



**WHY THE RIGHT TO  
ARMED SELF-DEFENCE  
AGAINST CRIMINALS  
AND AGAINST TYRANTS  
SHOULD NOT HAVE  
BEEN SUPPRESSED IN  
BRITAIN AND HOW IT  
MIGHT GRADUALLY BE  
RE-ESTABLISHED:**

**AN EXPANDED VERSION OF A TALK  
GIVEN TO THE CAMBRIDGE UNIVERSITY  
FREE SOCIETY — NOVEMBER 5TH 1996**

**DAVID BOTSFORD**

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25 Chapter Chambers, Esterbrooke Street, London SW1P 4NN  
[www.libertarian.co.uk](http://www.libertarian.co.uk)      email: [admin@libertarian.co.uk](mailto:admin@libertarian.co.uk)

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David Botsford is a freelance writer and therapist.

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

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# WHY THE RIGHT TO ARMED SELF-DEFENCE AGAINST CRIMINALS AND AGAINST TYRANTS SHOULD NOT HAVE BEEN SUPPRESSED IN BRITAIN AND HOW IT MIGHT GRADUALLY BE RE-ESTABLISHED: AN EXPANDED VERSION OF A TALK GIVEN TO THE CAMBRIDGE UNIVERSITY FREE SOCIETY — NOVEMBER 5TH 1996

DAVID BOTSFORD

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On 13th March, 1996, Thomas Hamilton walked into the gym at Dunblane Primary School carrying four legally-owned heavy-calibre handguns and several hundred rounds of ammunition. He proceeded to shoot dead 16 children, aged five and six, and their teacher. He also shot and wounded another 13 children and another teacher. Only one boy, trapped under the dead and wounded bodies of his classmates, escaped injury. Hamilton then committed suicide.

The initial reaction to this atrocity throughout the nation was one of profound shock. Gradually, however, this shock turned to anger — anger directed not so much against the dead perpetrator of the deed, but against all owners of handguns. A group of parents in Dunblane, some of whom had lost children in the bloodbath, organised the nationally-circulated Snowdrop petition, which demanded the outlawing of all handguns. Much of the media, and especially the tabloid press, whipped up a frenzy of hysteria in support of the Dunblane parents. Those who defended the right of law-abiding individuals to manufacture, own and sell firearms were subjected to a torrent of abuse unprecedented against a group of individuals who had not broken the law. The implication was that legal handgun owners were at best indifferent or callous towards, or at worse somehow implicated in, the foul murders at Dunblane.

Indeed, the media's condemnation of the IRA itself after such atrocities as the Enniskillen massacre of 1986, when 11 people were killed and 63 injured by an IRA bomb while attending a Remembrance Day religious service, was less severe than the abuse heaped upon the so-called "gun lobby" by newspapers such as the *Sun*, the *Star*, the *Daily Mail* and even the *Sunday Times* and the *Independent* since Dunblane. Law-abiding firearms owners who have committed no crime are, it seems, lower on the scale of humanity than the IRA, whose terrorist campaign has murdered thousands of civilians, including police officers, as well as soldiers, since 1969. It is worth pointing out that when the IRA announced its temporary cease-fire in 1994, the British government was prepared to sit down at the negotiating table with Sinn Fein without the requirement that they hand over the firearms, explosives and other military hardware that they had used to carry out their killings. I will accept the credibility of the Snowdrop campaign when I see definite evidence that each and every one of its members protested against the government's willingness to negotiate with Sinn Fein on those terms. Until I see that evidence, I do not accept their right to attack law-abiding firearms owners who have committed no crime, and would certainly have done everything they could to prevent the Dunblane massacre had they known Hamilton's intentions.

## LEGAL GUNS ARE SELDOM USED IN CRIME

This ferocious assault on lawful firearms owners has nothing to do with the real problems of armed crime. The fact is that the 200,000 handguns in lawful private ownership are, for all practical purposes, not used at all in criminal activity. Of 5.5 million notifiable offences recorded by the police in 1993, 0.01% (606 cases) were homicides. Firearms were involved in 72 of them. Of these, perhaps six may have been at some time subject to certificate. The criminal misuse of legally-owned handguns in

England and Wales amounts to a grand total of two cases per year. In Scotland, in 1993, the last year for which figures are available, not a single lawfully-owned handgun was used in crime at all, despite the fact that the Scottish murder rate is double that of England and Wales.<sup>1</sup> Even the criminal use of firearms to commit homicide is not exactly an epidemic of gun violence. In England and Wales, far more people die through choking on their food (398 a year) or falling on the stairs at home (531 a year) than through shooting (156 suicides, 72 homicides and 17 accidents a year, a total of 245 deaths by shooting).<sup>2</sup> The Dunblane massacre was an example of that category of homicide known as a "spree killing" or "amok killing". Most such murderers do not use firearms, and no act of legislation can prevent them from wanting to carry out the deed. In the words of John Douglas, recently retired head of criminal profiling for the US Federal Bureau of Investigation, "You could deprive Hamilton of his guns. But someone like him is mission-oriented and where there is a will, there is a way, even with strict gun laws."<sup>3</sup> This does not make the tragedy any less appalling, but it demonstrates the limitations of focusing on the weapon rather than the individual.

The Firearms (Amendment) Bill currently before Parliament proposes to outlaw all handguns of greater than .22 calibre, and impose the requirement that .22 pistols be stored in licensed gun clubs. There is not even the pretence that this will address the problem of armed crime. The only effect that the present bill is likely to have is to drive a proportion of those who currently own lawful guns to acquire illegal weapons on the black market, and to participate in illegal shooting events. It will also lead to the closure of gun clubs, manufacturers and retailers, and the loss of some 2,000 jobs. Nobody has demonstrated — or even attempted to demonstrate — that the present bill will have any beneficial effect whatsoever on armed crime. Indeed, both the Commons Home Affairs Select Committee and Lord Cullen's report of the public inquiry into the Dunblane killings rejected the idea of banning any category of handgun, and proposed instead improved methods for screening applicants for a firearms certificate.

Since the 1960s, Britain has had the strictest gun control in the Western world. Under the Firearms (Amendment) Act 1988, which followed the 1987 Hungerford massacre, in which Michael Ryan killed 16 people with a legally-owned assault rifle and handgun, the law was made stricter still. The 1988 Act outlawed all semi-automatic rifles, among other weapons. (Opponents of the ban argued for special exemption for disabled people, since semi-automatics have low recoil and are thus easier for persons with less upper body strength to shoot. In the Lords debate on the bill, one member replied that a handicapped person "would probably have a harder job to hold on to the rifle than an able bodied person if someone wanted to steal it." Lord Atlee worried about the possibility of "a disabled person who was also mentally unstable".<sup>4</sup>) Under the present law, a person owning or wishing to own a firearm must apply for a firearm certificate from the local chief officer of police. He must convince the chief officer both that he has a good reason for owning a firearm, and that he is a fit person to be entrusted with one, before the chief officer will issue a firearm certificate. In prac-

tice, this means that the applicant must be a member of a registered gun club, where he intends to use his weapon for target shooting. Self-defence is almost never considered to be a good reason for the issue of a certificate, although a number of Ulster Unionist MPs possess certificated firearms for self-defence purposes. The law is enforced stringently: for instance, a former military policeman who was recently caught with two uncertificated heavy-calibre handguns and ammunition was given two years' imprisonment, even though he had committed no other offence.

### THREE CATEGORIES OF ILLEGAL GUNS

Armed criminals use illegal firearms from the black market, and do not fill in application forms for a firearm certificate at the local police station. The illegal pool is certainly many times than the number of legal guns.

These illegal guns can be classified into three categories. First, there is the large pool of firearms which are owned by individuals who are otherwise entirely law-abiding. This pool includes guns which were already around before the Firearms Act 1920, which for the first time required individuals who possessed or wanted to buy a firearm to obtain a certificate. A large proportion of the firearms already in private ownership were simply never registered under the Act. Other guns were brought back as souvenirs from the second world war and other conflicts. Every few years since 1933, the police have held firearms amnesties, in which people are encouraged to hand in illegally owned guns with no questions asked. Dr A. B. Bailey, a former Ministry of Defence scientist, and Michael Yardley, a former Army officer who is now a firearms consultant, have used the figures on the number of weapons handed in during these amnesties, and have calculated that there are at least four million illegal guns in circulation in this category.

