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## Access to Weapons: A Comparative Analysis Between Poland and the United States

### Abstract

*Objectives:* In this article, we attempt to answer the following question: is there a need to liberalise policies and laws to allow the Polish citizens to have a greater access to weapons? We compare the Polish and the American regulations in this area. In our attempts to understand possible ramifications for Poland's greater access to weapons, we review the American experience with firearms with emphasis on ownership history, the current debates, a comparative analysis of other dangers, and policy implications. In the conclusion, we employ the culture theory of risk to highlight the debates. The article draws attention to aspects meaningful in the context of shaping the policy of access to weapons and the direction of possible changes in legal regulations in this area.

*Research Design & Methods:* The methods used in this article revolve round literature reviews of the debates, statistical data, a survey analysis, and an analysis of legal regulations.

*Findings:* Restrictions on the access to weapons in Poland may not be desirable. They can limit civic rights and prevent a potential net gain of financial revenue. On the other hand, too liberal access to weapons can be potentially dangerous for the safety and well-being of the citizens.

*Implications / Recommendations:* We believe that more research in this area needs to be conducted with a greater focus on the culture theory of risk as well as other paradigms which employ the latest statistics for a broader social-research agenda. We observe a lack of research and literature in this area.

*Contribution / Value Added:* Given the current social and economic climate in Poland and in the United States, we find this research study to be both timely and important. Specifically, on December 14, 2019, new arms regulations entered into force in Poland. On the other hand, President Joe Biden has recently positioned himself on taking a more rigorous approach to firearm violence.

*Article classification:* research article

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## Introduction

In this article, we address the question: is there a need to liberalise laws to allow Polish citizens to have greater access to weapons? In answering this question, we first identify the legal regulations that make it possible for Poles to access weapons; then we move to the opinions that Polish people have on the right to keep and bear arms. It must be mentioned that the number of issued gun permits in Poland is low when compared to other European countries. The number of crimes involving the use of weapons is also very low. We argue that if there is a connection between more guns and more crime, access to weapons should not be liberalised. If, however, the connection between guns and crime is more ambiguous, i.e. more guns equals less crime (or there are no crime increases due to firearm availability), then we argue that greater access to weapons could be facilitated with little fear that the number of crimes associated with weapons will increase. Typical arguments for stringent gun control revolve around the potential for an increased risk of crime (e.g. homicides) and, to a lesser extent, accidental shootings and the principle of state monopoly on violence. What is commonly mentioned among the arguments against restricting access to weapons is the right to self-defence, the potential decline in crime, and, to a lesser extent, the potential constitutional obligations to the defence of nation.

In our attempts to understand possible ramifications for Poland's greater access to weapons, we review the American experience with firearms with emphasis on ownership history, the current debates, a comparative analysis of other dangers, and policy implications. As Wiśniewski indicates, for the proponents of the libertarian approach to access to weapons, the model should be the United States of America and the legal regulations that exist at least in some states of this country. In the widespread belief, the U.S. is regarded as a country of many civil rights and freedoms, one that boasts of skilful and practical protection of these rights. In the history of this country,

the right to own a weapon manifested itself in many aspects and is recognised, at least by some, as one of the foundations on which the nation was established (Wiśniewski, 2016, p. 312). Wiśniewski says that – as is the case in the United States of America – also locally we can distinguish two different views on this issue. The supporters of the first one believe that in Poland access to firearms should be easier and regulations more liberal. The adversaries say that any possession of such lethal weapons must be strictly regulated and controlled by appropriate state services (Wiśniewski, 2016, p. 313).

Also, in terms of the debates on the American gun control, we surmise that we cannot be sure if more guns equals more crime, or if more guns equals less crime. As a result, in conclusion we bring the debate of gun control to the culture theory or risk. The casting of the gun debate should include not only the quantification and qualification of empirical studies, as has been done in this paper, but also a social historical context. This is not an innovative way of viewing the issue of 'more guns or less guns', but there is a need for the continuation of the argument for the future development and for countries considering the acquiring of firearm ownership.

We find this article both timely and important. Over the past few years, pro-defence organisations in Poland have been lobbying the government to allow citizens to have greater access to weapons (Flis & Gielewska, 2019). This policy can be seen in the activities of the Polish Ministry of National Defence. In 2019, the Polish Ministry of National Defence announced the "Shooting range in the district" competition. The purpose of the competition is: a) to expand the infrastructure of shooting ranges in Poland, including the construction of shooting ranges that are outside the resources of the Armed Forces of the Republic of Poland; b) to enable a shooting training for students of schools that conduct didactic and educational activity in the field of state defence (the so-called military classes); c) to activate non-governmental organisations interested in shooting;

d) to enable a shooting training of soldiers, using the infrastructure of shooting ranges outside the military resources; and e) to select and co-finance the best offers of local government units for the construction of shooting ranges that would enable a shooting training among children and youth, members of non-governmental organisations conducting activities for the defence of the state, and soldiers of the Armed Forces of the Republic of Poland (see: Polish Ministry of National Defence). However, due to budgetary reasons, some local governments withdrew from the programme.

