

1995

INTERNATIONAL PERSPECTIVES ON GUN CONTROL

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Recommended Citation

Savelsberg, Joachim J. (1995) "INTERNATIONAL PERSPECTIVES ON GUN CONTROL," *NYLS Journal of International and Comparative Law*. Vol. 15 : No. 2 , Article 8.

Available at: https://digitalcommons.nyls.edu/journal_of_international_and_comparative_law/vol15/iss2/8

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Most of you, I assume, are Americans, and I hope you do not feel too bad at this point after hearing many bad things that foreigners say about your country. Before I add something to all that nasty talk, let me say that I moved to this country five years ago and I love it. I also got married to one of your fellow citizens, and I have two American daughters, and I like it all very much. Having said that, and hopefully, making you feel a little better, let me move onto this nasty topic that brought us together here.

I will tell you a simple story in a short amount of time. It is basically a story about Germany, gun control, and gun violence in Germany, and I certainly will make a few comparative references to the American situation. I primarily speak as a scholar, not as an activist. I will give you some basic empirical data, add a few analytical thoughts, and then draw some conclusions. I think we can draw policy conclusions from these analytical things that I will talk about.

My observations are very straightforward, and I want to summarize three basic correlations that appear when we look at the situation within Germany and compare Germany and the United States. The first correlation, comparing Germany and the United States: gun control in Germany is much tighter than gun control in the United States. At the same time, gun violence in German society is much lower than gun violence in the United States. I will give you a few more specific numbers in just a little while.

The second correlation that I want to talk about at a little more length is one that appears when we look at Germany over time. Gun control has not always been the same in German society. In 1972, a time of very high tension followed the peak of terrorist activities. There was a lot of pressure on government to do something about it. One of the things the Federal Government did was to pass one of the toughest gun control laws in the Western world. The passing of this legislation was followed by a consistent and substantial reduction of gun violence in Germany. Let me give you a few numbers. For example, the number of violent crimes

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involving the use of guns declined from almost 13,000 in 1971 to about 4,000 in 1990, a reduction by two-thirds.¹ More specifically, the number of homicides committed with a gun declined from 644 in 1970, again by almost two-thirds, to 224 in 1990. This number is about three percent of the gun-related homicides that occur in the United States, in a population that is about one-third the size of the American population.

One might, of course, suspect that this decline in gun violence may just be a consequence of a declining inclination of Germans to commit violent crimes altogether during the 1970s and 1980s. That is not the case. The number of violent crimes during this period almost doubled, from approximately 60,000 to around 110,000 cases, an almost doubling of violent crime cases while the number of violent crimes involving guns declined to one-third of its original level.²

Again, introduction of tough gun control legislation correlates with a considerable reduction in gun violence. I want to give you a few basic pieces of information about the quality of that legislation. First, the basic principle of the Gun Control Act of 1972 [Waffengesetz] says, "The number of gun owners, and the number and types of guns in private property must be limited to the lowest level possible in the light of interest of public safety."³ More specifically, every person who wants to own a gun or carry a gun in public needs a special permit. I'll say a few things about the conditions under which people receive this kind of permit. To begin, the right to own a gun is very restrictive. It requires a government permit which is based on four certifications. First, the certification of need. You can document the need to own a gun if you are a member of a government certified gun club. Getting such a gun club certificate is a rather restrictive process. Or you can document the need to own a gun if you are a hunter. Again, getting a hunting license is much more restrictive in Germany than it is in the United States. Second, you have to document trustworthiness through the local police authorities. Such trustworthiness involves no prior violent criminal record. Third, you need to be certified in the technical knowledge about the consequences of firearms. Technical knowledge is based on a test that people must take with the district government. And fourth, you must document physical fitness. It is certainly at least partly the result of this legislation that only

1. BUNDESKRIMINALAMT, KRIMINALSTATISTIK (1992).

2. *Id.*

3. Letter from the Minister of the Interior of Lower Saxony to the District Governments and the *Landeskriminalamt* of Lower Saxony (June 8, 1993)(on file with author).

2.1 million of 80 million German citizens own guns. That is about three percent of the entire population.⁴ Now, the right to bear firearms in public is, again, much more restrictive. It is so restrictive that, in fact, only 30,000 out of 80 million people own the right to bear firearms in public. It is limited, for example, to very prominent figures who can make a claim that their lives are in danger. It is also limited to members of certain occupations, such as guards of money transports. So there is a very small number of people who walk around with guns in public.