The second category of illegal firearms is the pool of guns available on the criminal black market. These is large and growing. In recent years, gangsters from places as far apart as Sicily, Russia, Jamaica, Japan, Columbia and Turkey criminals have been arriving in the UK, attracted largely by the profits to be made by the sale of illegal drugs. These people have developed the habit of carrying guns routinely. The exceptionally violent Jamaican gangsters known as the Yardies are notorious for their display of firearms and willingness to use them. Partly as a result of this feature of the Yardies' way of life, foreign and native-born criminals alike are carrying firearms routinely. Nevertheless, it is still comparatively rare for these people to actually use their guns to kill people. Professional criminals generally use their guns to intimidate victims of, say, an armed robbery or a protection racket, and prefer not to commit murder unless absolutely necessary.

The third category of illegal firearms in the UK is the arsenal under the control of the Provisional IRA. The IRA uses its guns and explosives to carry out both terrorist activities and to run a large criminal empire in both Northern Ireland and the British mainland. The IRA has murdered over 2,000 people since the Troubles began in 1969. It has also set itself up as a combined "police forces", justice system and punishment squad in those Roman Catholic parts of Northern Ireland where the Queen's writ does not run. The IRA imports its weapons, including its characteristic US Armalite AR10 assault rifles, which are smuggled in on ships, boats and aeroplanes. It has no problem with obtaining enough guns, only with recruiting the men to fire them. The fact that the IRA has successfully carried out its terrorist activities for nearly 30 years in spite of the best efforts of the Army and the police is proof of the extreme difficulty in controlling illegally-owned weapons in an open society.

The only guns which it is possible to confiscate under the present Firearms (Amendment) Bill are those which are not in any way involved in crime, and whose owners have passed the stringent police procedures for approved firearms owners. The three

categories of illegal firearms I have mentioned will not be affected in any way by the legislation, except that it is likely that many of the handgun owners whose weapons are to be confiscated will go to the illegal black market and obtain unlicensed guns. Other handgun owners, as well as manufacturers, dealers and clubs will be penalised precisely because they wish to keep to the law. It is also likely that illegal shooting competitions will continue, some of them probably arranged by organised crime. After all, the proposed ban is deeply resented by law-abiding handgun owners, and owners of gun clubs, dealerships and manufacturers who are being driven out of business by the proposed ban may well succumb to the temptation to use their knowledge and contacts to organise the illegal supply of firearms and illegal shooting events. The present bill, in short, is certain to do absolutely nothing to solve the problem of armed crime, and can only have the effect of increasing the illegal use of firearms. Every minister in the government simply must know this to be the case.

### CROWD PSYCHOLOGY AND THE DUNBLANE PARENTS

The only reason why the present bill has been introduced is as a result of the frenzied hysteria which the media has whipped up since Dunblane. It is an example of crowd psychology. Opinion polls demonstrate that 72% of the population support the banning of all handguns. In his classic study of crowd psychology, first published in 1897, the French philosopher Gustave Le Bon recognised that when people act together as a crowd, their thinking and behaviour becomes totally different from the way they behave as individuals. In view of the current hysteria against lawful firearms ownership, it is worth examining some of Le Bon's observations, and noting their relevance to the Britain of 1996. Le Bon wrote of a crowd that:

Like a savage, it is not prepared to admit that anything can come between its desire and the realisation of its desire. It is the less capable of understanding such an intervention, in consequence of the feeling of irresistible power given it by its numerical strength. The notion of impossibility disappears for the individual in a crowd.<sup>5</sup>

Crowds respond to challenges which are simple and forceful:

An orator wishing to move a crowd must make an abusive use of violent affirmations. To exaggerate, to affirm, to resort to repetitions, and never to attempt to prove anything through reason are methods of argument well known to speakers at public meetings. ... [B]y the mere fact that an individual forms part of a crowd, his intellectual standard is immediately and considerably lowered. ... Crowds are only cognisant of simple and extreme sentiments; the opinions, ideas and beliefs suggested to them are accepted or rejected as a whole, and considered as absolute truths or as not less absolute errors. This is always the case with beliefs induced by a process of suggestion instead of engendered by reasoning.<sup>6</sup>

They deal with symbols rather than with rational chains of thought:

The inferior reasoning of crowds is based, just as is reasoning of a high order, on the association of ideas, but between the ideas associated by crowds there are only apparent bonds of analogy or succession. The mode of reasoning of crowds resembles that of the Esquimaux who, knowing from experience that ice, a transparent body, melts in the mouth, concludes that glass, also a transparent body, should also melt in the mouth; or that of the savage who imagines that by eating the heart of a courageous foe he acquires his bravery; or of the workman who, having been exploited by one employer of labour, immediately concludes that all employers exploit their men. ... When an affirmation has been sufficiently repeated and there is unanimity in this repetition ... what is called a current of opinion is formed and the

powerful mechanism of contagion intervenes. Ideas, sentiments, emotions, and beliefs possess in crowds a contagious power as intense as that of microbes. This phenomenon is very natural, since it is observed even in animals when they are together in number. Should a horse in a stable take to biting his manger the other horses in the stable will imitate him. A panic that has seized on a few sheep will soon extend to the whole flock. In the case of men collected in a crowd all emotions are very rapidly contagious, which explains the suddenness of panics. Brain disorders, like madness, are themselves contagious. The frequency of madness among doctors who are specialists for the mad is notorious.<sup>7</sup>

In moments of great emotional intensity, people typically revert from the processes of logical thinking according to the laws of logic first promulgated by Aristotle to the far more primeval way of representing reality described by Le Bon. This is the basis for animistic religions in which such items as rocks, trees, tools and buildings are considered to be possessed by — or to actually be — spirits capable of thought and action. Of course it was a profound emotional trauma when those Dunblane parents learned that their children had been shot dead or wounded by Hamilton's bullets. Hamilton himself, of course, was dead. Had he lived, the situation would have been different. We can be sure that the nation's anger would be directed against him personally, and that the demand for the restoration of capital punishment for murder — especially for the murder of children — would have achieved a national force that the government could not have withstood. But because Hamilton did not survive to face the people's desire for revenge, that desire was transferred to a symbol — the four handguns which Hamilton had used to carry out the crime. As far as those Dunblane parents were concerned, it was the gun, and not the individual, that was responsible for the deed. So the demand came out to ban all handguns, a demand which reflected the intensity of those parents' feelings. This demand was transmitted through the media to infect a large proportion of the population with the same demand. In Scotland, in particular, the failure of, for instance, the Home Affairs Select Committee to call for a handgun ban was considered to be an insult to the people of Scotland, where the intensity of anti-gun feeling reached its peak. In Scotland, we were told, the sense of community is far greater than in England, and the shooting of those children was considered to be an attack on every family north of the border. One simply cannot argue rationally with individuals in such a state of mind, especially when that state of mind is supported by the majority of the population and by the media. This is because this way of representing reality is stuck in a "pre-rational" or "symbolic" form. It engages the nervous system rather than the brain.

### OBJECTS AND ANIMALS ON TRIAL

There is nothing new about this. As the American lawyer David B. Kopel explains:

... the scapegoat object has a long tradition in Anglo-American law. For many centuries, if a criminal killed someone with a sword, the sword would be forfeited. If a boy used a chain to hang himself, the chain would be destroyed. This punishment of physical objects was paralleled in medieval and early-modern European law by the legal punishment of animals. If a pig killed a baby, or if a swarm of locusts ate a crop, the animals would be charged with legal offences, defended by a court-appointed lawyer, and usually convicted. Animal defendants whom the court could apprehend, like domestic pigs, would be tortured to death, just as were human criminals.

Some scholars suggest that the people who punished swords or pigs were not so stupid as to believe that swords or pigs could form criminal intent, or could be deterred by the punishment of their fellows. Rather, suggests one scholar of

the phenomena, people were terrified by the seemingly random nature of bad events that befell others, events which implied there was no order to the universe. Thus, the purpose of punishing objects and animals

was to establish cognitive control ... the job of the courts was to domesticate chaos, and to impose order on a world of accidents — and specifically to make sense of certain seemingly inexplicable events by redefining them as crimes ... the child's death became explicable. The child had died as an act of calculated wickedness, and however awful that still was, at least it made some kind of sense.<sup>8</sup>

Here, I suggest, we have an exact description of the nature of the hostility of the Dunblane parents towards the handgun as an object, as well as to their fanaticism in demanding a total ban on it.

The Soviet film director Sergei Eisenstein recognised that this concept of *pars par toto* is central both to artistic representations, which affect the individual in a fundamental emotional way, and to the representations of reality made by primitive tribal communities. He wrote that

if you receive an ornament made of a bear's tooth, it signifies that the whole bear has been given to you, or, what in these conditions signifies the same thing, the strength of the bear as a whole. In the conditions of modern practice such a proceeding would be absurd. No one, having received a button off a suit, would imagine himself to be dressed in the complete suit. But as soon even as we move over into the sphere in which sensual and image constructions play the decisive role, into the sphere of artistic constructions, the same *pars par toto* begins immediately to play a tremendous part for us as well. ...