### **The current legal regulations concerning gun ownership in Poland – overview**

The first Polish legal act restricting access to firearms was a decree of the Chief of State of January 25, 1919, which punished those illegally possessing firearms, ammunition, or military material with a year in prison and a fine. The current statutory regulations also limit the citizens' access to weapons. According to the Arms and Ammunition Act of 1999, a permit for a weapon can be obtained when the applicant does not pose a threat to themselves, public order, or security, and will present a good reason for having a gun.

The cultural conditions and historical events, different from that of America, have clearly left their mark on the Polish law. This resulted in a completely different approach of the legislator to the issue under scrutiny. In Poland, the most important legal act concerning weapons is the Act on Weapons and Ammunition of 21 May, 1999, which has been amended many times, most recently in 2019 (consolidated text: Journal of Laws from 2019, positions 284, 1214) and in 2020 (consolidated text: Journal of Laws from 2020, position 955). The Act on Weapons and Ammunition enumerates types and characteristics of devices as well as tools that can be included in the 'weapon' category. Within the meaning of the Act, each portable barrel weapon which is intended for throwing – or can be adapted for throwing – one or more bullets or substances as a result of the material

propellant is a firearm (Art. 7). In Poland, as in many other countries, access to such weapons is subject to significant restrictions resulting from the Law on Weapons and Ammunition, and requires obtaining a state licence for weapons. Pursuant to the legal regulations, firearms and ammunition can be kept on the basis of a gun permit issued by the Provincial Police Chief, and in the case of professional soldiers – the proper Commandant of a Military Gendarmerie unit. Permission for weapons may be given to an adult, who: is mentally healthy, is not addicted to drugs, has no criminal record, and only when it is not suspected that they might use a weapon unlawfully. Therefore, arms permits will not be given to persons convicted for intentional crimes (including fiscal offences) and unintentional crimes against life and health, or a crime against communication security, committed e.g. in a state of intoxication or under the influence of drugs. Permits will not be given also to people with mental disorders, with a significantly reduced psychophysical fitness, showing significant psychological disorders, or addicted to alcohol or psychoactive substances. This results in the obligation to undergo appropriate medical and psychological tests. It is necessary to pass an exam consisting of a theoretical part (including knowledge of regulations) and a practical one (including the service of the weapon). As stated in the law on arms and ammunition, a permit for weapons is issued in particular for the purposes of personal protection, protection of persons and property, hunting, sports, historical reconstructions, collector's goals, commemorative aims, and training. The application should make it clear that the weapon will be used only for a specific purpose. For example, in the case of applying for a gun for personal protection, a permanent, real, and above-average threat to life, health, or property must be demonstrated.

The Gun and Ammunition Act sets out a number of obligations in a strict and understandable manner; these rest on the legal holder and buyer of the weapon. When acquiring a weapon, the buyer is obliged to register it with a competent

police authority within five days from the date of the acquisition. On the other hand, the holder of a weapon must notify the police or Military Gendarmerie in case of a loss of the weapon, and must do so immediately, but no later than within twenty-four hours after acknowledging the loss. Moreover, the holder of a gun permit is obliged to notify in writing about any change of permanent residence and must do so within fourteen days after the change. Then, any export of weapons and ammunition abroad by Polish citizens requires a proper consent of a police body. Furthermore, weapons and ammunition should be stored and carried in a way that prevents access to them by unauthorised persons. Next, a weapon capable of affecting targets at a distance may be used for training purposes and sports only at shooting ranges. Then, the holder of a gun permit is obliged to abide by the prohibition of lending the weapon to an unauthorised person. More than this, a person with a weapon permit issued for the purpose of personal protection (or protection of the safety of other persons or property) is required (once in five years) to provide an appropriate valid medical and psychological reports issued by authorised doctors and psychologists to the police authority.

Currently, psychological examination seems to be of utmost importance in granting a gun permit. Some of the most spectacular crimes involving firearms are committed by people with mental disorders. Such crimes happen not only in the USA, but in Europe as well, e.g. the Breivik case in Norway. As reported in the media, following his arrest, Breivik was examined by court-appointed forensic psychiatrists. They diagnosed him with paranoid schizophrenia and they ruled that at the time of the attacks he was criminally insane and psychotic. Another example is the man who was accused of killing twenty-two people in Walmart in El Paso, Texas, in August 2019; he was diagnosed with some type of mental disorder and it was believed that part of his life had been influenced by hate speech. As the BBC announced, that shooting came just a few hours

before a mass shooting in Dayton, Ohio. These events sparked a wide debate across the US on gun laws, with the Republicans pointing out that checks on the identity of buyers should be tightened up. Former President Donald Trump and President Joe Biden committed to seriously considering the introduction of new gun control measures in order to strengthen buyers' background checks. The media highlighted that the El Paso suspect had legally purchased an assault rifle and brought it unhindered to Walmart due to the state's open carry-firearms regulations.

In the light of the above atrocities, one can only speculate what might happen if we liberalise gun laws in Poland. It is possible that Poland may not witness such atrocities, since other nations have access to weapons with no such horrendous acts occurring. However, there is also a possibility that liberal regulations would instil threat in people who have no weapons.

