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Selling Sin; How Culture Influences the Sale of Firearm Suppressors in Australia and New Zealand.

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Abstract

This paper is a summary of a 2011 academic study commissioned by the New South Wales Government (Game Council) investigating the possible legalizing of firearm sound moderators for hunting and shooting. The study examined the pragmatic advantages and disadvantages of this product in the event it could be made available to the general public. Advantages of de-criminalisation include; hearing-loss prevention, increased accuracy, reduced recoil, reduced stock disturbance, reduced noise pollution, increased safety and an increase in the potential for humane culling. Disadvantages include cost, a deleterious shift in the firearm's centre of gravity, and the potential of criminal and civil misuse. While based largely on secondary data, the investigation found no obvious link between sound moderators and their use in petty or organized criminal activity. Further, and based upon a review of other legislative regimes where moderator use is legally permitted, the authors conclude that the benefits pertaining to moderator use by civilian shooting communities points to a need for a more informed debate on legislative change within Australia. While the author's note the logical consequence of such findings should be a move towards de-criminalisation in Australia they also appreciate that entrenched attitudes relating to firearms, both as a product and consumer lifestyle, will likely result in impassioned minority resistance to any change in the status quo. A comparison between Australia and New Zealand vis-à-vis public access to sound moderators highlights not only the opposite ends of the continuum adopted by two similar countries, but also the arbitrary nature of how attitudes influence product acceptability and availability.

Introduction

In Australia firearm sound moderators are illegal to import, purchase, possess and use by the general public. In most Australian States however there is legal provision to permit their use by designated shooters under strictly controlled regimes (e.g. wildlife officers, rangers and quasi government entities). In New South Wales, firearms legislation defines a sound moderator as 'any article or device designed for attachment to a firearm for the purpose of muffling, reducing or stopping the noise created by the firearm' (NSW Firearms Registry, 2010, Clause 4[3]). Other definitions by which sound moderators are known include 'silencer', 'suppressor' and in the U.S. by the popular jargon, 'can' (due to their shape). While legal definitions in Australia use the term 'silencer' it is considered a misnomer by aficionados, as the term suggests and the media would have us believe it is possible to effectively silence a bullet as it exits a barrel. Sound moderator or suppressor is a more precise definition as while these devices are capable of lowering the sound by a significant amount they are incapable of effectively silencing the report of a firearm.

Due to their legal status in Australia the purchase of these products are by government entities only. In New Zealand (NZ) however there is no restriction on their purchase, with prices ranging from \$50NZD for typically small calibres to \$1,000NZD for the largest calibres. The criteria for price determination includes; precision, design, calibre, and materials. In the U.S. due to a licensing regime, community stigma and brand emphasis moderator prices are higher. Prices in the U.S. vary from \$300USD to \$1,500USD. In the U.S. brand equity appears to be more important than in NZ, including a price margin that reflects the concept of brand.



Fig 1. Gilles Whittome, a UK Gunmaker with sound moderated Howa rifle.

Methodology

This study is based largely on secondary web-based research. The primary research question as commissioned by the NSW Government was, ‘What are the impediments to the use of sound moderators on firearms in NSW for the purposes of hunting and shooting?’ to answer this, three authors and two research assistants collected information from the web; comprising 29 reports and material from over 100 websites; including firearm blogs, firearm manufacturers and retailers, legal entities, legislative entities policies and regulations (MacCarthy, O’Neill and Cripps, 2011). This material was analysed over a three month period in early 2011. The section on community attitudes was further fortified by a related 9 year ethnographic study, commencing in 1999 and finishing in 2008 (MacCarthy, 2009b), and subsequent related first-author research (ibid, 2009a; 2010; 2011; MacCarthy & O’Neill, 2010). This earlier investigation examined the cultural meanings associated with the consumption of firearms in Australia and their use in social settings or ‘gunplay’ (Bryant, 1994), The data collection comprised observations and field notes; further divided into perspectives ‘in-action’ and perspectives ‘of-action’ (Belk and Wallendorf, 1989). These were supplemented with over 100 digital photographs (Worth, 1975) taken, with redundant photographs culled at a later date (Bateson and Mead, 1942). Unstructured communication occurred with over three quarters of the membership of four shooting clubs. The cut-off point was determined by saturation through informant response redundancy and diminished returns (Arnould, 2001). Iterative methods and emergent design was used to steer the research project with early hypotheses and inferences leading eventually to the final genres of external force on firearm ownership. The constant comparative method of data analysis was used, as detailed by Glaser and Strauss (1967). Although constant comparison methodology has its

roots in Grounded Theory, the project cannot strictly be called such, as prior assumptions were deliberately made and explored. The two studies are intimately related given the critical findings of community attitudes towards firearms and those towards sound moderators are in essence indistinguishable.