When a girl to whom you have been unfaithful, tears your photo into fragments in anger, thus destroying the "wicked betrayer," for a moment she re-enacts the magical operation of destroying a man by the destruction of his image (based on the early identification of image and object). By her momentary regression the girl returns herself, in a temporary aberration, to that stage of development in which such an action appeared fully normal and productive of real consequences. Relatively not so very long ago, on the verge of an epoch that already knew minds such as Leonardo and Galileo, so brilliant a politician as Catherine de' Medici, aided by her court magician, wished ill to her foes by sticking pins into their miniature wax images.

In addition to this we know also not just momentary but (temporarily!) irrevocable manifestations of precisely this same psychological retrogression, when a whole social system is in regress. Then the phenomenon is termed reaction, and the most brilliant light on the question is thrown by the flames of the national-fascist auto-da-fe of books and portraits of unwanted authors in the squares of Berlin!<sup>9</sup>

While it is, to say the least, somewhat hypocritical for a Soviet communist to set himself up as a defender of liberalism and rationality against the German National Socialists, Eisenstein nevertheless correctly recognises that this rejection of Aristotelian logic leads directly to the mentality of the National Socialists who threw the books of undesirable authors onto public bonfires in Berlin in 1933. When a society moves towards this way of making its laws, the consequences for liberty in general are extremely harmful. And now we hear that the government is planning to outlaw the sale of combat knives of the sort which a 16-year-old boy used to stab the headmaster, Philip Lawrence, to death last year. Is there no end to the assault on our basic freedoms which the anti-weapons hysteria is bringing about? Or to the stupidity and venality of politicians who imagine that they are not simply creating an illegal black market in every type of weapon they ban, and thus increasing, rather than reducing criminal involvement with such items?

## WEAPONS: THE SYMBOL OF FREEDOM

Let us take this opportunity to explore the question of firearms ownership from a libertarian perspective, one which entirely rejects the illusions which are currently being circulated on the subject. In the various political formations which characterised both the Graeco-Roman civilisation and our own Western civilisation, one of the most fundamental distinctions between a free man and a slave was that the former had the right to own weapons, while the latter did not. In Anglo-Saxon England, where the common people were considered to be ceorls, or freemen, and feudal bondage had not yet been introduced, the individual had both the right to possess weapons on an individual basis and the obligation to hold them for the purposes of law enforcement and defence in case of invasion. After the conquest, the Normans continued this system, which remained the method of law enforcement and national defence until the formation of standing armies and professional police forces. For many centuries before the development of gunpowder, of course, weapons were such items as swords, pikes, longbows and axes. Gunpowder was first used to fire projectiles in Europe at some time in the 14th century, although early artillery were notoriously prone to explode, and were often more dangerous to the side using them than to the enemy. At the siege of Roxburgh in 1460, for instance, a cannon exploded and killed James II, king of Scotland.

I will avoid a detailed survey of the history of firearms technology, many of which are available.<sup>10</sup> Suffice it to say that as the centuries went on, inventors used the power of gunpowder to propel projectiles to create an extraordinary range of weapons. A breastplate was fitted with nineteen pistols so that the wearer became a one-man barrage. The first machine-gun, the Puckle gun, was named after its inventor James Puckle, who patented it in 1718. The Puckle gun could fire 63 shots in seven minutes, and had alternative cylindrical magazines, one for firing round bullets at Christians, the other for square bullets to be used against Turks. Combination weapons were common in the 19th century. These included various knuckle-duster guns; the Elgin cutlass pistol, a combined pistol and sword invented in 1837 which was used by the US Navy for a South Seas expedition; squeezer pistols, which could be concealed in the hand and fired by clenching the fist; and the French Dolne or Apache pistol, which was a combined pistol, knife and knuckle-duster. Some firearms turned out to be blind alleys. The Gyrojet, for instance, fired tiny rockets from a lightweight pistol, and was very inaccurate. With the turret revolver, unfired chambers would point back at the shooter and if detonated by accident could kill him. This actually happened to P. W. Porter, inventor of a turret revolver, during a US military trial.

From the 19th century, guns were manufactured en masse, and were available to the ordinary person at reasonable cost. In 1889, when the British government was considering introducing firearms legislation, Lord Salisbury wrote to British ambassadors across Europe and asked them for information about "the carrying of firearms by private persons in populous places". The replies were represented in the Commons. In Montenegro, Norway and Sweden (then a single nation), Denmark, Serbia and Switzerland there were no restrictions on the carrying of arms, and in Hungary restrictions were imposed only on convicted persons and the insane. Concealed firearms were prohibited in Coburg, Hesse, Saxony and Wertemberg, as they were in France, which also had complicated regulations about the manufacture and sale of many types of weapon. In Baden and Germany the carrying of firearms at public meetings was prohibited and in the Netherlands the carrying of firearms on roads or in public places was forbidden with some exceptions. In Bulgaria, Belgium, Greece, Italy, Portugal and Spain a permit was required to carry any type of firearm, while the same restrictions, with some exceptions, applied to Austria, Romania, Russia and Turkey. Many of these laws were not well enforced. The ambassador to Belgium reported:

I am informed that the existing regulations, even about the carrying of pocket pistols, are rarely, if ever, enforced; and no serious effort has yet been made to check the growing use of cheap pocket pistols.<sup>11</sup>

The ambassador to Montenegro reported that

The Montenegrin practice is very different from that in other countries, but then it must be borne in mind that every adult male is a soldier. Generally, we see some restrictions placed on the carrying of arms, but here, every man goes armed to the teeth. A revolver or pistol forms really part of a Montenegrin's dress and every man who can afford to buy one wears his weapon prominently in his belt ... I cannot say that this indiscriminate display of arms really tends to increase crime. There is none of that carrying of concealed weapons which is so common in Greece and Italy (Both, it will be noted countries where the carrying of weapons without a permit was prohibited) and indeed in other countries. If a Montenegrin has a six barrelled revolver in his belt, he knows that his neighbour is similarly provided. Consequently, it may be said that all start fair.<sup>12</sup>

In his classic study of firearms controls carried out here at Cambridge University in the early 1970s, Superintendent Colin Greenwood comments:

The Montenegrin revolver was made in Belgium to the specifications of the Montenegrin government and was the largest revolver ever made on a commercial scale. It weighed no less than five pounds and fired a huge 11.75 mm cartridge much longer than most other large calibre cartridges. The picture conjured up, of a rough bewhiskered Montenegrin peasant, in breeches, colourful tunic and bolero, with a wide sash or belt supporting one of these huge pistols is something which must surely leave the cowboy of the 'wild west' very much in the shade!<sup>13</sup>

Or indeed a wimp like Dirty Harry, with his .44 Smith & Wesson Magnum Model 29, weighing a mere 2lb 14 oz, which he claimed to be "the most powerful handgun in the world, that can blow your head clean off" in the film *Dirty Harry* (US, 1971), directed by Don Siegel, and its sequels.

## LOW ARMED CRIME WHEN GUNS FREELY AVAILABLE

In Britain at that time there were no restrictions on the sale or ownership of firearms. In the words of Superintendent Greenwood:

England entered the twentieth century with no controls over the purchasing or keeping of any type of firearm, and the only measure which related to the carrying of guns was the Gun Licence Act, requiring the purchase of a ten shilling gun licence from a Post Office. Anyone, be he convicted criminal, lunatic, drunkard or child, could legally acquire any type of firearm and the presence of pistols and revolvers in households all over the country was fairly widespread. ... England at that time was a country where guns of every type were familiar instruments and where anyone who felt the need or desire to own a gun could obtain one. The cheaper guns were very cheap and well within the reach of all but the very poor. ... The right of the Englishman to keep arms for his own defence was still completely accepted and all attempts at placing this under restraint had failed.<sup>14</sup>

Indeed, the right to bear arms was recognised in the Bill of Rights of 1688 and in Sir William Blackstone's *Commentaries on the Laws of England* (1765). It was actively and successfully defended by Parliament throughout the 19th century. The extent of private firearms ownership in Edwardian Britain was demonstrated during the "Tottenham outrage" of 1909, in which two Russian terrorists attempted a wages robbery, shot dead a policeman and a 10-year-old boy, and were pursued by the police,

who borrowed at least four pistols from passers-by, and armed citizens who joined in the chase with their own firearms. (One robber shot himself, the other hid in a cottage where he either shot himself or was killed by the police as they fired “blind” into the cottage.<sup>15</sup>) Neither was the ownership and carrying of firearms by any means a male preserve. In 1909, Dorothy Levitt, Britain’s first woman racing driver, published a book entitled *The Woman and the Car*, in which she advised lone women motorists to carry a revolver with them. “I myself carry an automatic Colt,” she wrote.<sup>16</sup> Manifestations of “road rage” with this Edwardian lady would definitely not have been advised, I suggest.

