



DON'T ADD CHAOS TO DISORDER

Exposing the weakness of Key Civilian Disarmament Arguments

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EXPOSING THE WEAKNESS OF KEY CIVILIAN DISARMAMENT ARGUMENTS

With the prospect of further restrictions on private firearm ownership on the cards, it is worth considering what information exists within the public domain which may be used to support this legislative effort.

One thing all parties agree on in the firearms control debate is that data on firearms and their use in South Africa is very limited. The SAPS does not provide information to the public on what firearms are used in murders, and other serious, violent crimes. At the same time, levels of crime reporting are so low that getting an accurate picture of the extent of the plague is very difficult. Even estimates of the number of guns in the country, both legal and illegal, vary significantly. As a result, it is extremely difficult to draw firm conclusions about the number and use of firearms.

The data problems go beyond what the SAPS does, and does not provide. People who have had significant experience with firearm licensing, and with the police in general, report that the overstretched and dysfunctional police service cannot be relied on to provide anything like accurate data. The police service has been rated as the least trusted institution in South Africa¹, so it is no surprise that underreporting of crimes is a serious problem. The lack of police capacity also results in the circumstances and details of killings and assaults not being accurately reflected, as people do not trust the police and so will not report accurately to them, if at all. Combined with poor resourcing and widespread corruption, all crime data produced by the SAPS should be considered suspect at best. This problem means that drawing definitive conclusions about the effects of gun ownership, either way, is fraught with peril.

Where attempts have been made to do so, we are able to demonstrate that methodological and other flaws result in the ensuing research being of such a poor standard that its conclusions cannot be sustained.

With that in mind, let us first consider the state's evidence in supporting its legislative move towards civilian disarmament. As is a requirement of South African law making, the Department of Planning, Monitoring and Evaluation has produced a socio-economic impact assessment to support the draft legislation.

The assessment does not inspire confidence in its quality from the start, as it is dated July 2016 but deals with the 2021 Draft Amendment Bill. This is by no means disqualifying, as the 2021 Bill is very similar to previous draft firearms legislation — which it was likely originally written for — but considering the sweeping changes proposed by this legislation, it seems prudent that the state should update its report to reflect an additional 4 years of data on crime trends and the impact of the Firearms Control Act of 2000.

In its introduction, the assessment makes a tenuous link between “firearm proliferation” and murder, simply claiming that murder and robbery are the most likely to be committed with a firearm and therefore firearms proliferation increases the murder rate. Besides being a logical fallacy, this fails to

¹ <https://www.vocfm.co.za/saps-perceived-as-least-trusted-institution-in-sa-senior-researcher/>.

distinguish between legal or illegal firearms or establish how legal firearms contribute to the problem of illegal firearms. The state in its arguments also fails to distinguish between types of firearms. Data from countries like the US suggests that handguns play a far larger role in crime — particularly murder — than long guns such as rifles and shotguns do, in large part because the latter are difficult to conceal. An arquebus, or an expensive sporting shotgun is most unlikely to be used in a bank robbery, meaning that different types and classes of firearms should be distinguished from each other in any attempt to reach a sensible conclusion about the relationship between civilian firearm ownership and serious and violent crime in any society.

South Africa's most prominent anti-gun lobbyists commit the same logical fallacy, and their arguments suffer from the same lack of detailed substantiating data, when they suggest that there is a positive correlation between the number of firearms in circulation and the number of murders. For example, an organisation called Gun Free SA, commonly claims that rises or falls in South Africa's serious and violent crime rates correlate to the number of firearms in civilian hands.

In a paper titled "Gun Control and Violence: South Africa's Story", Gun Free SA cobbled together research from a number of unrelated sources (SAPS murder weapons data until 1999, Stats SA causes of death data, a study on urban mortality and stats from the department of health) into a single graph, in an attempt to demonstrate that gun related deaths fell after the passage of the 2000 Firearms Control Act.²³ Methodologically, their approach cannot work as a piece of academic research as these are wildly different data sources with different methodologies, not being clearly comparable to each other over time. We suspect, for example, that an apparent drop in firearm related deaths between 1998 and 1999 relates more to changes in source data than to events on the ground. But most damningly, activist claims that the Firearms Control Act (of 2000, and that was operationalised in 2004) reduced murder rates, ignores the fact that South Africa's murder rate had been decreasing quickly since 1994 (for reasons well beyond the availability of firearms) and that this decline continued until 2010 when the trend reverses, despite the now increasingly strict restrictions on civilian access to firearms. In fact, the murder rate declined faster before the Act was operationalised than after. In addition, after being operationalised, data sourced from the police (for what that is worth) showed that the crime categories most likely to be perpetrated with a firearm, such as armed house and business robberies, increased by over 100%. The data is not sufficient to say that this was because of the new Act but it establishes unambiguously that the Act, and the tighter controls it brought about, did not correlate with a decline in violent crime rates.

