

WHY GUNS SHOULD NOT BE ILLEGAL



BRIAN MICKLETHWAIT

Making gun ownership for all law abiding citizens ever more illegal, for all but the Police, has been the direction of British policy for many decades. But this tightening of the laws against guns has absolutely not coincided with a decrease in armed crime! Criminals in Britain are getting ever more fiercely armed, which is why our policemen are also being armed more fiercely, even as the law abiding public are ever more completely disarmed.

But the evidence worldwide is that, because laws against gun ownership do not disarm criminals but only their potential victims, anti-gun laws make armed crime easier, not harder.

I don't believe in wider gun ownership because I love guns or what guns do; I agree with the public about that. The argument is not about whether armed violence is nice, but about how to minimise it. I believe that the policy of only the Police upholding the law, while the rest of us just watch them, is a policy that is now running out of steam, not least because it is running out of money. The people as a whole should uphold the law, and the Police should help them; that should be the new strategy, however tricky the short-term problems of such a change.

The Hungerford massacre, to take a recent example, would have been a lot less of a massacre if gun ownership by the law abiding public in places like Hungerford had not been so discouraged in recent years. Anti-gun laws did not prevent the murderer from owning his guns, but the prospect of immediate armed resistance from some of his victims or from nearby citizens might have dissuaded him from any murdering at all. As it was, the Police had to bring guns from London, which took several hours.¹

I know. America. They have lots of guns there, and look at them. What America actually has is some places where guns are legal, and others where they are not. It is the places where law abiding citizens are not allowed to defend themselves with the kind of force that their attackers use that have got America its reputation for mega-crime, not the mere availability of guns as such. American is a rather violent place, but tighter anti-gun laws would make it even more violent.

TWO OPPOSING VERSIONS OF COMMONSENSE

I did not arrive easily at the opinions expressed in the above paragraphs, which are my quick version of the libertarian orthodoxy on gun laws, and which I first wrote out for a radio station in September 1995 in connection with a discussion about arming the Police in

which I subsequently participated.² When I joined the libertarian movement in the late seventies I did so largely because of the "better washing machines" argument. Liberty makes people happier by making them more prosperous. When I learned that many of my new friends believed that the freedom idea ought also to apply to gun ownership, I was uneasy, for much the same reasons as I suppose most other people to be about such a notion. Guns are horrible, *ergo* allowing them is bad. Might people who now only strike each other in anger instead kill one another? Wouldn't it be easier for criminals to arm themselves? These still seem to me to be understandable fears, based on very reasonable and decent ideas about what sort of world we all want to live in. For a long time I only stuck to the libertarian orthodoxy on guns because I was a libertarian and that was my job, so to speak.

THE MANY CAUSES OF CRIME

So, which of these two equally plausible views is right? Would more legally owned guns mean more armed mayhem, or less?

The problem of deciding about the effect of different laws about guns upon the level of armed mayhem is that so many other things also affect the level of armed mayhem. How severely do the courts punish armed criminals, as and when they catch them? How does the presumably changing character of the people affect things? (We libertarians have much to say about the morally debasing effect of government welfare.) What about increased car ownership? Cars make it much easier to get away from the scene of a crime, and are also themselves worth stealing, as are many other recent inventions such as hi-fi machines and computer chips. It has been plausibly argued that bad housing estate design has encouraged crime, and estates are even now being remodelled in accordance with such ideas.³ And what of the disastrous "war on drugs"? By making this hugely profitable business illegal, the world's governments ensure that quarrels between drug traders are frequently settled by gunplay rather than by legal means.

In America they have lots of guns and lots of armed crime, as British advocates of tighter gun control never tire of pointing out. In Switzerland, on the other hand, guns are almost ubiquitous, because of the obligations of military service, and armed robbery is almost unknown by even our standards, let alone American ones. But is this because potential Swiss criminals are frightened by all those legally owned guns, or merely because the Swiss are for other reasons better behaved than the British or the Americans? In a world where the possible causes of crime are so numerous, how to you isolate the impact of just one variable?

It's rather like the problem of which economic policies work best. I'm a libertarian. I favour free trade and oppose government intervention. So what am I to make of France, which has a heavily interventionist administrative class, and a by no means contemptible post World War II economic record, certainly compared to Britain? Is Japan's economic success the result of it having a "Ministry of Trade and Industry"? Who's to say? I note that virtually all countries have such ministries, but then I would, wouldn't I?⁴

When it comes to economic policies, those seeking the truth (rather than mere confirmation of their prejudices) will seize eagerly upon those unfortunate countries recently divided into two by the Cold War, namely Korea and Germany. The contrasts in policy and in the results of policy between North and South Korea, and between East and West Germany, tell us far more than any amount of theorising based on comparing different countries with very different recent histories, such as America and Japan, or France and Britain.