It ought to be said, however, that some of the cheaper guns available at this time were not especially powerful. In 1898, a 13-year-old boy shot an 18-year-old youth in the arm, the victim not realising that he had been shot until he had chased and caught the younger boy. In 1908, a 16-year-old boy stood trial in London for wounding his 16-year-old girlfriend with a revolver. The girl only suffered a superficial wound, and police reports said that she was “fortunately wearing a large quantity of underclothing which, no doubt, prevented a more serious wound”.<sup>17</sup> Either the young lady was wearing some formidable Edwardian corsetry or the pistol was not exactly in the class of the Montenegrin revolvers mentioned above. Even after this conviction, the boy was able to simply walk into a barber’s shop and purchase a five-chamber revolver.

Although firearms were lawfully available virtually without restriction, the level of armed crime was exceptionally low by the standards of today. The Metropolitan Police Commissioner reported that during the three years 1911-13, there had been an average of 41 cases per year in which firearms had been used in crime or found in the possession of individuals whom the police had arrested. For the years 1915-17, when of course a large proportion of young men were in the armed forces, the average annual figure had fallen to 15.6 cases.<sup>18</sup> This should be compared with over 1,600 armed robberies in London alone in 1991, under the strictest firearms control in the Western world.<sup>19</sup> In 1904, firearms figured in 15 murders; for the years 1988-92 the average number of firearms homicides was 48.<sup>20</sup> Superintendent Greenwood concluded that

the use of firearms in crime was very much less when there were no controls of any sort and when anyone, convicted criminal or lunatic, could buy any type of firearm without restriction. Half a century of strict controls on pistols has ended, perversely, with a far greater use of this class of weapon in crime than ever before. We do not know how much worse this would have been if there had been no controls, but it is possible to get some indication by looking at the position in relation to shotguns. Despite the fact that they were unrestricted until 1968, shotguns were used in only a relatively low proportion of robberies in the periods immediately before and after the imposition of controls.<sup>21</sup>

### THE NOT SO WILD WEST

Even the American “wild west”, where guns were so central a part of the way of life, was not as violent as is often assumed from the images presented in Western novels and films. The American historian Roger McGrath studied the 19th-century Sierra Nevada mining towns of Aurora and Bodie and published his findings in a book entitled *Gunfighters, Highwaymen and Vigilantes*. Its conclusions are summarised by the American lawyer David B. Kopel as follows:

The population was mainly young transient males subject to few social controls. There was one saloon for every twenty-five men; brothels and gambling houses were also common. Governmental law enforcement was ineffectual, and sometime the sheriff was himself the head of a criminal gang. Nearly everyone carried a gun. (Aurorans usually carried a Colt Navy .36 six-shot revolver, while Boedites

sported the Colt Double Action Model known as the “Lightning.”)

Was the homicide rate in those towns high? Yes. The “bad men” who hung out in saloons shot each other at a fearsome rate, although Aurora’s rate was less than the rate in modern Washington, D.C. The presence of guns turned many petty drunken quarrels into fatalities.

But other crime was virtually nil. The per capita annual robbery rate was 7 percent of modern New York’s. The burglary rate 1 percent. Rape was unknown. “The old, the weak, the female, the innocent, and those unwilling to fight were rarely the targets of attacks,” McGrath found. One resident of Bodie did “not recall ever hearing of a respectable woman [sic] or girl in any manner insulted or even accosted by the hundreds of dissolute characters that were everywhere. In part this was due to the respect depravity pays to decency; in part to the knowledge that sudden death would follow any other course.”

Everyone carried a gun and, except for young men who liked to drink and fight with each other, everyone as far more secure than today’s residents of cities with gun prohibitions. ... The experience of Aurora and Bodie was repeated throughout the West. ... A study of the Texas frontier from 1875 to 1890 found that burglaries and robberies (except for bank, train and stagecoach robberies) were essentially nonexistent. People did not bother locking doors, and murder was rare, except of course for young men shooting each other in “fair fights” that they voluntarily engaged in. ... In sum, historian W. Eugene Hollon found “the Western frontier was a far more civilized, more peaceful, and safer place than American society is today.”<sup>22</sup>

This historical evidence from Continental Europe, Britain and the American West, then, indicates that the widespread lawful ownership of firearms does not necessarily lead to the orgy of bloodshed that the anti-gun campaigners would have us believe it does. In Switzerland, there are guns in virtually every home, both as part of their national defence system and as private property, and the level of armed crime is extremely low. It is often claimed that in the United States, where the level of lawful firearm ownership is very high, and so is the homicide rate, that the one causes the other. But the facts do not bear out this claim. In 1974, the US homicide rate was 9.8 per 100,000, of which 54% was committed with handguns; in 1994, the rate was 9.0, of which the handgun component was 54.8%. The national stockpile of handguns, meanwhile, had more than doubled, from just under 40 million to over 82 million.<sup>23</sup> The United States has always been a much more violent society than Britain, and even when firearms were lawfully available in both countries without restriction, the US rate of murder and other violent crimes was much higher than ours.

Indeed, contrary to popular opinion, strict firearms controls were actually legislated in some jurisdictions of the United States before they were introduced in Britain. In the aftermath of the conflict of 1861-65 which is variously known as the American civil war, the war between the states and the Southern war for independence, depending on one’s interpretation of the issues involved, white supremacist governments introduced firearms controls on former black slaves as a means of subordinating them to white rule. In 1911, the Sullivan Act, a measure for the exceptionally strict control of handguns, was introduced in New York City. According to Superintendent Greenwood, for the years 1911-20,

New York, with its strict controls on the private ownership of pistols, suffered infinitely more from the criminal use of firearms of all types than did London in a period when all firearms were freely available.<sup>24</sup>

The rate of murder and other violent crimes for the Big Apple over the next three years was far higher than it was in London,

where firearms were available without restriction until the Defence of the Realm regulations of the first world war, and the Firearms Act 1920, which first introduced the requirement for gun owners to obtain a firearm certificate from the police.

### DO WE WANT AN ARMED SOCIETY?

There is, therefore, no evidence that the proposed partial ban on handguns will have the slightest beneficial effect on the level of armed crime. And certainly firearms controls, which have become ever stricter in the decades since the 1920 Act, have done nothing to prevent a dramatic increase in the level of armed crime. Those who hold lawful, certificated firearms are the most law-abiding group of people in the country. Does this mean, however, that one would wish to abolish all gun control laws in Britain overnight, so that every kind of military hardware would be freely available at every street corner without the need for any kind of a licence? There is no historical example of a nation which has moved immediately from the very strict gun control Britain currently has to the complete abolition of firearms legislation, and I would reject such a sudden approach, which could well be disastrous.

A firearm is an extremely powerful tool which must be understood and respected. The fact is that the large majority of British people know virtually nothing about them, and regard them with suspicion or fear. It would be likely, if firearms were suddenly available without restriction, that the worst elements in society would be the first to obtain them, and impose a reign of terror on the rest of the population. For example, over 100 murders are carried out every year by violent former psychiatric patients who have been released into "care in the community". If such individuals were suddenly able to obtain sub-machine guns and automatic rifles without restriction, it is not inconceivable that the result would be a bloodbath. A few months after the Dunblane massacre, a man in Wolverhampton went berserk at a school with a machete, injuring several children and adults. Fortunately nobody was killed, but it is likely that they would have been if he had stocked up with guns and ammunition en route to the school. Given that both Ryan and Hamilton had successfully obtained police approval for the lawful ownership of the weapons they used in their massacres, one cannot dismiss the possibility that they may be other similarly disturbed people who would not pass the police tests, and who might conceivably purchase guns and make events such as the Hungerford and Dunblane massacres into daily occurrences. It is not a violation of individual liberty to take every reasonable precaution to prevent such events from taking place.

In addition, there are many young people carrying out such gratuitous acts of violence as dropping flagstones from motorway bridges onto the windscreens of cars. There are examples of "road rage" where drivers have stabbed other motorists to death on the roads. In London, there have been example of ethnic violence between whites and Asians in which gangs have carried out random assaults and killings on members of the other ethnic group. There is also drunken violence when people come out of pubs and clubs and closing time, and smash bottles and beer glasses in people's faces. The violence then spills over into hospitals, where patients frequently attack staff. The consequences of suddenly unleashing unlimited weaponry into such situations and numerous others would not necessarily be conducive to upholding the Queen's peace. It would be true, of course, that law-abiding people would also be able to arm, but without the knowledge that necessarily goes with firearms ownership, such arms would in all likelihood be misused.