Reality vs. Politics

There are a wide variety of approaches taken by First World countries in their dealings with sound moderators. These approaches range on a continuum from uncontrolled use (New Zealand), to controlled use (United Kingdom, USA), to zero tolerance (Australia). Countries that permit controlled/licensed use systems make efforts to identify the user while acknowledging the wider community benefits pertaining to the use of sound moderation. In the case of zero-tolerance regimes however, there remains an emotionally charged perception that sound moderators are anti-social devices devoid of merit. That with de-criminalisation will likely find their way into the hands of petty and organized criminals, and this will ultimately lead to an increase in crime. For example, recent debate concerning the report from this study evoked the following implied stigmata from the Green's Party Member in the NSW Parliament, Mr David Shoebridge, "They are prohibited weapons" (Hansard, 2011. p. 4492). Notwithstanding the stated concept of 'prohibited' is technically incorrect in NSW the pejorative description, "weapon" underpins the speakers' overt anti-firearm political agenda (Shoebridge, 2011). Among other things this study determined that a sound moderator is not a device which of itself can cause harm or injury and therefore to suggest it is a 'weapon' is arguably a mischievous falsity. A literal appreciation of the product implies they are similar in principle and no more or less benign than a motor vehicle muffler. In contrast however it appears elements of Australian society have elevated the status of sound moderator to a demonic device worthy of fictionalisation and criminalisation. This, compounded by the current regulatory imperative to control (as opposed to relax) all aspects pertaining to firearms as a product, and shooting as a consumer lifestyle in Australia will likely result in opposition to the decriminalisation of sound moderators.

Product Advantages and Disadvantages

This study revealed a number of advantages in the use of sound moderation, the most obvious one being hearing loss and tinnitus prevention. Related studies prove beyond doubt that unmoderated firearm discharge is of a level capable of causing hearing loss/damage to not only the shooter but persons and animals nearby, and that moderators mitigate this hazard to a degree predicated by the caliber, muzzle velocity, type of moderator, proximity and angle from the muzzle (Flamme, 2011; Nondah et al, 2000; Pawlwczyk-Luszczynska et al, 2004; Paakkonen & Kyttala, 1994; Prosser, Tartari and Arslan, 1988). Collateral benefits from the use of sound moderators include increased accuracy (in many, but not all instances), reduced perceived recoil by up to 40%, reduced stock disturbance, facilitation of more efficient animal husbandry and more humane culling. On a community level sound moderated firearms reduce noise pollution, which is increasingly beneficial in situations of growing urbanization and concern over how noise influences wellbeing and lifestyle. The use of moderated firearms has the added benefit of increasing firearm safety by allowing for more efficient communications in the vicinity of the shooter/s, and by increasing the overall length

of a firearm making more difficult unintended sweeping of the firearm over objects, animals and people in the shooters vicinity.

Disadvantages of de-criminalising sound moderators pertain to the possibility criminals would purchase (as opposed to manufacture or illegally import) these devices with a view to committing one of two types of crime; poaching or unauthorized recreational shooting, and serious violent offences such as robbery and murder. Statistics gleaned along with the absence of concern in overseas constituencies that permit the use of moderators suggest the likelihood of this occurring in Australia is similarly low, and their misuse is outweighed by the benefits to a degree consistent with the cultural values of these overseas communities. Whether Australian regulatory authorities apply the same weighting to opposing criteria remains to be seen. Other disadvantages relate to the cost, inevitably borne by the shooter, of amounts that in some cases are equal to the firearm itself (i.e. doubling the cost), and also the weight and shift in balance-point further away from the shooter. This makes for a heavier firearm which in some situations is less pleasant to carry.