### **Polish citizens and their opinion on the right to keep and bear arms – the statistics**

The Polish National Police Headquarters have released the latest statistics on the number of people who have the power to use weapons. For several years, these numbers have been published on the Police website. As can be seen, there are more and more people willing to own a gun.

Until 31 December, 2019, the number of people with the right to own a gun amounted to over 224,651 people (cf. with 2018 – 215,000 people). More than half of them have guns for hunting purposes, i.e. up to 129,347 (in 2018 – 127,768). Other categories include personal protection – 33,528 (2018 – 36,499), sports – 35,045 (2018 – 30,792), collector's items – 24,031 (2018 – 18,064), commemorative goals – 1,727 (2018 – 1,668), training – 723 (2018 – 575), others – 173 (2018 – 163), historical reconstructions – 68 (2018 – 64), and protection of persons or property – 9 (2018 – same amount). In 2019, the police issued 6,181 (in 2018 – 6,522) permits for a collector's goal, 4,822 for

a sporting purpose (2018 – 5,172), 3,901 for hunting purposes (2018 – 4,966), 151 for a training purpose (2018 – 162), 144 for personal protection (2018 – 121), 14 for a commemoration purpose (2018 – 16), 4 for historical reconstruction, and 5 for other purposes (2018 – 3 and 10 respectively). In 2019 in Poland, 224,651 people received a permit (the number of people in 2018 was 215,602), while 551,410 weapons were registered in the country (see: Police Statistics – Pozwolenia [Permits]) (the previous year it was 505,429 – this is 41,661 more than in 2017, when the number of weapons registered by gun licence holders was 463,768. By contrast, the mere number of gun permits in 2018 increased by 9,481 since 2017) (see: *Ile osób...?*<sup>1</sup>). As can be seen, there is a difference.<sup>2</sup>

### Arguments for the right to keep and bear arms

Most of the supporters of gun ownership raise arguments for the defence of individuals and/or for the defence of their nation. People who are against gun ownership say that possession of weapons makes potential accidents, crime, and violence easier. Accidental shootings in Poland are very rare<sup>3</sup> and according to the Polish Police's statistics, in 2019 there were 659 crimes with the use of firearms, in 2018 – 768, in 2017 – 874, and in 2016 – 996 (see: *Offences Using Weapons*, Police Statistics). Therefore the trend of crimes with firearms is downward. Poland has more guns and

more gun permits issued between 2017 and 2019, but generally crime went down. Such a trend allows us to say that there is probably no need to fear that in the current state of legal regulation crime with the use of weapons will be more common.

Pawlaczyk says that almost all information in the media about incidents with the use of weapons opens discussions about the citizens' right to possess a firearm. The supporters of a liberalisation of regulations claim that free access to firearms should be a constitutional right of every Polish citizen. Possession of weapons, they believe, will increase their sense of security and enable an effective defence against an attacker. The opponents of free access to firearms argue that a weapon itself is a threat to human life and health, and its possession by individuals significantly increases the potential risk of its use for criminal purposes. Therefore, access to it should be limited (Pawlaczyk, 2016, p. 168).

According to the author, it is worth emphasising that the discussion on civil rights to a free disposal of firearms is limited to the sphere of individual security and concerns primarily the protection of the individual's life, health, and property against possible attacks. It does not consider access to firearms in the context of national security. In fact, each citizen has a constitutional obligation to defend their homeland (Pawlaczyk, 2016, p. 168). Citizens' constitutional obligation to defend their homeland results from Art. 85 of the Polish Constitution. Some authors, including Pawlaczyk, link this obligation with the right to own a gun. In this context, easy access to weapons also facilitates the 'defence of the nation' argument. A widespread military mobilisation is more possible now that firearms are kept at home (and there is the ability to use them); it is also more prevalent, which supports Poles' constitutional right to defend their nation. This is one of the arguments for making access to firearms easier.

The CBOS (Public Opinion Research Centre) indicates similarly, i.e. in the discussion on access to firearms, a lot of attention is devoted to the issue of the citizens' sense of security. Poles' sense

<sup>1</sup> Some official statistics which show the number of people who have been granted a gun permit until the end of December 2018 can also be seen in: *Offences Using Weapons*, Police Statistics.

<sup>2</sup> At the time of writing this paper, newer data (i.e. from 2020) was not available yet.

<sup>3</sup> There is very little information on the TV, the radio, or the Internet about accidental shootings in Poland; one can hardly hear of such cases. Police statistics also show a low amount of gun-related crimes among all crimes. Accidental shootings usually occur on a hunt in the forest or as a result of a police pursuit, during which an innocent person got hurt by mistake.

of security has been at a high level for a long time. When the CBOS last researched this issue in 2017 (see: CBOS, Research report No. 137/2017, pp. 2–5), it was found that 89% of the respondents said that Poland was a safe place to live, and 95% rated their immediate vicinity as a safe place. Currently, only 4% of the respondents admit that they have personal contact with firearms; they possess them or use them at work, at a shooting range, or while hunting. Among the rest of the interviewees, only over a quarter (29%) personally know someone who owns a weapon.