If the immediate proliferation of firearms did in fact cause a bloodbath that turned the cities of Britain into Beirut — and we do not know whether this would happen or not — there would be no way of reversing the situation once the guns were out there and being used to kill. For this reason, the maximum degree of caution, gradualness and the checking of theory against

reality should be applied to any measure to increase the lawful private ownership of firearms. There are significant potential problems in bringing about such a change which cannot be lightly dismissed.

### AMERICAN OPPOSITION TO GUN CONTROL

The situation in Britain is very different from that in, for instance, the United States or Switzerland, where a very widespread "gun culture" exists. Knowledge and skills relating to firearms are handed down from generation to generation. People understand and respect guns. In the US, opposition to increased firearms control is much more militant than it is in the UK. In 1989, for instance, after Patrick Purdy massacred five children in Stockton, California, with a legally-owned Kalashnikov semi-automatic rifle, a radical libertarian group called the Company of Freeman distributed a militant defence of the right to own firearms:

How can people who work for or worship the State — statist — point to the murder of five children in a schoolyard or twenty people in a restaurant and claim that as sufficient reason to disarm tens of millions of Americans? Are they so presumptuous as to suggest that we are capable of such violent madness? Perhaps there is a degree of psychological projection going on here: statist feel within themselves the urge to kill and project it onto the people they fear the most — us, the victims of the State. For while tens of millions of people own guns, only a miniscule fraction ever use those guns to aggress against others. Every State, however has guns and even more powerful and terrifying weapons in its clutches and every State has used them, will use them, and are using them to murder hundreds, thousands, and millions of innocent, unarmed people.

How can the insane mind of a Patrick Purdy even dream of matching the death toll of the most minor skirmish in the smallest of wars or "police actions?" The murder of five innocent children is heart-rendingly tragic, but how many thousands of innocent children were roasted in Hiroshima and Nagasaki? How many unarmed, peaceful young people were slaughtered in Tien An Men Square? How many women, children, and old people have been shot by the bullets of "their own" government in Vietnam, Cambodia, Angola, Nicaragua, El Salvador, India, Israel, Afghanistan, Tibet, Argentina, Libya, Ireland, Russia, South Africa, Chile, Pakistan, Zimbabwe, Iran, and on and on and on for every State you can name, even "our" United States. For statist to use the "mass murder" of a few people as an excuse to disarm Americans when the State is the largest, bloodiest, longest-lived institution of mass-murder in all of history is appallingly hypocritical. So we owe allegiance to the apologists for such atrocities? NEVER!

Private ownership of weaponry is the last defense against all tyranny, foreign and domestic. The thought that there might come a time when peaceable gun owners ... must take arms against an American Li Peng commanding the local police and the US military is anathema to nearly everyone. The possibility, however, must be faced. A lot of American colonists were horrified at the thought of defending themselves against "their" king's army, too. ...

**THE RIGHT TO OWN GUNS IS A CIVIL RIGHT, WITHOUT WHICH ALL OTHER RIGHTS ARE IMPOSSIBLE TO DEFEND.**

**THE RIGHT TO OWN GUNS IS THE RIGHT TO OWN — AND PROTECT — YOUR BODY AND YOUR PROPERTY.**

**THE RIGHT TO OWN GUNS IS THE RIGHT TO RESIST TYRANNY.**

## ANY WHO SEIZE GUNS ARE THIEVES OR TYRANTS.<sup>25</sup>

Such a message would probably be the most extreme heresy one could utter in the Britain of today. Yet exactly the same view of the right of the people to arm themselves against tyranny in defence of freedom was once as much a part of the British as of the American legal and political tradition. It was through armed force that the barons of England compelled King John to sign Magna Carta in 1215. The right to bear arms for the defence of freedom against tyranny was upheld in the Bill of Rights of 1688 and in Sir William Blackstone's *Commentaries on the Laws of England* (1765). It was defended by Parliament against encroachments on that freedom throughout the 19th century. Indeed, when one thinks about other countries in the world, it is taken for granted that they have the right to defend themselves against oppression. When, for instance, the Soviet Union invaded Hungary and Afghanistan, most people outside the ranks of Soviet apologists accepted that the Hungarians and Afghans were justified in taking up arms to resist the imposition of tyranny, even against the puppet governments which the Soviets had installed. The resistance movements against National Socialist Germany and Japan during the second world war are also generally accepted as being entitled to take up arms to resist oppression. In both the United States and the Republic of Ireland, those who took up arms to overthrow British rule in their wars of independence (1775-81 and 1916-21) are revered as national heroes. And much of the political left, of course, used to loudly express support for Marxist-led "armed struggle" in countries as far apart as South Africa, Vietnam, El Salvador and even Northern Ireland, although it is true that one does not hear much along these lines from "New Labour". It seems that Britain is the only country in the world where the suggestion that the people might conceivably be entitled to take up arms in defence of freedom at some time in the distant future is *streng verboten*.

Such a fact is not entirely encouraging at a time when the British people's freedom is being comprehensively extirpated by the super-state in Brussels to which Heath transferred the rule of this country in 1972. It is not out of the question that the European Union could one day produce a tyranny on the scale of the Soviet Union or National Socialist Germany. After all, the European Commission is bound by no law or constitutional limitation, the people do not have the power to vote on either its leadership or its directives, and no individual has any defensible rights whatsoever under its rule. It is, in short, already a dictatorship in the full sense of the term. Of course we shall and must use every peaceful and constitutional measure to withdraw the United Kingdom immediately, permanently and irreversibly from the EU at the earliest possible moment, and to restore complete national sovereignty, so that no individual or institution in the United Kingdom is in any way or under any circumstances subjected to its "laws", directives or judgements. I hardly need to elaborate on the reasons for that to supporters of individual liberty and the free market.

The question is whether it would be feasible, if such peaceful and constitutional methods to re-establish freedom were unsuccessful, to take measures for the preparation of armed struggle against tyranny. In recent years, the armed militia movement in the United States has organised itself to defend freedom against the US Federal government, which has already begun to massacre the citizenry at Ruby Ridge, Idaho, and Waco, Texas. Such measures would certainly be illegal in the UK,<sup>26</sup> and in any case would not gain the support of the British people, even the large proportion who already support British withdrawal from the EU. Such methods therefore have to be completely discounted. (It is, however, worth pointing out, in passing, that, contrary to media smears, all the major American militia movements are entirely law-abiding and broadly libertarian in their outlook, and

have members from all America's ethnic groups. Indeed, they exclude members of the Ku Kux Klan and other racist groups from membership.) The only hope for freedom in such circumstances would be that members of the British armed forces and the police, each of whom has taken an oath of loyalty to Her Majesty the Queen, and not to the government of the day or to the European Union, might conceivably take armed action, as a last resort and in the most extreme circumstances, to resist the subjugation of the British people to tyranny, and to restore liberty and sovereignty.

## GUN CONTROL IN NAZI GERMANY

It is relevant to this point that hostility towards private firearms ownership was a feature of German life in the Weimar Republic. In the United States there is a group called Jews for the Preservation of Firearms Ownership, which is led by Aaron Zelman, a former German citizen, who was imprisoned in the National Socialist concentration camp at Dachau. Mr Zelman recalls that

Before Adolf Hitler came to power, there was a black market for firearms, but the German people had been so conditioned to be law abiding that they would never consider buying an unregistered gun. The German people really believed that only hoodlums own such guns. What fools we were. It truly frightens me to see how the government, media and some police groups in America are pushing for the same mindset. In my opinion, the people of America had better start asking and demanding answers to some hard questions about firearms ownership, especially, if the government does not trust me to own firearms, why or how can the people be expected to trust the government?

There is no doubt in my mind that millions of lives could have been saved if the people were not "brainwashed" about gun ownership and had been well armed. Hitler's thugs and goons were not very brave when confronted by a gun. Gun haters always want to forget the Warsaw Ghetto uprising, which is a perfect example of how a ragtag, half-starved group of Jews took up 10 handguns and made asses out of the Nazis.

He says of American opponents of private firearms ownership:

Anti-gun-ownership politicians are very dangerous to a free society. Liberty and freedom can only be preserved by an armed citizenry. I see creeping fascism in America, just as in Germany, a drip at a time; a law here, a law there, all supposedly passed to protect the public. Soon you have total enslavement. Too many Americans have forgotten that tyranny often masquerades as doing good. ...

