, again on a per capita basis.

Now, I would be the last person to suggest that access to guns is the single most important or even one of the most important things that differentiates Canada from the United States. Clearly there are some very fundamental other differences, and you can look at them in a number of levels. You can look at the socioeconomic context. You can look at the fact that, in Canada, we do not tend to have the discrepancy between rich and poor that you have in the United States. We have a much more extensive social safety net. We have all sorts of social programs that put us closer to the European model in most respects than to the American model. If you look at government, we have a system which is very, very different. Canadians do not distrust government to the same extent that Americans do. I think David Kopel has done a good job of identifying some of these fundamental differences in some of his earlier work.

Our government is not, we would say, "paralyzed" by the separation of powers, and you would say, I guess, "controlled by" the separation of power. Because of the way our government is structured, it's much easier for it to actually move forward aggressively on legislation. We have party solidarity. So if the Prime Minister of the governing party decides we're going to have gun control legislation, we probably are. The governing party will, for the most part, vote in support of it.

There are many very significant differences in terms of government, the economy and so on that I think we have to take into account. Certainly if you look at the two countries on any of the Hoefstadt's or Hall's spectra, which are used to measure culture, it's very clear that Canada is closer to the collectivist end of the scale than the United States is. The United States is further out towards individualism than Canada is and again we're closer to European countries. You can also look at the scales in terms of what they describe as feminine or masculine values. Clearly again the United States rates higher on a lot of the masculinity dimensions than Canada does. I think the other fundamental differences, again, between the two countries have to do with the nature of the economies. We simply do not have a gun industry in Canada, and that has a very significant role in the structure and influence of the gun lobbies. That also plays into the structure of government. In Canada, it is simply not possible for lobbies to have the same kind of influence that they have in the United States because of the very severe restrictions on election spending and other controls.

I think it's very important to recognize that there are some very significant cultural differences between the two countries, economic

differences and political differences. That being said, I view those as explanatory, and I think that's a fundamental difference perhaps between some of the perspectives that you'll see today. I do not subscribe to the notion of cultural determination. That what is, is right. That because these things are different, therefore it must always be so. This is my particular orientation and perspective. If you look at gun control in Canada, I mentioned the legislation that was introduced in 1978. The legislation was introduced in the context of a constitution that guarantees the right to "peace, order, and good government." This again reflects our faith in our government and institutions, which is rather different from the way in which your Constitution is framed. Our Charter of Rights guarantees "life, liberty and security." In Canada there is a notion that liberty is not simply the right to do whatever you want; but, if you can't walk down the street feeling safe, you aren't exactly free. And I think that, again, in balancing "life, liberty and security," our Supreme Court has consistently supported the trade-off between individual liberties and the public good, and again, I think that's an important difference.

Gun control in Canada is federal; it's consistent, it's national. There are some differences at the provincial level in terms of the administration of the law, but we don't have a patchwork of regulations. I think that's an important difference. And the law that was introduced in 1978 made it very difficult in Canada to get handguns. The law differentiated between restricted weapons, which were primarily handguns and some assault weapons, and unrestricted weapons, which were rifles and shotguns. The assumption was rifles and shotguns are needed by farmers, they're needed by hunters. Handguns, on the other hand, are not needed *per se* except perhaps by law enforcement officials. They are wanted by target shooters, by some collectors and in very, very rare circumstances, by people who need them for self-protection.

In Canada right now there are approximately fifty people who have permits to carry handguns for self-protection. You have to be able to demonstrate your life is in danger and that the police cannot protect you. The whole notion of arming for self-protection is handled very, very differently in our country from yours. So the restrictions that were introduced for handguns meant that if you wanted to purchase a handgun, you had to demonstrate you were a member of a target shooting club, that you needed the gun for your profession or that you were a collector (that tended to be the loosest definition), or in very exceptional cases, that you needed it for self-protection. That's part of the reason why we have relatively few handguns in Canada compared to what you have in the United States.

All handguns are registered, so it's a permit for a particular handgun, and there's a whole series of other permits that define where you can have that handgun, how you can carry it from this point to that point and so on, so they're fairly strictly controlled. Firearms acquisition certificates are required for rifles and shotguns, as well as all other weapons, and the 1978 legislation was fairly lax from our perspective, although I suppose strict from yours. Basically you had to be sixteen years old, you had to have no conviction for an indictable offense, and the police were allowed to check your record. You also had to make a couple of statements that you weren't suffering from mental illness associated with violence and so on. But the burden of proof was really on the police to prove that you ought not to have a rifle or shotgun. Most people who applied got them unless they had a criminal record. The firearms acquisition certificate did then, and still does, entitle you to purchase as many rifles or shotguns as you want over a five year period and they're not registered, although in the store a record is kept; that information doesn't go anywhere.

In contrast to handguns, there is a central registry. The technology used to develop that is fairly old; there are some problems, we're expecting them to be reworked. Prohibited weapons included the fully automatic weapons and sawed-off shotguns. There were charges for unsafe storage. You could be charged with unsafe storage, but it wasn't clearly defined. What happened with the legislation which was introduced in 1991 was that the regulations with respect to handguns didn't change very much. What happened was they introduced some more restrictions on access to rifles and shotguns so that the screening process which was introduced included: a mandatory training program, a twenty-eight day waiting period, detailed questions with respect—and these things ought to drive many Americans crazy—detailed questions with respect to your financial circumstances, your marital or family circumstances, as well as your criminal records. The reasons for that were touched on by some of the points Glenda Simms made this morning. These were all risk factors identified for domestic violence and suicide. In Canada, most victims are not murdered by strangers in acts of crime. Very few Canadians, in fact, are killed during the course of other crimes. Most murder victims in Canada are killed by people they know, often in domestic violence situations or arguments. That was part of the reason for focusing on these particular issues.

Safe storage was also defined. People in Canada now have to keep their weapons unloaded, with the ammunition stored separately, either with a trigger lock or in a secure case, and that's defined by law. It's a criminal offence if you don't. There was also a ban on large capacity

magazines introduced, as well as a ban on some additional semiautomatic military weapons.

So where we are now is that the 1991 legislation is just in the process of being fully implemented. The Minister of Justice has committed to further measures because it was felt that in 1991 the Conservative government succumbed to pressure from the gun lobby not to move as far as the police and other groups in Canada would have liked. We're expecting the Minister of Justice to move on a complete ban of military weapons, registration of all guns (partly to assist in tracking but also to control illegal importation), potentially producing a permit in order to purchase ammunition, and potentially more severe restrictions on handguns. In Canada, from an American perspective, Canadian gun laws perhaps look unduly restrictive. But what Canada does is look to places like Great Britain and Europe and say we can do better. We're still in the process of evolving our gun control legislation. The interesting thing I think from our perspective is that the public support for stronger gun control is very solid. Eighty-six percent of Canadians support registration of all guns. Seventy-one percent would go as far as banning handguns altogether. The large organizations in the country, such as the Canadian Police Association, the Canadian Association of Chiefs of Police, the Canadian Association of Emergency Physicians, and so on have all passed resolutions calling for additional measures.

So we're now at the stage of waiting to find out whether or not we will, in fact, move further. It's interesting because, of course, the debate in the United States continues to rage around measures which we actually implemented some time ago. Our concern remains, as I said, some of the problems associated with illegal importation of guns, and I must tell you that increasingly Canadians are starting to hold Americans responsible for the lax laws which fuel the problem.