Most of the respondents indicated that it was currently quite difficult to obtain a permit for a weapon in Poland: more than half (53%) of the respondents take this view, with one-fifth (20%) saying that it is definitely difficult. Only 16% consider it easy. A significant number of the respondents (31%) have no opinion on this issue, while the vast majority (84%) of Poles believe that access to firearms should be strictly limited. Only every ninth respondent (11%) is in favour of a liberalisation of the regulations in the current situation. Men, as well as younger respondents (under 35 years of age) are clearly more for the facilitation of access to firearms than women are. This postulate is also more often supported by those who themselves have direct or indirect contact with firearms (21% of them support the access and 75% support strict limitation). Interestingly, the sense of threat of crime does not affect the opinion on this matter.

According to the CBOS's opinion poll from 2017, most of the respondents (90%) believe that a widespread use of firearms would increase the number of accidents. Slightly fewer respondents (83%) believe that the number of killings would increase. A much smaller percentage of the respondents predict positive effects of the possible spread of firearms, i.e. 30% believe that it would increase a sense of security of the citizens and 21% believe that it would reduce crime.

## **The legality and history of gun ownership in the United States – overview**

The legal right to keep and bear arms has been a debatable topic in the US for many years. The issue is reflected in the Second Amendment of the American Constitution, which reads as follows: “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed” (Hauenstein Center, 2014, p. 32). Many debates revolved around the meaning of “a well-regulated Militia.” Some believed this to mean that only military personnel (including law enforcement) have the right to keep and bear arms, while others interpreted it as all people's right to keep and bear arms (Carbide, 2017). The historical precedent aside, two Supreme court cases moved this discussion to a conclusion. In the District of Columbia vs. Heller 2008 case, the court held that the Second Amendment protects the rights of individuals to possess a firearm regardless of service in a militia, and to use that firearm for lawful purposes, such as self-defence at home (Supreme Court, 2008). In the Supreme court case McDonald ET AL. vs. the City of Chicago, Illinois, ET AL. 2010, the court reversed the law(s) of Chicago that ban handguns for private citizens, thus upholding Heller 2008 and, in effect, giving the right to keep and bear arms to private citizens in all states (Supreme Court, 2010).<sup>4</sup>

The regulation of firearms is still conditioned by the federal and state law. The National Firearms Act<sup>5</sup> bans certain guns from ownership, such as short

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<sup>4</sup> Also found in Heller is the statement that “the requirement that any lawful firearm in the home be disassembled or bound by a trigger lock makes it impossible for citizens to use arms for the core lawful purpose of self-defense and is hence unconstitutional” (Supreme Court, 2008, p. 3).

<sup>5</sup> There are many other Federal Acts which regulate matters connected with firearms, including – but not limited to – the type of firearm, the condition of ownership, the sale, the transportation, the licensing, the importation, and the storage.

barrelled shotguns and rifles as well as machine guns and silencers. Also, this act regulates the commercial sales of firearms. The Brady Handgun Violence Prevention Act bans certain individuals from possessing guns (e.g. a convicted felon, those convicted of domestic violence, those adjudicated as mentally ill, etc.). At the federal level, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) enforce the ownership and sale of firearms under these federal laws (FindLaw, 2019).

Also, each of the fifty states of the United States regulates firearms on their own, and these laws can have considerable variance with regard to restrictions.<sup>6</sup> Some states allow citizens the right to carry a weapon without a permit, while other states can have very restrictive ‘right to carry’ laws (either openly carried where visible, or concealed). Generally, states can be divided into four categories:

- those which allow guns to be carried without a permit;
- those which allow guns to be carried ‘openly’ (i.e. where the firearm is visible) only with a permit;
- those which allow guns to be carried ‘openly’ (i.e. where the firearm is visible), but where local governments can be more restrictive;
- those which ban carrying a gun ‘openly’ or make it legal in strict circumstances, e.g. while hunting (FindLaw, 2019).

Several explanations have been put forth to explain Americans’ interest in firearms. Some believe that our basic right to freedom, namely our citizenship, was founded on firearms, specifying that the Revolutionary War was fought and won by guns, although those guns were considered hunting rifles at that time, and were also used in sport (Yamane, 2017, p. 2). For the early settlers in North America, in turn, the introduction of the gunsmith as a profession was welcomed for the survival of colonists in the wilderness (Bellesiles, 2000).

<sup>6</sup> Generally speaking, state law cannot be *less* restrictive than federal law, but state law can be *more* restrictive. In any case, state law cannot violate the Constitution.

Recognising this, the founding fathers drafting the Constitution may have believed that guns were an important part of not only the defence of the nation, but also the survival and defence of American settlers. In fact, during the late 15<sup>th</sup> and early 16<sup>th</sup> centuries, the early years of America being colonised, European firearms were a part of the colonists’ means of survival (History, 2018). By 1689, the English Bill of Rights hardened the right to bear arms for self-defence and/or revolution. It later reinforced the idea that gun ownership was tied to being an American (McCain, 2007)<sup>7</sup>.