JAMAICA

The single item of evidence which did most to convince me about the rights and wrongs of the gun control argument came from, of all places, Jamaica. In the course of editing and publishing for the Libertarian Alliance David Botsford's *The Case Against Gun Control*, I read paragraphs such as this one:

Japan has much stricter gun control than most parts of the USA, yet Japanese-Americans, who have much easier access to firearms, have much lower violence rates than Japanese in Japan. Mexico has more restrictive gun control than the USA, and also a much higher murder and armed crime rate. In Taiwan, like Malaysia, the death penalty can be imposed for illegal ownership of guns, and gun control is stricter than Japan. Yet the murder



Political Notes No. 118

ISSN 0267-7059 ISBN 1 85637 311 8

An occasional publication of the Libertarian Alliance,
25 Chapter Chambers, Esterbrooke Street, London SW1P 4NN
www.libertarian.co.uk email: admin@libertarian.co.uk

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Editorial Director: Brian Micklethwait
Director: Dr Chris R. Tame
Webmaster: Dr Sean Gabb

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rate in Taiwan is four times higher than that of Japan, and 30% higher than in the USA. South Africa has much stricter firearms control than the USA, yet has twice the murder rate.⁵

But what if it is really the high murder rates that are causing the gun controls, and what if the gun controls do a little good? (This is pretty much what I do believe about the death penalty in the USA.) What if Botsford is merely making a maelstrom of unisolated variables fit the theory that he already prefers? However, this is what comes next:

Before independence in 1962, Jamaica had a tolerable level of crime, and permitted private ownership of guns, subject to having a police permit. From 1962 to 1973 the homicide rate rose by 450% and violent crimes, including armed robberies, rose even more sharply. In 1973 (after an incident in which four businessmen were murdered by shooting) a total ban on the private ownership of all types of guns and ammunition was imposed. Police seized all legal firearms and were given the power to search any vehicle or house they believed to contain guns or ammunition, arresting without warrant any violators. These were taken to a “gun court”, with no bail allowed, and, after a delay of perhaps weeks, arraigned in secret courts without representation, and those convicted were imprisoned in a “gun stockade” for an indeterminate period. For three months after the introduction of this system the rate of armed crime dropped, and then it grew completely out of control. Any political activity was accompanied by armed men roaming the streets, and armed troops had to preserve order during elections. Murders by shooting, armed robberies and other crimes set new world records, and spread throughout society. Later the Commissioner of Corrections admitted that the ban had not affected the hard core criminals, and the worst excesses of the system were corrected.

Now we are comparing like with like: Jamaica just before and just after the changes. In a perfect world (from the point of view of one seeking to learn about the contrasting effects of contrasting gun laws), Jamaica would have been sliced into two halves, with the old laws persisting in one half and the new laws being imposed only upon the other, so that we could make comparisons like the German and Korean ones. Nevertheless, what persuades me is the *suddenness* of the change in Jamaica’s gun laws, and the almost equal *suddenness* with which libertarian gun law ideas were confirmed (after a brief interval during which the bad guys were presumably rubbing their eyes in disbelief and trying to work out what the snag was) and the usual sorts of prejudices (such as mine still were when I first read Botsford’s piece) were demolished. Whereas economic success or failure takes years to unfold, the failure of the gun restrictions in Jamaica was almost immediately evident. Botsford supplies plenty of other evidence in favour of the libertarian gun law orthodoxy and against the usual orthodoxy, but the Jamaica story is for me his most persuasive argument. In the light of it, we can, I believe, be pretty sure that easing gun control in Britain would make Britain somewhat less violent, while tightening gun control would make things worse.

THE GAP BETWEEN THE PEOPLE AND THE POLICE

Would more guns mean more domestic quarrels turning into domestic murders, and more accidents generally? Well, why are carving knives or soldering irons or electric drills not used more often in domestic battles? Because most angry people can still control themselves sufficiently, is why. Besides which, now that I believe that privately owned guns do actually defend people against criminals, it seems to me wrong to stop self-defence by the majority for the sake of a tiny rump of the populace who, if allowed guns, can’t be trusted not to maim or kill themselves.

