

The false promise of gun control

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On January 1, 2003, all firearms in Canada have to be registered. After that date, anyone who possesses an unregistered firearm becomes an instant criminal. The punishment is up to 10 years in jail. We're supposed to believe that this will make us safe from violence. But will it?

Canada appears to be following England's approach to gun control. England not only has required the registration of rifles and shotguns, but in 1997, it banned all handguns as well. Have the new gun laws made England safer?

Canadians who believe that more guns mean more crime will be shocked by the revelations in Joyce Lee Malcolm's latest book, Guns and Violence, The English Experience.¹ The author is a Professor of History at Bentley College in Massachusetts. It is an article of faith for many that English firearm regulations, the toughest of any democracy, are responsible for producing a low rate of violent crime. Professor Malcolm's careful analysis debunks this myth.

Professor Malcolm exposes two problems with the assumption that access to firearms underlies criminal violence. First, prior to the First World War, firearms were much more available in England, but there was little armed crime and handgun homicides averaged only one a year. Second, turning to more recent events, she documents that a shocking increase in violent crime has accompanied the English government's ever tightening restrictions on firearms over the past fifty years.

England had low levels of violent crime when firearms were freely available,

Professor Malcolm, who impressed many with her earlier book on English history, To Keep and Bear Arms, (Harvard, 1994), shows that when firearms were freely available, England had an astonishingly low level of violent crime.

According to Professor Malcolm, "the homicide rate for England and Wales was as high as 2 per 100,000 only once during the (Nineteenth) century, and occasionally as low as 1 per 100,000, a record low."² Statistics on armed robbery are spottier, but a study presented to Parliament in 1895 is illustrative. This study found that for the years 1878-1887, there was an average of only 5.5 cases per year of burglaries involving firearms.³ This crime rate is particularly astonishing

¹Her book is a good read, with 340 pages, plus 68 pages of notes; it can be ordered on Amazon.ca for \$ 46.25 Canadian. Thanks to competition, there is free shipping.

² Malcolm, p. 115

³ op cit, p.128. Note 124.

when one remembers that this century experienced the Napoleonic wars, multiple revolutions in Europe, and of course “wrenching poverty alongside growing prosperity, teeming slums, rapid population growth and dislocation, urbanization, the breakdown of the working family, problematic policing, and of course, widespread ownership of firearms.”⁴ These are precisely the kinds of situations identified by criminologists as the causes of crime.

Prior to 1900, it was common for Englishmen to carry firearms. Blackstone’s position, as stated in his Commentaries, was the orthodox position,

“The right of his majesty’s Protestant subjects, to have arms for their own defence, and to use them for lawful purposes, is most clear and undeniable. It seems, indeed, to be considered, by the ancient laws of this kingdom, not only as a right, but as a duty; for all the subjects of the realm, who are able to bear arms, are bound to be ready, at all times, to assist the sheriff, and other civil magistrates, in the execution of the laws and the preservation of the public peace.”⁵

Affectionados of Sherlock Holmes may recall the casual way in which he or Dr. Watson is described as carrying a handgun in the novels. (For example, in ‘A Study in Scarlet’ Dr. Watson carries a pistol to protect himself). Professor Malcolm’s research shows that the Sherlock Holmes reflects the historical reality of handguns in 1900. No longer. Poor Holmes would be quickly arrested today if he tried to carry a handgun anywhere in England.

If firearms are supposed to be associated with an increase in crime, then it should be easy to predict what happened in England when firearms first became widely available. But Malcolm documents that the crime rate after the introduction of guns did not go up. Even when handguns became popular in the last half of the 19th Century, England maintained a surprisingly low level of criminal violence as already mentioned.

Guns restrictions appear to cause violent crime.

In Canada, criminologists disagree whether the firearm regulations introduced over the past 25 years have reduced violent crime.⁶ Professor Malcolm shows the

⁴ op cit, p. 91.

⁵ Op cit, p. 88. Malcolm points out that Catholic subjects were permitted firearms for personal defence and were only disarmed in times of crisis. This is similar to how Canada treated Oriental Canadians during World War II. See Malcolm, To Keep and Bear Arms, Harvard, 1994, p. 122-123.