### The gun debate in the United States

Many Americans feel very strongly, if not even emotional, about guns in society. On the one hand, there are those who believe that the American citizens should not be allowed to carry or even own guns, since guns have no socially redeeming quality<sup>8</sup>. They often cite the number of available guns, accidents associated with guns, and the number of mass shootings or the level of gun violence (Mark, 2018). On the other hand, there are those who believe that everyone should own a gun for protection<sup>9</sup> or, if nothing more, for sport. They cite the same reasons – the number of mass shootings and the amount of gun violence (Riley, 2015).

Obviously, most Americans fall somewhere in between these extreme views. In a recent poll conducted by the NBC News and *Wall Street Journal*, just over five out of ten Americans indicated that gun ownership increased safety. In fact, the multitude of the respondents support gun control organisations (Murray, 2018). In a 2013 poll,

<sup>7</sup> During the early years of the colonisation of America, gun ownership by the British was seen as necessary due to the threat of invasion by the Dutch. Afterwards, guns were used to remove Native Americans from their land and, subsequently, to enforce slavery.

<sup>8</sup> This would include guns used for hunting purposes only.

<sup>9</sup> Protection against criminal individuals, the criminally insane or those adjudicated as unstable, criminal gangs, and/or a tyrannical government.

50% of Americans said the nation needed to “control gun ownership”, while 46% said the nation needed to “protect the right of Americans to own guns” (Walker, 2015, p. 256). In terms of mass shootings, 47% say that the nation would have fewer mass shootings if it were harder to obtain guns legally, while 46% argue that it would make no difference (Gramlich, 2018).

## Opposing guns

As of 2018, it has been estimated that the United States has over 393 million firearms<sup>10</sup> in civilian possession (Karp, 2018). This figure outnumbers the number of Americans living in the United States. Also, nearly 42% of Americans live in a household with a gun and approximately one-third of Americans report owning one or more guns (Igielnik & Brown, 2017).

Frequently cited in the gun debate is the fact that gun violence is greater in the United States than in any other industrialised democracy<sup>11</sup> (Collins et al., 2017). In terms of the number of mass shootings in the United States, between 2015 and 2019 (February), there were approximately thirty-nine mass shootings with 327 fatalities. In the estimated twenty-two out of the thirty-nine mass shootings, the weapon(s) used was/were either a handgun or a handgun and rifle combination, and not necessarily an “assault type” weapon (Follman, Aronsen, & Pan, 2019). In 2016, the number of homicides with firearms was 14,415<sup>12</sup> (CDC, 2018). In a review of the literature, Hepburn and Hemenway (2004) find that households with firearms are at a higher risk of homicide and that there is no net beneficial effect of firearm ownership.

The opponents of firearms argue that increases in firearm ownership lead to more homicides

and that guns in the United States are involved in roughly 70% of all homicides (Duggan, 2001). Evidence suggests that the most common way to purchase a weapon used for a crime is to either steal the weapon or obtain it through an illegal transfer<sup>13</sup> (Collins et al., 2017). Hemenway and Nolan (2017) collected the opinions of firearm researchers (public health researchers, sociologists/criminologists) to determine if there were any congruencies between the scientific evidence on firearms and firearm violence. They conclude that more guns, coupled with weaker gun regulation, cause socially significant problems, such as a deteriorating public health. In fact, stricter gun access laws can improve safety and public health, both of which would diminish any benefits of gun ownership. Stroebe (2016) finds that not only is there no effective protective effect, but also gun owners are more likely to be murdered (see also Siegel et al., 2014).

The right to carry (RTC) a weapon in public (either concealed or openly) is a highly contested topic (Giffords Law Center, 2019). Using panel data regression analysis, Donohue et al. (2018) find that RTC laws are associated with a 13–15% increase in violent crime rates over ten years and that “the average RTC state would need to roughly double its prison population to offset the increase in violent crime caused by RTC adoption” (Donohue, Aneia, & Weber, 2018, p. 1). A study conducted by Siegel et al. (2017) with the use of data from fifty states during a 25-year period from 1991 to 2015 reveals that RTC laws lead to substantially more homicides. Citing Siegel et al. (2017) and correcting any potential errors, Donohue (2017) supports the finding that RTC laws increase firearm homicides.

In contrast to the belief of some gun enthusiasts that RTC laws reduce crime, Duggan (2001) finds that those states which have seen an increase

<sup>10</sup> With the majority being handguns as opposed to rifles and shotguns. This number might include the guns for sale.

<sup>11</sup> In fact, data from international studies shows that high-income countries with more firearms are at a higher risk of firearm homicides (Hepburn & Hemenway, 2004).

<sup>12</sup> In 2017, the estimated increase was to 14,542.

<sup>13</sup> Purchasing the weapon ‘on the street’ or having someone legally buy a gun for the sole purpose of selling the weapon to someone who is not able to legally purchase the gun (a straw purchase).



in allowing their citizens to carry weapons do not have reduced crime rates. In fact, Donohue (2018) argues that some of the statistical studies that have shown a reduction in crime due to RTC laws have suffered from methodological imperfections (see also Ayres & Donohue, 2009). Donohue (2018) finds evidence that, in fact, RTC laws increase the crime rate. He adds that when one takes into consideration the estimated 100,000 guns per year that are stolen from individuals who possess concealed-carry permits, this increases the crime rates not only in these particular RTC states, but also in states that have more restrictive RTC laws (Donohue, 2018, p. 78).