Their ignorance is pitiful - their lives have been too easy. Had they experienced Dachau, they would have a better idea of how precious freedom is. These leftists should live in the tradition of America or they should leave America. These Sarah Brady types must be educated to understand that because we have an armed citizenry, that a dictatorship has not yet happened in America. These anti-gun fools are more dangerous to Liberty than street criminals or foreign spies.<sup>27</sup>

## IMPLICIT KNOWLEDGE

There can be no doubt that the lawful, responsible and safe private ownership of firearms has a deterrent effect on armed crime. Although most categories of crime are far higher in the US than in Britain, the rate of burglaries in England and Wales is double that of the US, for the simple reason that American burglars fear that they might be shot, while this risk hardly exists at all over here. In addition, American burglars ensure that their victims are out, while British burglars do not care whether their victims are at home or not. The level of robberies in England and Wales, too, has now reached 80% of US levels. In recent years, several American states have begun issuing permits to allow people to carry concealed firearms, subject to police



approval. Those states which have introduced these measures have experienced a reduction in armed crime, while the others have experienced an increase. In 1966, following a major increase in rapes in Orlando, Florida, the local police began a well-publicised training course for 2,500 women in firearms use. The next year, rape fell by 88% in Orlando (the only large American city to experience a decrease that year) and burglary fell by 25%, even though none of the trained women actually fired their weapons: the deterrent effect was enough. Five years later Orlando's rape rate was still 13% lower than it had been before the training, while the surrounding standard metropolitan area had undergone a 308% increase.<sup>28</sup>

The question before us is how we might conceivably achieve the benefits of the deterrent effect in Britain while at the same time ensuring that firearms are, as far as possible, not misused. Certainly the right of the individual to self-defence must be re-established, and we should legalise both the ownership and use of such non-lethal devices as Mace and CS gas sprays, electric stun guns, pepper sprays and telescopic coshes. These can be effective in stopping an attacker without doing him permanent harm. With firearms, which are of course potentially far more lethal, a more gradual approach is required. Some people might say that, while it would be wrong to confiscate the certificated guns of existing law-abiding owners, the last thing we want is a massive expansion of the number of legal guns in people's homes and on the streets. It is one thing to oppose further restrictions on firearms ownership, quite another to support a proliferation of weapons, especially when most British people do not want to possess a gun.

The problem with this point of view is that where there is demand for a product which is illegal or, as in the case of firearms in the UK, heavily restricted in law, the market is simply driven underground. There is already a large black market in firearms, to which criminals have access. In addition, many otherwise law-abiding people own illegal firearms, and are reluctant to apply to the police for a certificate because they know how stringent the police controls are. In 1972, Superintendent Greenwood concluded

that legislation has failed to bring under control substantial numbers of firearms, and it certainly cannot be claimed that strict controls have reduced the use of firearms in crime. On the basis of these facts it might be argued that firearms controls have had little effect and do not justify the amount of police time involved. Indeed, it is possible to build up a sound case for abolishing or substantially reducing controls. ... It might be claimed that a tradition of restricted ownership of firearms has been built up, and that controls have helped to establish a state of public opinion in which firearms are regarded as potentially dangerous items which should be restricted as far as possible to responsible people. ... The system of registering all firearms to which Section 1 applies as well as licensing the individual takes up a large part of the police time involved and causes a great deal of trouble and inconvenience. The voluminous records so produced appear to serve no useful purpose. In none of the cases examined in this study was the existence of these records of any assistance in detecting a crime and no one questioned during the course of this study could offer any evidence to establish the value of the system of registering weapons. ... In the light of these facts, it should surely be for the proponents of the system of registration to establish its value. If they fail to do so, the system should be abandoned. ... It is evident that the firearms at present in the hands of legitimate users who hold certificates present virtually no problem to the community. The strict policies which have been applied since 1967 ... have not affected the numbers of illegal weapons in circulation. ... The policies may, indeed, have been counter-productive. Having regard to the large numbers of illegal weapons in circulation,

otherwise respectable persons denied a firearm certificate might well be tempted to obtain a weapon illegally and thus support the black market. ... To continue with the process of attempting to deal with the criminal use of firearms by placing more restrictions on legitimate users is not likely to achieve anything. ... Whilst this mistaken belief persists, the real problem will not receive the attention and action which it clearly and urgently requires.<sup>29</sup>

In 1979, Professor Richard Harding, visiting fellow at the Centre for Criminological Research at Oxford University, studied the same issues and concluded that

the passage and attempted enforcement of laws prohibiting the private ownership either of firearms generally or of any particular kind of firearm would be unlikely to affect the use of guns in crime, and could moreover be counter-productive.<sup>30</sup>

It is worth pointing out that Professor Harding is Australia's leading academic advocate of strict firearms control.

A similar conclusion was drawn by Detective Inspector Adrian Maybanks, in his 1992 study of firearms controls at Exeter University. He found

that present police policies and enforcement of the firearms legislation is serving to increase the number of unlicensed firearms in circulation. This in turn may help to feed the illegal supply of firearms to criminals.

He also concluded that

almost certainly, legislation is causing a contribution to, as opposed to reducing, the unlicensed pool of weapons.<sup>31</sup>

A central problem is the fact that the police are actively hostile to lawful private gun ownership, and put every obstacle in the way of individuals who want to obtain a firearm certificate. In the words of Jan A. Stevenson, formerly an American police officer and private detective, and now a publisher of firearms-related material in the UK:

For many years, the rumoured hostility of the police has deterred untold thousands of people from coming forward to seek certification, just as it has driven hundreds of thousands of firearms underground. Only by a perverse logic can this be regarded as sound policy. ... Practically the entire weight of the regulatory system and of the resources committed to its enforcement bear on the legitimate shooting community: upon people who have come forward, seeking to obey the law. If their firearms do not significantly figure in crime, then most of these resources are misdirected.

Worse than the misdirection of resources is the misdirection of attention. For as long as the police can be assured of support in tormenting this segment of the law abiding community, the more they will find it the path of least resistance, and much easier than dealing with the intractable question of real crime. Moreover, human nature being what it is, they soon invest what they are doing with an importance which, objectively, it does not merit, so that certificate holders in effect become proxy villains as far as the police are concerned. ... Certificate holders are the most determined of the law abiding. They have come forth, seeking to comply with the law, in the knowledge that they were likely to encounter obstruction from the police. The fact that comparatively few are refused testifies to the fact that those who come forward have confidence in their ability to withstand any scrutiny. The falling number of certificate holders is a measure of those who fold up under the pressure of official hostility.<sup>32</sup>

Because so many otherwise law-abiding people own illegal guns, that is to say that they are exercising market demand, a possible way forward that might conceivably be acceptable to public opinion and politicians would be to announce to such

owners that they will be granted a firearm certificate provided they come forward to the police and are willing to go through certain tests as to their fitness to lawfully possess firearms. The late Professor F. A. Hayek drew attention to the concept of implicit knowledge. In societies such as the US or Switzerland, or indeed Britain before the 1920 Act, where knowledge about firearms is widespread, this implicit knowledge can be left to the free market. In today's Britain, however, that knowledge exists mainly within the armed forces, as well as to some extent in the police forces and gun clubs. The Adam Smith Institute sets a good example of how one can make free-market orientated changes in the real world, working with the authorities, rather than against them. Although I have not always agreed with every detail of the ASI's proposals over the years, that admirable body has enjoyed remarkable success in at least partially deregulating and privatising large areas of the economy, in accordance with the immediate practical situation rather than abstract philosophical ideals. While I do not claim in any way that the ASI would endorse what I am about to say, in the style of the ASI, let us examine how the right to own firearms for self-defence might conceivably be re-established in Britain.

Now the British Army is the world's leading military training organisation, and its experts train armed forces throughout the world. It would be an invaluable source of knowledge about the safe and responsible use of civilian firearms. I would therefore suggest that the Army could then take applicants for a firearm certificate these into a military camp for a week, where they can be subjected to both professional firearms training and systematic psychological and safety tests to determine their suitability to be a firearms owner. The applicants would also be trained and tested on the law relating to the use of firearms in self-defence, and on lawful and effective procedures for challenging and threatening — and as a last resort, in an extreme emergency — shooting an intruder or assailant in an act of self-defence. There could be combat simulations of different situations where a firearm could be lawfully used in self-defence, and the applicants tested on their ability to respond appropriately in each such situation. The whole style of such training, I suggest, would be to emphasise caution and restraint and to discourage a "shoot first, ask questions later" attitude. The goal of these trainings and tests would be to ensure that all those possessing legal firearms are a definite benefit to, and not a problem for, the peace of the realm.