Gun Free SA suggests that the number of privately owned firearms in South Africa decreased between 1999 to 2014 from 3.5 million to 2.9 million (one should be cautious, however, as we have warned of the data). If that claim is true, it makes the rising crime rate in the aftermath of the passing of the Act an even stronger indication that lawfully held guns have no positive impact on crime trends. Anti-gun activists, seeking to explain rising levels of crime in the aftermath of the Act, (particularly after 2010, when policing around the soccer World Cup had seen a temporary drop in crime rates) handwave away suggestions that there is no real relationship between legal gun ownership and crime with reference to "breakdowns in implementation" and "poor planning" around the Act. Whilst there is some truth to weakening police capacity, much stricter licensing controls were implemented, and lawful owners

2 Gun Free South Africa, "Gun control and violence: South Africa's story", p10

3 Notably this data does not distinguish between deaths caused in self defence and deaths caused by murder.

went through very stringent background and other checks and training processes to have their firearms licensed or re-licensed, and there is in any event now no reason to think that additional controls would not be afflicted by the same weaknesses.

When one considers legal firearm ownership numbers specifically, the evidence could be read to indicate that licensed firearm ownership has an inverse relationship to levels of violence — in other words that more legally owned guns correlate with less criminal violence. This is indeed a logical, if politically inconvenient, possibility given that allowing law abiding citizens to defend themselves against criminal attack should have that result. In a recent monograph produced by Richard Wesson, a mathematical model showed that there had been an inverse correlation between murder rates and licensed firearm owners in South Africa. While the finding should not be considered definitive, it should be researched further.

The next claim often made by the South African government and anti-gun groups is that legal firearms that are stolen, or lost, make up a significant proportion of the pool of illegal firearms. This claim falls down on a number of counts. The first is that the sources of firearms in criminal hands are largely unknown. It has never been determined to what extent firearms used in crimes come from legal private owners, or from the police, or from cross border smuggling, or from stockpiles dating back to the apartheid era. Secondly, there is reason to suspect that many guns in illegal use do not come from stolen civilian firearms as anti-gun activists argue, but rather come from the police and the army. Our own research has identified the extent to which the police have been infiltrated by criminal networks, and that police officers commit a vast number of serious and violent crimes. Official figures for guns missing from police and army armouries should be read with much scepticism, given the extent of corruption and general disarray in both. Thirdly there is no data for how many weapons are smuggled over South Africa's borders increasingly decrepit and porous borders, which would again facilitate the smooth flow of illicit arms — a flow impervious to any laws geared at private owners in South Africa. Even Gun Free SA admits that research in recent years shows that there may be a growing trend of importing automatic firearms into South Africa for use in poaching and cash-in-transit heists.⁴ Lastly, there is the question of the size of the pool of illegal weapons within the country. Estimates range wildly up into the millions and the point then is that if the pool is even nearly as large as that stemming the flow of the of 7 000⁵-9 000⁶ firearms that are reported lost or stolen by private owners a year (this figure includes security companies, not just private owners) will have no effect on curbing access to guns for criminals but will have the effect of undermining the ability of law-abiding people to defend themselves.

The upshot of the above is that if the objective is to mop up the pool of illegal firearms in the country, then tightening the already significant restrictions on law abiding owners will achieve nothing good, given that far greater sources of guns are within easy reach.

Additionally, and beyond their involvement in committing serious and violent crimes, senior police members have been specifically implicated in the direct selling of firearms to criminal gangs — often the guns handed in by civilians under the government's arms reduction programmes. These firearms are handed over to the police for destruction, and recorded as such, even as they later appear in the streets. Considering the widespread level of corruption within the police force, and that our own data shows

4 Gun Free South Africa, "Gun control and violence: South Africa's story", p45

5 <https://firearms.co.za/crime/police-lose-8-times-more-guns-than-civilians/>.