### Pro-guns advocates

Over the last ten years, the Firearms and Ammunition Industry's growth has been unprecedented. Companies that manufacture, distribute, and sell firearms and hunting equipment employ over 149,000 people and generate another 162,000 jobs within the supplier chain. The average pay and benefits are around \$50,400 per year. In 2018, the industry generated over \$52 billion in the economic activity in the United States and paid over \$6.8 billion in taxes (National Sporting Goods Foundation, 2019).

Spearheading gun advocacy in the United States is the National Rifle Association (NRA). Founded in 1871 "to promote and encourage rifle shooting on a scientific basis", the association has nearly 5 million members and offers firearms training to citizens and police officers as well as self-defence programmes and training courses<sup>14</sup>. It also lobbies for the right to keep and bear arms (NRA, 2019). In 2017, the NRA reported \$98 million in contributions and \$128 million in membership dues with \$312 million in total income. Their political advocacy branch, the Institute for Legislative Action, spent about \$27 million for political initiatives (Markay, 2018). Echoing what many

NRA members might believe, the Executive Vice President and CEO of the NRA Wayne LaPierre is claimed to have said that "[t]he only way to stop a bad guy with a gun is a good guy with a gun" (CBS DC, 2012).

In the light of the above statement, more than a half of gun owners report that they own a gun for self-protection and that guns make them and their households feel safer (Hauser & Kleck, 2013). In fact, some 58% of Americans are worried about their safety and fear being robbed on the street, assaulted by a stranger, or murdered (Singleton, 2019). Pro-gun enthusiasts have maintained that their right to keep and bear arms comes from their right of self-defence. In a review of the literature, Hsiao and Bernstein (2016) find that laws permitting people to carry concealed weapons reduce the murder rate. Furthermore, twenty peer-reviewed studies have confirmed that right-to-carry laws reduce murders and rapes. In fact, those states with restrictions on carrying a concealed weapon saw higher murder rates than other states (Hsiao & Bernstein, 2016, p. 296). In support of the above, Shi and Lee (2018) find that right-to-carry laws show medium-term decreases in the murder rate. In fact, pro-gun advocates have argued against the claim made by the supporters of gun control that gun control measures will lower the crime rate. As Wright, Rossi, Daly, & Weber (1983) show, research

[c]riticizes the arguments of "progressive" thinkers who recommend much stricter gun control measures as a deterrent to violent crime, showing that evidence does not support this deterrent effect. (p. 1)

As an example, in 1975, the District of Columbia (Washington, DC) banned handguns (with certain exceptions) until it was repealed in 2008 with the *Heller vs. District of Columbia* case (as noted above). During the time the ban was in force, the American Conference of Mayors claimed the law had reduced firearm and handgun crime. However, other research shows that other cities had had a greater reduction of gun-related crime without

<sup>14</sup> The NRA is involved in a vast array of gun-promoting Second Amendment freedoms.

the benefit of gun control during the same time period. After a review of all the studies of the DC gun ban, the National Academy of Sciences found “no conclusive evidence” of the effectiveness of the gun ban. In fact, between 2008 and 2012, when the DC ban was lifted, homicides fell by half (Walker, 2015, p. 260).

More recent research adds that the connection between higher rates of gun ownership and higher crime rates is weak, and evidence shows that a higher percentage of gun ownership does not increase the crime rate (Kleck, 2015). In fact, gun bans are more likely to reduce gun ownership for non-criminals than for criminals, which might affect homicide rates now that non-criminals are not able to protect themselves (Kovandzic, Schaffer, & Kleck, 2013). Pro-gun advocates have noted that those in opposition to guns frequently cite international data in attempts to indicate how dangerous the society is due to the number of guns available. However, Kates and Mauser (2007) find that:

The burden of proof rests on the proponents of more guns equal more death and fewer guns equal less death.... But those correlations are not observed when a large number of nations are compared across the world. (p. 693)

Continuing with the ‘more guns equals less crime’ argument, the pioneering work of Lott and Mustard (1997) – where the authors use cross-sectional time series data for American counties from 1977 to 1992 – concludes that allowing citizens to carry weapons reduces violent crime and does not increase accidental death. Furthermore, states that would have allowed citizens to carry guns would have seen a reduction in murders, rapes, robberies, and aggravated assaults. If states had adopted concealed-carry gun laws, the estimated financial gain in 1992 could have been \$5.74 billion.

Since the publication of the 1997 work by Lott and Mustard, several debates have developed around the statistical strength of their work. Citing those in opposition to the findings, Moody and Marvell (2008) find that concealed-carry laws are,

in fact, beneficial and that their research attempts to “neutralize” the ‘more guns equals more crime’ debate (Moody & Marvell, 2008, p. 270). The debate on ‘more guns equals less crime’ or/and ‘more guns equals more crime’ arguments is still ongoing (see Moody, Lott, Marvell, & Zimmerman, 2012; Moody & Marvell, 2018).