⁶ There have been several studies of Canadian firearms legislation, almost all of it focused on the impact of the 1977 law upon homicide rates (Department of Justice, 1966, Mauser and Holmes, 1992; Mundt, 1990; Scarff, 1983; Sproule and Kennett 1988). The results have been mixed. Two have concluded that the firearm law has reduced criminal violence (Scarff 1983; Department of Justice Canada, 1966). Several other researchers, despite their divergent views on this legislation, did not find that the 1977 law had a significant effect upon the total homicide rate (Mauser and Holmes, 1992; Mundt, 1990; Sproule and Kennett 1988). Recent research has focused upon armed

record is much clearer for England and Wales. British gun laws have become progressively tighter since the 1920s, but criminal violence has not slackened. In fact, since handguns were banned in 1977, crime has skyrocketed.

The upsurge in English crime followed the change in government policies. Police policy has been that individuals don't need to protect themselves because society will do so. This is a reversal of centuries of English common law that expected people to defend themselves, their families, and even their neighbors, if help was not available. In 1953, the sweeping Prevention of Crime Act made it illegal to carry any article in a public place "made, adapted, or intended" for an offensive purpose "without lawful authority or excuse." Carrying something to protect yourself was branded antisocial.

Disarming the public has been part of the government strategy for dealing with crime. Particularly since the 1950s, the government has approached the crime problem from three directions: disarming the people, treating juvenile offenders leniently, and reducing prison sentences and police personnel. Unfortunately, the results have been disastrous. The United States has taken quite a different direction, punishing violent criminals severely, liberalizing laws governing concealed carry, and even expanding the death sentence.

The declining crime rates in the US make a stark contrast with the rising rates in Great Britain. The English homicide rate is still lower than the homicide rate in the United States. However, the homicide in the US has been dropping since the early 1990s, while the English homicide rate is continuing to increase.

In the past fifty years violent crime in England has soared, even while it has declined in the US and Canada. Your chances of being mugged in London are now six times greater than they are in New York. The English now suffer higher rates of robbery and burglary than do our neighbors to the south. A recent study by the United Nations' Interregional Crime and Justice Research Institute found that people in England and Wales experience more crime per head than people in the 17 other developed countries that they surveyed, including the United States. And handguns were banned (and confiscated from their owners) in 1997.

English courts have interpreted the 1953 Prevention of Crime Act quite zealously. It is as if the courts regarded that the killing of a robber as more dangerous to society than the safety of the robber's victim. Malcolm cites a few telling examples that give the reader a taste of English law.

One evening in 1994, an English homeowner, armed with a toy gun, managed to hold two burglars who had broken into his house, while he called the police. When the police arrived, they arrested the homeowner for "using an imitation gun to threaten or intimidate."

robbery, but neither the 1977 nor the 1990 firearm legislation was found to significantly reduce robbery rates (Mauser and Maki, 2002a; Mauser and Maki, 2002b).

In 1999, Tony Martin, living alone in a farmhouse, was awakened by two burglars breaking into his home. He had been robbed six times before, and his village had no police presence. He crept downstairs and fired his shotgun at the intruders. He received life in prison for killing one burglar, 10 years for wounding the second, and a year for having an unregistered shotgun. After serving 18 months of a three-year sentence, the wounded burglar is now free and is suing Mr. Martin. By the way, the surviving burglar has been granted 5,000 Pounds Sterling for legal assistance by the government.

Is this what is in store for Canada?

The decline in violent crime in the United States and its rise in England over the past fifty years demonstrates that the availability of firearms is not a cause of crime. Nor is their unavailability a cure. The increase in violent crime in England may even be considered evidence that armed civilians serve to reduce criminal violence.

Canada appears to be following England's lead with respect to handguns. In 1995, the Canadian government, without prior discussion in Parliament, banned and began confiscating over half of the legally registered handguns in the country.

At the present time, Canada has not restricted the right of self-defense as narrowly as England. Although, there is a proposal in the House of Commons to "simplify" the criminal code. We do not know what is intended as no legislation has been introduced in Parliament. Will Canadians soon face prison sentences for defending themselves against violent criminals? We'll have to wait and see.

To know more about the history of English gun laws and the effect on violent crime, I urge you to get a copy of Guns and Violence, The English Experience.

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