6 <https://www.gfsa.org.za/>.

that police officers are seldom held to account for criminal acts, it is possible that there are many more instances of police selling firearms that remain undiscovered. It is not unreasonable for a legal gun owner to fear that handing over his weapons to police will result in them being channelled to criminals. A regrettable fact is that the broader South African civil service is far too corrupt to be trusted with administering a civilian arms reduction programme, and that arms handed to the police for destruction may have become a significant resource for the arming of criminal gangs.

The next major talking point raised by gun control activists is that licensed firearms result in reductions in the number of murders of women by their intimate partners. Gun Free SA cites SAPS data, that we would regard as unreliable, which shows that gun related intimate partner murder of women dropped from 30.6% in 1999 to 17.4% in 2009.⁷ They further point out that stab and blunt weapon usage in these murders dropped as well, indicating there was no “weapon substitution” in these murders. Glaringly missing from that analysis is that according to the cited statistics in 1999, 3% of intimate partner murders happened due to brute force, a figure that rose to 21.7% in 2009. Swings of that extent point to such serious flaws in the source data that no conclusions based upon it can be sustained. In any event, there is no data, because none is recorded, or how many women defend themselves against attack with their firearms. A firearm is, in this respect, a great equaliser as it affords a woman a chance to see off a much stronger attacker or group of attackers. If activists are successful in having women disarmed, the rate and extent of violence against them could escalate.

Lastly, on the question of domestic violence and guns, you must consider the evidence of a pro-gun control study used by gun control activists, which examined partner murder of women in South Africa between 1999 and 2009. This study found that whilst murders of women by non-partners had decreased during this period, along with the general murder rate, there was no statistical difference between partner murders of women during the same period.⁸

Another common claim made by Gun Free SA is that owning a firearm makes it four times more likely you will be shot if you try to defend yourself with your firearm. This claim has been thoroughly debunked even though it is still commonly cited. The basis for the claim comes from a study in 1999 and 2000. There are numerous problems in using this study to make this point, the first being that it was a study of only 2 police precincts and reflected a very small sample size. It also did not take into account cases where a firearm may be used successfully in self-defence but where this was unreported to the police — a common practice in South Africa’s wild west suburbia. The author of that study has gone as far as to state that, “My study does not support that claim (the four times more likely claim...), and whatever the limitations of my study, it’s got nothing to do with the gun being used against you, that’s a different claim altogether.”

That anti-gun activists have stuck to the claim, despite overwhelming evidence that it is bogus, corroborates doubts that we developed as we produced this short paper about their ethics. It is time and again the case that where South Africa’s anti-gun activists make a firm claim of fact, it takes just a little digging and research to debunk that claim as untrue. The same criticism is true of many of the recent statements made by the police regarding their justifications for the new draft firearms laws.

7 Gun Free South Africa “Gun control and violence: South Africa’s story”, p12

8 <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1001412>.

In the final analysis we think this:

The debate over firearms control in South Africa suffers from very poor data to the extent that the drawing of firm conclusions is not yet possible.

The effectiveness of any policy, either pro- or anti-gun, is handicapped by very weak state capacity.

The claims made by anti-gun activists are mostly false and easily debunked.

There is no clear long-term correlation or other relationship between firearms in legal hands and overall levels of serious and violent crime.

If the data had to be forced into such a relationship, it would show that higher levels of civilian gun ownership reflect lower levels of crime — but that is not our claim for the reasons and inadequacies set out above.

The firmest conclusion we can draw is that well-regulated lawful civilian gun control measures in South Africa have no real relationships with overall levels of serious and violent crimes and that crime trends are influenced by other more powerful external social and economic forces.

It is likely that many civilians do successfully use their firearms to ward off attacks, although the extent of this phenomena is not recorded, and that disarming lawful firearm owners would put them at greater risk of attack, and that this is especially the case for women.

Mopping up the pool of legally owned firearms that are lost or stolen would have little to no effect on overall supply and policing efforts would be best served by a focus on apprehending criminals who engage in attacks, and not on the further pursuit of already very strictly regulated lawful civilian gun owners. The latter are, short of South Africa's spies, now amongst the most heavily vetted citizens in the country.

Lastly the objectives of the anti-gun lobby could only be met via the complete removal of all guns from South African society. This objective can impossibly be met.