Let me move on to the third correlation I had announced. This results from a recent, what we call in the social sciences, natural experiment that happened in Germany. During the past five years, Germany experienced a rather rapid increase in the availability of guns. It was partly a result of demoralized Soviet troops in the eastern part of the country selling their weapons to the German population, partly to the underground market. It is interesting to observe that during exactly this period of increased gun availability, violent crime involving guns increased considerably from 4,000 cases in 1990 to 7,700 cases in 1993; homicides involving guns increased by fifty percent, from 224 cases in 1990 to 314 cases in 1993.⁵ So, the higher the availability of guns, the more use of guns appears in violent crime. This is really the common denominator of all three correlations that I presented.

Now I come to the analytical part. I talked about correlations. Do correlations imply causal relations? Is it indeed the availability of guns that leads to gun violence? Typically no, correlations never necessarily imply causal relations. Thus, we have to ask for potential control variables, or additional factors that might lead to lower gun violence, in German society, and there are three potential factors that come to mind very easily. The first factor is the toughness of the criminal justice system. When people talked about caning in Singapore recently and learned at the same time that the crime rate in Singapore is very low, the common conclusion in almost all the news media and public talk was, "Well, if they have such a tough criminal justice system and those cruel forms of corporal punishment, of course they have a low crime rate." People saw a correlation and concluded a causal relation, not seeing all the other differences between American and Singapore societies. The second factor is cultural differences, especially with regard to the culture of violence in both societies. The third factor is sociological or socioeconomic differences that we will discuss.

4. Ludwig Rademacher, *Bürger bewaffnen sich*, 12 FOCUS 74 (1994).

5. BUNDESKRIMINALAMT, *supra* note 1.

I want to comment very briefly on a couple of these differences. Tougher criminal justice system in Germany? No, nowhere in the Western world is the criminal justice system tougher and more punitive than in the United States. This cannot be an explanation for lower rates of violent crime or gun violence in Germany. If anything, the opposite is true. The United States is one of the few countries in the Western world that practices capital punishment, and we know from comparative and international research that the practice of capital punishment increases the rate of violent crime in a society. It legitimizes the use of violence in order to resolve grievances that people have. In particular, the award-winning study by Archer and Gartner on violence in cross-national comparison demonstrated this. In addition, of course, there is the incarceration rate. After surpassing the former Soviet Union and South Africa, the United States now imprisons more people than any other country. If anything, the fact that it is no longer a stigma for most people in the ghettos to be sentenced to a prison or jail term certainly means that imprisonment does not work as a deterrent to committing crimes, including violent and gun crimes. So, if anything, it is the tougher and extremely punitive nature of the American criminal justice system that contributes to higher rates of violent crime in American society. That conclusion is very much against the common sense of current American public debates, as I'm well aware, and as I see confirmed by some shaking heads in this room.

Finally, I want to talk about the other control variable that is extremely important, that of socioeconomic conditions. There are a number of important differences between American and German societies, but the one that I think is most important is that the permanently deprived population is much smaller in Germany than in the United States. The poverty rate in Germany is estimated at somewhere between six and eight percent, while in the United States it is estimated to be at least fifteen percent. In addition, poverty in the United States means something much graver than it means in Germany. William J. Wilson, from the University of Chicago, has found that during the 1970s, the number of inner-city people living in districts with at least forty percent of their population living below the poverty line doubled in one decade.⁶ So there is more poverty, and poverty means something more serious in this country. This is important because the vast majority of homicides in the United States involve young black men. I think that just listing and summarizing

6. WILLIAM J. WILSON, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY* 46 (1987).

headline news or local news with all the cruel events—and not looking into the socioeconomic background factors of that violence—is very misleading and problematic.

Let me get back to my original question before I draw a few brief conclusions. Why is there so much less gun violence in Germany? Does gun control have anything to do with it, or is it due to other differences, such as criminal punishment, societal and cultural differences? Concluding answer one: the lower rate of gun violence in Germany, especially after the 1972 law, is not the result of a tougher criminal justice system. If anything, the opposite is true. Concluding answer two: this leaves primarily two possible explanations: gun control and society. I think there are a lot of reasons to argue that in combination, both society, which determines the inclination of people to commit violent crimes, and very liberal gun control, which makes violent means available to people in a society, are what contribute to this excessive and extremely high rate of violent crime and gun violence in American society. Finally, while sociological factors and interaction effects between sociological factors and violent means are very important, I think that the German case also suggests an independent effect of gun control, and I have given some empirical data to that account.