### **A comparative analysis of other dangers and policy implications**

In terms of the cited research, we cannot be sure if more guns really equals more crime or if more guns really equals less crime. Creditable research has been presented by both sides. Obviously, if guns are introduced in a society which does not have guns, it stands to reason that deaths and injuries will happen, and laws will be broken with guns. Accordingly, we could prevent many of the 32,000 deaths and 2 million injuries that are associated with car accidents each year (CDC, 2016) by requiring people to wear helmets (Miller, 2015) while in the vehicle<sup>15</sup>, or by outlawing cars and increasing public transportation. In fact, we know of no public discourse on the need to pass laws that would require people to wear helmets while in the vehicle.

Also, in 2016, over 38,000 people died of firearm-related injuries and over 35,000 people died of falls (falling down) in the United States (Xu et al., 2018, pp. 12, 14). Both ways are tragic. As presented in this article, we are aware of the vast and increasing amount of public discussions on the number of firearm deaths and injuries, and the need to strengthen firearms laws. Unfortunately, we are not aware of a single public discussion on falling down<sup>16</sup>. In the light of the reported

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<sup>15</sup> In fact, according to a 2006 study, some 280,000 people each year in the U.S. received a motor-vehicle-induced traumatic brain injury (Miller, 2015). Motor vehicle accidents are the second principal cause of traumatic brain injury (Mayo Clinic, 2019).

<sup>16</sup> Falls are the primary cause of all traumatic brain injuries (Mayo Clinic, 2019) and the principal cause of all non-fatal emergency room visits for all ages

evidence, as stated above, should not many of us be engaged in the public discourse for the need to strengthen our laws against falling down? It is not our intent to sound facetious, but, rather, to show within the public realm how emotional positions, attached to varying degrees of evidence, can override other concerns for public health and safety.

In the light of the discussion, there is public support for gun policies for both gun owners and those who do not possess a weapon to strongly advocate measures to strengthen American gun laws. A survey conducted in January 2017 by the American Public Health Association found that there was support for universal background checks, greater accountability for legal gun dealers, higher safety training for concealed-carry holders, improved record-keeping for mental illness background checks, gun prohibition for persons convicted of domestic violence, and gun-violence restraining orders (Barry et al., 2018). We would add the need for a national gun registry for all sales and transfers of firearms, mandatory gun safes to lock up all firearms when homeowners are away, national education and safety training firearms courses, and the removal of states' rights on gun ownership.

One important factor associated with gun crime is the number of illegal guns in the US. The Federal Bureau of Investigation (FBI) reports that between 2012 and 2015, nearly half-a-billion-dollars worth of guns were stolen, amounting to an estimated 1.2 million guns (Parsons & Vargas, 2017). In fact, when state-prison inmates are asked where they had obtained their weapons, 40% indicated illegal means, over 37% indicated a sale through a family member, and only 7.3% made the purchase through a licenced gun retailer (Walker, 2015, p. 265). Khalil's study (2017) shows that an increase by 1% in illegal firearms contributes to a 0.15% increase in aggravated assaults as well as modest gains in homicides and firearm robberies. The author concludes that more efforts should be

directed at solving the illegal-firearms-market problem than at efforts to regulate new legal firearms purchases (Khalil, 2017, p. 357).

### **The Culture Theory of Risk**

As mentioned before, the empirical analyses of the gun debate – 'more guns equals more crime' or 'more guns equals less crime' – offers little explanation as to the direction that gun control should take or, in this case, the adoption of gun regulations allowing the Polish citizens the right to own firearms or not. As a result, we move the discussion to Braman, Kahan, & Grimmelmann (2005); Kahn (2003); Kahn & Braman (2003), who use the culture theory of risk. Similarly to the culture theory of environmental risk, they argue that the gun debate is seen as a competition between those who believe that it is too great a risk and that people will be harmed by owning guns, and those who argue that too many people will be unable to defend themselves without guns. These positions are more of cultural character than about gun control risks, as they revolve around what a country ought to be; they present orientations towards egalitarianism and communitarianism vs. hierarchy and individualism (Kahan, 2003, pp. 6–8; Kahan & Braman, 2003). Hence, Braman, Kahan and Grimmelmann (2005) argue that people's positions on gun control derive, in fact, from their cultural world views. We emphasise their position in our paper.

Accordingly, as Esposito and Finley (2014) point out, in efforts to reduce gun violence, we may want to address the way many view firearms. The American culture seems to link hyper-individualism and masculinity with the idea of a romantic view of an 'old West', the go-it-alone approach, the rugged individualism mentality, which is coupled with the 'Smithian' dangers of the big government. Here, the world is seen as a dangerous place with dangerous people, and where everyone is stranded. Guns are needed to protect good people from bad people. As Esposito and Finley (2014) state, we need to move beyond the issue of gun

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combined in 2017 (National Center for Injury Prevention and Control: Centers of Disease Control, 2019).

control and challenge the ideological forces that encourage the survival-of-the-fittest attitude, which might be adding to gun violence.