Meanwhile, many British policemen are reluctant to wield more guns now, because they fear that this will create a gap between them and those they are supposed to serve.⁶ Such a gap is definitely worrying. In the short run it may be insignificant, but in the long run — when Britain’s rulers might not be nearly as well disposed towards their citizen-underlings even as those ruling us now — the fact that only the government and the criminals (who would become hard to distinguish) have guns could spell slavery and disaster for the unarmed majority of the British people.

The recent history of surveillance cameras in public places, which have spread like wildfire throughout Britain in the last couple of years, illustrates a principle that should also be applied to guns. These cameras would be a lot more scary if state officials were the

only ones installing and using them. The reason that these cameras are owned by lots of different businesses and different organisations is that, increasingly, “public” spaces are becoming “privately” owned, not least because owners are often better than governments at preventing crime on their property. Housing estates are now being built in which rules about “law and order” are part of what you buy with your house. Would many fear to live in a district full of legally owned guns? The best local rules for gun ownership and gun use would emerge through the discovery process of the market, just as soon as the government could be persuaded to let this process begin.

GUN LAWS MAY NOT SOON BE RELAXED, BUT THEY SHOULD BE

All of which would be splendid, but in the meantime I don’t think that the laws about guns in Britain are about to change much, except in the usual direction of becoming ever more restrictive. The one thing that might prove me wrong about that would be another sharp increase in the level of crime, and I don’t think this likely.

As the Baby Boom enters advanced middle age, it surveys the consequences of its own adolescent preachings in favour of lawlessness and hooliganism with ever deepening distaste. Not long ago the British Labour Party was rotten with belief that when it came to crime the only victims who mattered were the criminals. Now Labour offers itself to the voters as the Real Party of Law and Order. People in neighbourhood watch schemes used to be lampooned in TV sitcoms as militaristic nincompoops; now they are followed about by admiring TV documentary teams. So, what with all that privately owned public space and all the new spy cameras everywhere, not to mention the huge increase in the number of non-state policemen now pounding their various beats, crime in Britain may soon start to go down.⁷ If that happens, we can forget about any non-criminal desire for more guns, such as is now happening in South Africa, where crime really is spiralling out of control.

Nevertheless, the argument about guns is still worth having, and the libertarian case about it is still worth putting, if only as part of spreading libertarianism generally. Just because gun laws aren’t about to be relaxed, that doesn’t mean they shouldn’t be. Whatever the crime rate, relaxing the gun laws would lower it, and not to relax them is wrong, stupid and cruel, to the real victims of crime, namely the victims of crime.

A PAINFUL DUTY RATHER THAN A PLEASURE

Because of what we libertarians say about guns, we have inevitably attracted to our ranks people who take far more pleasure in owning and using guns than I ever will. I regard gun ownership not as a right I should enjoy, but as a duty that I have been persuaded I might one day have to resort to — or pay someone else to resort to — to protect myself and my neighbours, at a time when the government has quite given up on protecting us and is instead begging us to defend ourselves, in whatever way we like.

NOTES

1. Sean Gabb, in *Gun Control in Britain*, Political Notes No. 33, Libertarian Alliance, London, 1988, also makes much of the Hungerford massacre, both as stimulus to yet more restrictions, and as an argument that an armed populace might have prevented the massacre.
2. BBC Radio Newcastle, 29/9/95. The discussion was incredibly polite, perhaps because all concerned knew that to talk about guns in an excited manner would be unpersuasive.
3. See Alice Coleman, *Utopia on Trial: Vision and Reality in Planned Housing*, Hilary Shipman, London, 1985.
4. See Mancur Olson, *The Rise and Decline of Nations*, Yale University Press, New Haven, Conn., 1982. Defeat in war, says Olson, which France, Germany and Japan all suffered during or at the end of World War II, but which Britain did not, aids economic growth. But Sean Gabb intends to criticise Olson in a review article he is doing for the LA’s journal *Free Life*, about the recent history of the British economy.
5. David Botsford, *The Case Against Gun Control*, Political Notes No. 47, Libertarian Alliance, London, 1990, p. 10. Although long enough to answer most objections to the libertarian view of gun control, this is alas too long to be read by large numbers of people. Even Gabb’s piece, on one sheet of A3, is quite a read. Hence this shorter piece.
6. The policemen on the Radio Newcastle discussion also said they wouldn’t like to carry guns, because they might get involved in gun fights with criminals. Well, yes. And the possibility of this will deter criminals.
7. Some figures suggest that this is already happening. I recall asking a senior police officer about this. “Put it this way”, he said. “We used to be paid according to how much crime went up. Now we’re paid according to how much it goes down.”