
THE PERIODICAL OBSERVER

Reviews of articles from periodicals and specialized journals here and abroad

Dueling over Gun Control

A Survey of Recent Articles

After years of struggle between advocates and opponents of gun control, the Brady bill was signed into law by President Bill Clinton last December. Proponents, such as the editors of the *New Yorker* (Dec. 13, 1993), hailed the measure as a first national step toward eliminating the deadly menace of unregulated firearms. Opponents, such as Jacob Sullum, managing editor of *Reason*, writing in *National Review* (Feb. 7, 1994), insisted that it "won't take a bite out of crime, but it will gnaw away at the right to keep and bear arms." Judging by recent articles on the subject, there may be a third possibility: that the national debate over gun control, long marked by exaggerated claims and bumper sticker reasoning, may move into a new and more thoughtful stage, one in which gun regulation of some kind can be seen as worthwhile, but not as a panacea for violent crime.

The Brady legislation provides that a person wishing to buy a handgun must wait five days while his background is checked to determine if he is a convicted felon, has been found mentally incompetent, or is otherwise ineligible. Even proponents admitted that the law's impact would be very limited. (And the law now faces court challenges in several states; in Montana, a federal judge suspended its key background-check section on states' rights grounds.) The Brady law would not stop felons and others denied handguns from obtaining them illegally, or from moving up to rifles or shotguns, whose purchase generally does not require any waiting period or background check. Nor, David B. Kopel, of the Independence Institute, in Golden, Colorado, observes in *Policy Review* (Winter 1993), would the Brady law have prevented John W. Hinckley, Jr., from buying a handgun. Hinckley, who bought two handguns five months before he shot President Ronald Reagan and press secretary James Brady in 1981, was not a convicted felon and had no record of mental illness.

The United States already has some experience with gun control. Before enactment of the Brady

law, 18 states had laws at least as stringent on the books. "It is undeniable that gun-control laws work—to an extent," Daniel D. Polsby, a professor of law at Northwestern University, notes in the *Atlantic* (March 1994). During the past two years, California's background-check law has prevented some 12,000 people with criminal records or a histories of mental illness or drug abuse from buying handguns in the state. "Surely some of these people simply turned to an illegal market, but just as surely not all of them did," Polsby notes.

With the Brady bill's passage, Josh Sugarmann, executive director of the Violence Policy Center, declares in *Mother Jones* (Jan.-Feb. 1994), those who favor gun control "find themselves at a crossroads. We can continue to push legislation of dubious effectiveness. Or we can acknowledge that gun violence is a public-health crisis fueled by an inherently dangerous consumer product. To end the crisis, we have to regulate—or, in the case of handguns and assault weapons, completely ban—the product."

In 1991, a total of 38,317 Americans died from gunshots, according to the Centers for Disease Control's *Morbidity and Mortality Weekly Report*

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(Jan. 28, 1994). In seven states (California, Louisiana, Maryland, Nevada, New York, Texas, and Virginia) and the District of Columbia, the number of firearms-related deaths equaled or exceeded motor vehicle-related deaths. Opinion surveys indicate that most Americans favor stricter gun-control laws—though (outside the East) not prohibition. “Half the households in America are armed,” writes Ann Japenga in *Health* (April 1994). And lately, it seems, many women are taking up arms: Sales of Smith & Wesson’s LadySmith revolver doubled in 1992. A 1993 poll by the *Atlanta Journal-Constitution* found that one-third of unmarried women in the South have a gun at home.

Having firearms in the home is a terrible mistake, Arthur L. Kellerman, an emergency room physician and professor at Emory University in Atlanta, believes. In the *New England Journal of Medicine* (Oct. 7, 1993), he and his colleagues conclude from a study of 388 murder victims that the risk of homicide is much greater in homes where guns are present. However, Daniel Polsby points out in the *Atlantic*, the flaw in the study is that such people may arm themselves in the first place because they are already at greater risk. Indeed, Polsby and others say, many studies overlook the varied aspects of the deterrent function of handguns. In a 1986 study, for example, Kellerman and his colleagues concluded that a gun in the home is 43 times more likely to be involved in the death of a household member (through suicide, homicide, or accident) than it is to slay an attacker. But Florida State University criminologist Gary Kleck, author of *Point Blank: Guns and Violence in America* (1991), estimates that at least one million civilians use guns in self-defense every year. They fire in only one-fourth of the cases, and when they do, they kill their attackers less than once every 100 times. In the overwhelming majority of cases, he tells Ann Japenga, a household firearm is simply used to scare off an intruder.

If firearms increase violence and crime, Daniel Polsby adds, then throughout the 1980s, when the national stock of privately owned handguns was burgeoning by more than one million a year, the crime rate should have gone up—but it did not. Instead, the number of victims of violent crimes fell from 35.3 per 1,000 persons in 1981 to 29.1 in 1989. Similarly, “the rates of violence and crime in Swit-

zerland, New Zealand, and Israel [should not] be as low as they are, since the number of firearms per civilian household is comparable to that in the United States. Conversely, gun-controlled Mexico and South Africa should be islands of peace instead of having murder rates more than twice as high as those here.”

Even the countries that do fit the gun-control argument may do so only superficially. “Britain had very low rates of crimes involving guns” even before it had strict firearms regulation, Polsby notes. Japan also has very strict gun control and a low crime rate. But Japan’s *nongun* robbery rate is also much lower than the American rate, observes David Kopel in *Asian Pacific Law Review* (Winter 1993), “an indication that something more significant than gun policy is involved.”

The nation that is probably more like the United States than any other—Canada—usually gets little attention in American gun-control debates. Canada’s firearms controls are stricter than those in the United States overall but more lenient than some American state laws, Kopel notes in *Temple International and Comparative Law Journal* (vol. 5, no. 1, 1991). Rifles are almost as common, on a per capita basis, as they are in the United States. Handguns are “restricted weapons,” but there are plenty of illegal ones around.

While the 1977 Canadian law, according to Kopel, “appears to have had little or no effect on the overall rates of murder, suicide, gun accidents, or robbery,” it still serves, he says, in the eyes of most Canadians as a symbol of their cherished values of orderliness and nonviolence: “Gun control, the exaltation of the police, deference to authority, and rejection of violence, are all threads in the tapestry of Canadian culture.” The same could hardly be said of American culture.

Nevertheless, the Brady law—besides whatever modest benefits it provides in the way of keeping handguns out of the hands of those who should not have them—also may serve as a symbol, representing not so much a first step in gun regulation as a national desire to bring violent crime under control. Accomplishing that end, however, will certainly take more than gun control.