Different historical trajectories of Poland and the United States may have influenced different views on gun ownership. Between the late 1700s and the year 1918, no truly Polish state had existed; Poland was divided between Russia, Prussia, and Austria. Lacking a preeminent domination of a historically capitalistic economy, Poles were less focused on ‘hyper-individualism’ and the ‘old West and go-it-alone mentality’, so readily seen in the American history. As a result, cooperation between Poles was at a maximum, as they had to build the Polish state, whereas in America the mode was to get ahead at any cost in line with the ‘every man for themselves’ approach. The countries’ different historical trajectories may have influenced Poland to work more cooperatively for a united nation (with no emphasis on the need for guns<sup>17</sup>), while the USA is perceived by many as a dangerous place where one needs to defend themselves against other people. Lacking this ‘hyper-individualism’ and the ‘go-it-alone’ mentality, Poland could increase gun ownership without the associated costs of crime and violence such as the those seen in the United States (as claimed by the opponents of firearms).

For both Poland and the United States, at some point we must review what is in the best interest of the public good compared with an individual’s right to own or carry a weapon. In terms of personal safety, we agree that the weak should not fear the strong, nor should women be afraid of men, nor should the physically challenged be afraid of those who have no such conditions. People’s security and their sense of safety is undeniably important. But how does one measure the actual or real danger that one is in at a given time? And

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<sup>17</sup> The Polish government may have an interest in the Polish citizens being able to defend their nation against foreign invaders, hence an interest in the defence-of-the-nation argument cited earlier in this paper. Correspondingly, the defence-of-the-nation argument also holds true for the history of the United States.

also, how does one measure the level of importance of their ‘sense of security’ when they own or carry a weapon? At what point are the best interests of the collective good threatened by more people owning and carrying guns either in order to protect themselves from real (or imagined) dangers, or for their sheer enjoyment of guns?

## Conclusion

Poland and the United States have completely different legislative solutions regarding access to weapons. It seems that the discussions of both systems are interesting, but this dissimilarity makes for difficult comparisons. That being the case, we find that on the one hand, too hard restriction of access to weapons in Poland is not desirable, because it limits civic rights. On the other hand, too liberal access to weapons can be potentially dangerous for the safety of citizens. One compromise solution could take into account both these aspects – civic rights and safety.

We are also aware of the idea that ‘trends’ or greater amounts of ‘evidence’ with regard to any of the sides of the debate can influence decision-making. Our research has uncovered the position that it is quite ‘trendy’ (at least within the field of academia) to oppose firearms. To what extent has that ‘trend’ aided decision-making towards an anti-gun stance?

If liberalising access to weapons is a desired goal, the issuing of weapon permits should continue to be subject to compliance by the applicant with a number of requirements, such as psychological testing, as noted in this paper. Also, it would be important to train Polish citizens in their shooting skills and raise awareness of the legal situations in which firearms can be used, and when the use of weapons is abusive or even constitutes a criminal offence.

In terms of personal safety, we find that the majority of Poles have a strong sense of personal security and they see Poland as a safe place to live. As many as 89% of Poles call their place of residence peaceful and safe, as the CBOS research from April

2013 showed. This record-high result of the sense of security, the best one since 1987, closely correlates with the decline in crime, both serious (against life and health) and socially burdensome, e.g. petty theft (see: Policja.pl). In 2019, the belief that the vicinity of the respondents' place of residence can be called safe and peaceful was almost universal, i.e. shared by 98% of Poles (see: CBOS, Research Communication, No. 72/2019). The Polish view of personal safety is quite different from the American experience, as over 50% of Americans are worried about their personal safety and fear being robbed, assaulted, or murdered. Since Poles have a strong sense of personal safety, it might be the case that an increase in weapons would not foster the use of weapons as a potential means of self-defence. And, as already mentioned, we have also uncovered an important association. In Poland, over the past few years, there was a rise in gun permits as well as an increase in registered guns, but a reduction in gun crimes. We make no inference as to the cause and effect ('more guns equals less crime'), but merely state that the rise in gun availability did not necessarily increase gun crimes.

In this paper, we have uncovered the fact that in 2018, the firearms industry in the United States created over 300,000 jobs up and down the supplier chain; the country saw an increase in economic activity, namely by \$52 billion, and by over \$6.8 billion in tax revenue. If Poland were to allow a greater access to weapons, what would the associated financial costs and benefits be? Although this is beyond the scope of this paper, the net gain in benefits of job growth and increased economic activity (along with tax gains) need to be weighed against the net financial loss due to health care injuries as well as police personnel needed for the increased access to weapons. We feel that a greater access to weapons might bring a net gain of financial revenue in Poland. We believe that more research in this area needs to be conducted.

In concert with the aforementioned polices to strengthen American gun laws, we feel that if

Poland had greater access to weapons, we could draw on the American experience to elaborate on what Poland might want to do, namely:

- mitigate an illegal gun market by requiring that all gun transfers have state permit to both sell and buy firearms, making sure that all gun transfers are conducted through state actors;
- strictly comply with the principles of the Act of May 21, 1999, about weapons and ammunition:
  - continue to restrict Right-to-Carry, where applicants must 'show a cause' to state officials;
  - continue to require mental health evaluations for all gun owners, as currently structured in Poland;
  - continue to restrict access to those convicted of drug crimes or violent crimes;
- conduct very restrictive exams on the principles and skills of using weapons.

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