If they pass these tests, they can be given a firearm certificate. If they fail, they will be required to surrender their illegally-possessed weapons in return for financial compensation at current market prices. By this means, large numbers of people who are currently at risk of being imprisoned for unlawful firearms ownership can be brought within the legal certificate system. The law could be changed to allow all individuals over the age of 50 to acquire firearms, subject to similar Army training and tests. The Army has centuries of experience in training soldiers to be cool under fire, and to handle firearms in a responsible manner, and they can tell who has the qualities required for this and who does not. In such a system, the Army would have the power to accept or reject applicants for a firearm certificate, giving reasons based on what they have observed. This system could then be given several years to be tested in the real world. If it can be clearly demonstrated that those who have been granted firearm certificates are not using their guns in an illegal manner on any large scale, then one can proceed to gradually extend the right to own legal firearms to other age groups, in a similar way, until it becomes legally possible for all law-abiding individuals to lawfully and safely possess firearms when they have passed the Army's tests. The whole procedure must take place in an unhurried, calm and sober manner, with careful checks along the way to ensure that a bloodbath does not occur. We all want to avoid another Hungerford or Dunblane. There would even be a case for reversing this policy at any stage if it was clearly and conclusively demonstrated that it led to an increase in armed crime.

Certainly cases where legal firearms owners use their weapons in self-defence should be carefully studied, and the Army's training can be changed where necessary in the light of what is learned.

An individual who uses his firearm in an irresponsible or criminal manner, or for whom there is reason to believe he is unsuited to own a firearm, would have his firearm certificate revoked and be required to surrender his weapon. Nevertheless the certificate holder would still enjoy the right of appeal to the courts against revocation which exists under current firearms legislation. Since the Dunblane massacre, the Central Scotland Police have been criticised for failing to revoke Hamilton's firearms certificates, indeed for granting him more certificates, in spite of written and oral representations from members of the public who complained about his activities at boys' clubs. Yet had they revoked those certificates, Hamilton could have appealed in the courts and might well have won. Removing the protection of the right of appeal against police decisions would open the door to vindictive slanders against individuals being used to deprive them of the right to own guns without any legal defence.

### NEW ZEALAND DEREGULATES FIREARMS

The general trend throughout the world since the first world war has been for ever greater legal restrictions on firearms ownership. The exception has been New Zealand. Under the Arms Act 1920, every gun in New Zealand had to be registered with the police. Carrying a handgun without a licence was outlawed. In the early 1980s, the police thought that gun registration requirements were taking up too much of their time. Senior-Sergeant Jones, a police spokesman, said that "Whatever law you have, if criminals want to commit a crime with a gun, they will get a gun."<sup>33</sup> An official police report stated that "It is unlikely that firearms registration controls firearms use in domestic violence."<sup>34</sup> The police found no correlation between the number of guns and the number of crimes. After employing Superintendent Greenwood as a consultant, the police therefore lobbied the government for a change in the law in the direction of the deregulation of firearms. This is the opposite approach from that of the British police, whose organisations have continually lobbied for ever stricter firearms control since the Shepherd's Bush massacre of 1966, in which three policemen were murdered by a criminal gang using illegally-owned handguns.

Under the Arms Act 1983, New Zealanders who wished to purchase rifles or shotguns had to apply for a licence and pass a safety test. Once granted the licence, these persons could buy unlimited numbers of rifles and shotguns for the rest of their lives; none of the gun purchases needed to be registered. All owners of long guns had to obtain a certificate. Under the 1983 Act, licences "shall be issued" to any person over sixteen years of age who, at the discretion of the police, is considered "a fit and proper person to be in possession of a firearm or airgun". The police have the power to revoke the licence of any person they no longer consider to be "fit and proper".<sup>35</sup> Private transfers of firearms are legal. It is the seller's responsibility to ensure that the buyer is legally qualified. Under the act, no longer would an individual permit be required to buy a box of cartridges. The same act re-legalised the ownership of semi-automatic handguns. Licences for handguns were only granted to gun club members and collectors. One pro-gun leader rejoiced at "a significant advance", and stated that, despite certain restrictions, New Zealanders had "greater freedom now than many U.S. states".<sup>36</sup> Handguns, however, are still heavily restricted, and represent only one percent of the total gun stock. Inspector John Meads, national firearms co-ordinator at police headquarters in Wellington, praised the system of one-time licensing of firearms as "enlightened legislation and superior to that in other Western countries".<sup>36</sup> In 1989, after a US ban on the import of certain self-loading rifles, and the banning of semi-automatic rifles in the UK, the New Zealand police banned the import of

some semi-automatics and limited the import of some others to five-unit lots. Inspector Meads said that

Semi-automatic weapons have been on sale in New Zealand for many years. Their owners are generally responsible people whose fitness to purchase firearms has been established by the police.<sup>37</sup>

Unfortunately, in 1989, David Gray, who owned a total of seven legal guns, including two semi-automatic rifles, went berserk in Aramoana, on the South Island. First he burned down his neighbour's house, killing two 11-year-old girls. When the neighbour returned, Gray shot him dead and wounded the neighbour's nine-year-old daughter. Then he shot dead a six-year-old child, as well as a man and wife and their six-year-old daughter, and wounded the couple's four-year-old daughter in the abdomen. Then he killed a police sergeant who arrived on the scene, as well as others who arrived on the scene. Gray was then besieged in his home by armed police officers, and shot dead as he bolted from the house with a Norinco 84(s) 5.56mm semi-automatic rifle. All told, 13 people were killed. As in Britain after the Hungerford massacre, there were demands for the prohibition of semi-automatic rifles as a result. Nevertheless, even after the Aramoana massacre, the government did not completely ban semi-automatic rifles, but simply introduced the requirement for a special licence for owning one which had "military configuration". Asked why the law did not provide for the confiscation of legally-owned "military" semi-automatics, the minister of police said, "I take my advice from the police."<sup>38</sup>

The New Zealand police knew that the simplistic solution of banning semi-automatic military rifles would not solve any problems. Superintendent Greenwood had clearly demonstrated to them that such a measure would simply fuel the black market. Unfortunately, massacres do happen. But they are caused by the mind of the individual concerned, not by the weapon he — or sometimes she — uses. Most serial killers do not use firearms, and outlawing the weapon they use would not make any difference. When, for instance, Dennis Nilsen, the "Stockwell Strangler" murdered some 16 young men by strangling them to death with steel wires, there was no demand for the banning of steel wires. Such a measure would have entirely missed the point. Of course one has to take reasonable precautions to prevent this type of person from obtaining firearms. But in Britain there seems to be a collective national determination to refuse to face facts and consider such enlightened policies.

Almost certainly the Firearms (Amendment) Act will become law. Partly as a result, the criminal ownership and use of firearms will increase. Nothing will be achieved except for the virtual destruction of an ancient freedom. And it is highly unlikely that once gone, the freedom to own heavy-calibre handguns will be restored in the foreseeable future.

### A PLATONIC APPROACH TO LIBERTARIANISM

In *The Republic*, that founding work in the field of political philosophy, Plato described what he considered to be the philosophical ideal of the city-state, the sort of society which one could achieve with ideal people in ideal conditions. He also wrote *The Laws*, a sequel in which he described the best possible form of political organisation that was available with the limitations of real people in the real world. As every reader of the first volume of the late Sir Karl Popper's *The Open Society and Its Enemies* will be aware, Plato's legacy to posterity has been less than entirely advantageous towards individual liberty. Nevertheless, nobody would dispute that the old fellow knew a thing or two about philosophy. We can at least borrow this philosophical method from the Master, and allow ourselves two different approaches to the questions of firearms ownership for libertarians.

The first is that in an ideal society, with individuals of the highest character, weapons of all sorts could be freely bought and sold. Of course, the existence of private property rights in such

a society would mean that owners of, say, roads, shopping centres and bars would be entitled to forbid people from carrying guns on their property. You might also have private housing estates where one of the rules is that those buying property there may not keep firearms in their homes. This abstract philosophical ideal would be a pure anarcho-capitalist society, in which the state had entirely disappeared and even defence, courts and police forces would exist on a free-market basis. It is a perfectly legitimate philosophical exercise to discuss how such a system might conceivably work in ideal conditions, and to hope that possibly at some time in the remote future, it is not entirely out of the question that this philosophical ideal might actually be realised in the real world in some place or other.

The second approach is to propose the best available method of enhancing freedom within the actual political circumstances of the day, which may be far from ideal from the libertarian point of view. In such a context, one has to propose policies that might conceivably gain acceptance from politicians, the public and the police, and have a demonstrable net benefit. This is the reason why I have advocated a gradual and unhurried approach, the first aim of which is to get as many as possible of the illegal guns owned by otherwise law-abiding people to be accepted legally within the existing certificate system, the second of which is to extend the right to own non-lethal weapons for self-defence purposes, and finally to allow the phased extension of the right to possess firearms for self-defence purposes, in the most cautious manner, having regard to legitimate concerns about the problem of undesirable people getting firearms and misusing them. I would like to see more, rather than less, discussion as to how this might be achieved, and the possible benefits and problems inherent in it. We have to win the co-operation of the authorities, public opinion, the police and the media, and to work entirely within the law, while reserving the right to express disagreement with the law. Strategies based on disobeying the law, which are advocated in the United States by some of the more militant defenders of the right to bear arms, would be entirely counter-productive in the different climate in Britain, and must be rejected. I would like to see careful studies of the actual results in the real world of a policy of gradual de-regulation before proceeding further. One might regard the right to own a gun as to be one which is conditional on the proof of the person's capacity for safe, responsible and lawful use of it. There might even be a law prohibiting people from taking their guns out of their homes, except with special permission, or for a sporting event. Automatic weapons, such as sub-machine guns, might still be classified as "prohibited weapons" and excluded from civilian ownership.