Notwithstanding the pragmatic benefits of this device there appears to be little evidence in the literature that moderators are related to crime. As Clark (2007) sums the statistics in the United States;

First, use of silencers in crime is rare. Even when silencers are possessed they are even less frequently used. Silencer use is not primarily connected to organized crime. There were a few such cases, but in general, use of silencers appears to be a poor proxy for organized crime. Silencers probably are more threatening to their victims on a psychological level when used in crimes such as armed robbery. There is no evidence to suggest that criminals who possess silencers are more likely to be violent. For example, in the 50 cases of silencers found in drug raids, none of the defendants used a silencer to shoot at police, and in only a few of these cases was there any resistance at all. Whether silencers should be illegal at all is a good question. (p. 54)

Similarly research conducted in the UK in by the Home Office into gun crime and the illegal firearms market found a low level use of moderators in relation to violent crimes (Hales, Lewis and Silverstone, 2006). Of the offenders convicted of gun related crimes interviewed only 4 of 84 for the study were in possession of moderators. Other reports by the Home Office and British Authors do not deem the concept of moderator as worthy of noting (Dodd et al, 2004; Hales, Lewis and Silverstone, 2006; Home Office, 2006; Povey and Kaiza, 2006).

Further, law-makers compete with the reality that in today's virtual world, any criminal suitably motivated would not be hard pressed to construct and/or obtain or improvise a working moderator given the volume of information readily available on the internet. For example, one of the many examples of a 'how to' improvise a home-made sound moderator is found here, www.youtube.com/watch?v=FmhxJnaZ_0o (NoiseLessClub, ND).

Australia vs. New Zealand

While there are a number of different availability regimes in place by different countries the most relevant and patently obvious distinction is the comparison between the Australian and New Zealand regimes. Both countries share similar cultural values and history. Both share

the same area of the globe (the 'Antipodes') and hold a strong bond forged in the ANZAC tradition. Both were colonized by the British and remain members of the Commonwealth. Both have similar ethnic make-up while valuing multiculturalism and a sense of indigenous past. Both are primary producers with similar hunting and animal husbandry issues. Both Australia and New Zealand share similar laws, as adapted from British Common Law and the Westminster system. Yet both countries view sound moderation differently to the point of being entirely opposite on the management continuum. In Australia sound moderators are judged by regulatory authorities to be a product worthy of criminal status. In New Zealand the government attaches no criminality to moderators and there are no restrictions of any kind. In New Zealand any member of the public can purchase a sound moderator from either the internet or a firearm shop with no licensing or 'paperwork' required. The attitude of one New Zealand gun shop owner summed up the collective pragmatism; "I don't know what the fuss is all about?" and, "...some farmers won't even let you shoot on their property without a suppressor." (M30)

New Zealand holds the view that moderators are merely non-critical devices designed to lower the sound report of an otherwise noisy firearm. They possess no sentience and discount the possibility they are criminally 'contaminated' by proximity as portrayed in popular fiction. In New Zealand firearm sound suppression is viewed as something that has physical, community and animal welfare benefits. Consequently the NZ authorities have deemed there will be no restriction on moderator availability. In contrast Australia holds the complete opposite view, that moderators are a device worthy of criminality. The banning of which is in the public interest; specifically in order to lessen moderator use in facilitating crime. Mere possession of a moderator will invite criminal prosecution, confiscation of firearms and a criminal record. Given the entirely opposite regimes between Australia and New Zealand one wonders that both countries cannot be right in their perception of the device. The answer lies in circumspection of the history, use and misuse of firearms in Australia including an appreciation of the status of firearms in contemporary Australian culture. A status steeped in political expediency which is the hallmark of contemporary firearms' politics. This in itself is a reflection of a governed country with convict heritage (Kohn, 2004). When one considers the pros and cons of moderator use, while the facts would ordinarily imply a pragmatic reconsideration of the current criminal status of the device in Australia the cons appear to be given an arbitrary weighting that reflects the various stakeholders influence in the decision making process. One only needs to consider the lack of evidence of criminal misuse in New Zealand (of a concerning amount), or of crimes facilitated by the use of moderators over the years. This coupled with New Zealand continuing to find no issue with the item and one is then entitled to beg the question of the Australian authorities, what level of crime is justifying the continued denial of the community benefits provided by a moderated firearm?

Summary

The findings of this study point to the advantages of sound moderation in firearms outweighing the potential disadvantages, made poignantly clear when considering the distinction between two similar societies; that being Australia and New Zealand. New Zealand does not control the sound moderation of firearms except in the collection of GST at the retail level, however in all Australian States moderator importation, use and possession continues to be illegal. The proven benefits when coupled with the lack of evidence purporting extensive criminal misuse in key analogue countries would ordinarily encourage Australian regulatory entities to re-consider denying firearm

owners access to sound moderation. The author's concede however that the utilitarian aspects of firearms and associated attachments/products are often superseded by opinionated debate in a climate of societal contention.

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