Indeed, this dual approach to achieving libertarian goals may have many applications in areas other than firearms law. For example, the welfare state is of course a clear breach of the libertarian approach to individualism and private property rights. Nevertheless, the immediate abolition of all state welfare would arguably be a greater violation of individual rights than its maintenance. After all, we have all paid high taxes and national insurance contributions in order to finance the welfare state, and many elderly people, for instance, are dependent upon the state welfare services they have already paid for several times over through their taxes. To simply eliminate all state welfare overnight would be a massive confiscation of their private property rights. The way to proceed with the welfare state, I suggest, should be a gradual process of reform aimed at giving individuals greater control over its institutions, and setting up private and voluntary welfare provision side-by-side with the state system. Finally you could phase out most or all of the welfare state, and ensure that nobody suffers at any point through absence of welfare provision.

Similarly, with immigration, a literal application of abstract libertarian principles would be the abolition of all immigration controls. Yet this could conceivably prove more harmful to lib-

erty than the maintenance of such controls. For example, there are large numbers of Muslim fundamentalists in Britain who are extremely hostile to the concept of individual liberty, who want to turn Britain into a Muslim fundamentalist state and who, for example, have aggressively demanded — and promised to carry out — the “execution” of Salman Rushdie for writing a novel of which the Ayatollah Khomeini disapproved. Now there’s a man who might find a gun for self-defence rather useful. Some of the more extreme Muslim fundamentalists openly advocate the killing of Jews. A strong case could be made for keeping such people out of the UK, and confining immigration to those individuals, regardless of ethnic or national origin or personal religious belief, who are prepared to live according to the traditions of individual liberty and tolerance which have always been a feature of British life. Those who wish to live in a Muslim fundamentalist state are free to apply to emigrate to Iran, Saudi Arabia, Pakistan, Afghanistan or some other country more to their taste. That is a more realistic interpretation of individual freedom of choice than the “right” of millions of organised Muslim fundamentalists to emigrate to the UK with the intention of establishing an Islamic state by sheer force of numbers. Insofar as immigration can have a valuable role in adding to the number of entrepreneurs, inventors and others who have something beneficial to offer the UK, and are willing to live according to British traditions, it can be defended. Otherwise, it may have a harmful effect on freedom to the point of destroying it.

The point is that, much as Objectivists and others might disagree, that there is a distinction between abstract libertarian principles and how those principles might be introduced in practical application in the immediate political situation. I am aware that the approach to firearms law which I have proposed is likely to cause outrage both among the most extreme libertarians, who would like to see the immediate legal availability of sub-machine guns, exploding bullets, flame-throwers and bazookas to every discharged psychopath and teenage hoodlum without a licence at every street corner 24 hours a day, and even more to the advocates of a handgun ban or even defenders of the present restrictive legislation under the Firearms (Amendment) Act 1988 and subsequent laws and regulations. Unfortunately, there are genuine problems with both these points of view. One wishes to protect the right of innocent people such as those children and their teacher at Dunblane not to be shot. That is a reasonable and legitimate concern which must be adequately addressed. One also needs to protect the rights of law-abiding people to protect themselves against violent crime. One is reminded of a case several years ago when three men broke into the home of a 54-year-old Greek Cypriot lady living in London. Her life savings of £900 were hidden in her brassiere. The men tortured her for several hours in the most horrifying ways, one of which was the firing of an air pistol up her nostril, causing the loss of the sight of one eye. Nevertheless, she never revealed the location of the money, which was all she had in the world.

I for one refuse to reject the restoration of the principle of the right of such individuals as this lady to lawfully own a firearm for self-defence, although as I have indicated above, I would favour the most cautious, gradual and responsible approach to the implementation of that principle. The problem with the “mainstream” gun lobby is that they have entirely repudiated the self-defence argument, and as a result are now losing the right to own heavy-calibre handguns as a result. The next step will be the demand to ban .22 calibre pistols, which the Labour opposition have promised to do if they win the forthcoming general election. Some of the anti-gun campaigners are quite open about their demand to eventually outlaw even rifles and shotguns. Thus an ancient freedom will have been completely extinguished. The prospects are not good for a nation which destroys its freedoms in this way.

## NOTES

1. Richard Munday and Jan A. Stevenson (editors), *Guns and Violence*, Piedmont Publishing, Brightlingsea, Essex, 1996, pp. 353, 354, 357.
2. *Ibid*, pp. 296-297.
3. *Ibid*, p. 284.
4. David B. Kopel, *The Samurai, the Mountie and the Cowboy*, Prometheus Books/Cato Institute, Buffalo, New York, 1992, p. 123, n201.
5. Gustave Le Bon, *The Crowd*, first published 1897, 1903 translation, unnamed translator, T. Fisher Unwin, London, 1903, p. 42.
6. *Ibid*, p. 59.
7. *Ibid*, pp. 74, 143.
8. Kopel, *op cit*, pp. 388-389. The quotation is from Nicholas Humphrey’s foreword to E. P. Evans, *The Criminal Prosecution and Punishment of Animals*, first published 1906, Faber and Faber, London, 1988, p. xxvi.
9. Sergei Eisenstein, *Film Form*, translated by Jay Leyda, Harcourt, Brace and World, New York, 1949, pp. 132, 143, 144.
10. For example, Frederick Wilkinson, *Guns*, Hamlyn Publishing, London, 1973; Ian V. Hogg and John Batchelor, *The Complete Handgun*, first published 1979, Peerage Books, London, 1984; and Robert Adam, *Modern Handguns*, Apple Press/Quintet, London, 1989, from each of which the following examples are taken.
11. Quoted in Colin Greenwood, *Firearms Control*, Routledge and Kegan Paul, London, 1972, p. 20.
12. Quoted in *ibid*, pp. 20-21.
13. *Ibid*, p. 21.
14. *Ibid*, pp. 27-28.
15. Munday and Stevenson (editors), *op cit*, p. 235, and Duncan Campbell, *The Underworld*, BBC Books, London, 1994, pp. 19-20.
16. Quoted in *Times*, “Car 96” section, 9th September 1996, p. 7.
17. Quoted in Geoffrey Pearson, *Hooligan*, Macmillan Education, London, 1983, pp. 103-104.
18. Munday and Stevenson (editors), *op cit*, p. 58.
19. *Ibid*, p. 133.
20. *Ibid*, p. 133, n100.
21. Greenwood, *op cit*, pp. 243-244.
22. Kopel, *op cit*, pp. 327-328.
23. Munday and Stevenson, *op cit*, p. 51.
24. Greenwood, *op cit*, p. 4.
25. Company of Freemen, “The Real Reason for Gun Ownership”, leaflet reproduced in *Loompanics Unlimited, Loompanics’ Greatest Hits*, Loompanics Unlimited, Port Townsend, Washington, 1990, pp. 188-190.
26. In the early 1960s, some members of the National Socialist Movement who included John Tyndall, who became chairman of the National Front in the 1970s and is now leader of the British National Party, were imprisoned when they formed the paramilitary Spearhead group, even though the organisation had not actually used violence. Their purposes were, of course, irreconcilably opposed, at the most fundamental philosophical level, to those of libertarianism.
27. Interview with Aaron Zelman in *American Survival Guide*, November 1990, reproduced in Michael Hoy (editor), *Loompanics’ Golden Records*, Loompanics Unlimited, Port Townsend, Washington, 1993, pp. 35, 37.
28. David B. Kopel, “Trust the People”, Cato Institute Policy Analysis 109, Washington, DC, 1988, p. 18.
29. Greenwood, *op cit*, pp. 246-248, 253-254.
30. Quoted in Munday and Stevenson (editors), *op cit*, p. 117.
31. *Ibid*, pp. 121, 123.
32. Quoted in Kopel, *The Samurai, the Mountie and the Cowboy*, *op cit*, p. 238.
33. Quoted in *ibid*, p. 238.
34. Quoted in *ibid*, p. 239.
35. Quoted in *ibid*, p. 240.
36. Quoted in *ibid*, p. 245.
37. Quoted in *ibid*, p. 246.
38. Quoted in *ibid*, p. 248.