How Gun Policies Between The United States of America and the European Union Affect Modes of Violence Used by Far-Right Groups

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Abstract: The overall purpose of this paper is to explore the gun policies between the United States of America and the European Union in order to gain an understanding of how these policies might affect what modes of violence are used by far-right groups between the two regions. This research was conducted through extensive literature and data review from several different sources, such as the TESAT report and use of data from the Center for Strategic and International Studies. In this paper, we find that guns policies do not affect the modes of violence used by far-right groups between the United States and the European Union, even though the two have extremely different policies when it comes to the use and possession of firearms.

Keywords: guns, gun policies, far-right, US, EU

Introduction

This paper compares the gun policies in the United States and the European Union to determine whether the gun policies affect the modes of violence used by far-right extremists. To explore this, this paper looks at the gun policy in the United States, including the individual states of Texas, New York, and Nevada to show how gun policies may differ within the country. The same procedure is used to examine the gun policy of the European Union, and also looks at the gun policies of individual member states of Germany and France to gain an understanding of how policies may differ among the member states of the European Union.

After the analysis of the gun policies of both the United States and the European Union, the author looks into modes of violence used in previous attacks by far-right extremists, such as the use of guns in the Walmart Shooting in El Paso, Texas, and the use of incendiary devices in the bombing of the Alfred P. Murrah Federal Building in Oklahoma City.

With less gun control in the United States than in the European Union, this paper hypothesizes that stricter gun policies lead to the use of less firearms in far-right attacks. By making it harder to gain possession of firearms, this paper posits that it may deter violence through the use of guns. This topic in critical to research and analyze because according to the Global Terrorism Index, "incidents of far-right terrorism have been increasing in the West" thus meriting looking into the modes of violence used to gain a better understanding of exactly what kind of violence may be on the horizon.

The Far-Right in the West

The United Nations Security Council's Counter-Terrorism Committee Executive Directorate recently proclaimed the far-right posing as a threat that is

⁶⁵⁶ "Global Terrorism Index 2019: Measuring the Impact of Terrorism", Institute for Economics & Peace. Sydney, November 2019. Available from: http://visionofhumanity.org/reports (accessed August 2020).

not only growing but also becoming increasingly transnational⁶⁵⁷. The category of 'far-right' is influenced by many factors that create many different factions, groups, and movements, such as white supremacy, Christian identity adherents, those concerned with the apocalypse, important strands of libertarianism, emergency preparedness, and paleoconservative⁶⁵⁸. There are also many different definitions of the far-right. For the purpose of being consistent, we use the definition from the Global Terrorism Index (GTI) of 2019 which states that "far-right' refers to a political ideology that is centered on one or more of the following elements: strident nationalism (usually racial or exclusivist in some fashion), fascism, racism, anti-Semitism, anti-immigration, chauvinism, nativism and xenophobia"⁶⁵⁹. However, not every person, group, or movement that holds one or more of these elements is necessarily considered far-right.

Furthermore, it is important to point out that there are two sides to the far-right: those who use democratic, conventional ways in order to sway politics, and those that use violence to get their political ideologies across and influence politics with an aim for "revolutionary change"⁶⁶⁰. This paper examines those who use violence, in what is referred to as right-wing terrorism violence (RTV). Right-wing terrorism can be defined as "the use of threat of violence by sub-national or non-state entities whose goals may include racial or ethnic supremacy; opposition to government authority; anger at women, including the involuntary celibate (or 'incel') movement; and outrage against certain policies, such as abortion"⁶⁶¹. Most of the far-right attacks in Europe have been committed by individuals not groups⁶⁶².

⁶⁵⁷ "Member States Concerned by the Growing and Increasingly Transnational Threat of Rightwing Terrorism", United Nations, Accessed August 13th, 2020. https://www.un.org/sc/ctc/wp-content/uploads/2020/04/CTED_Trends_Alert_Extreme_Right-Wing_Terrorism.pdf.

⁶⁵⁸ Jacob Aasland Ravndal, "Explaining right-wing terrorism and violence in Western Europe: Grievances, opportunities and polarization", *European Journal of Political Research*, 15 (2018): 847.

⁶⁵⁹ "Global Terrorism Index 2019", Institute for Economics & Peace.

⁶⁶⁰ Ravndal, "Explaining right-wing terrorism and violence in Western Europe": 847.

⁶⁶¹ Catrina Doxsee, Nicholas Harrington, Seth G. Jones, "The Tactics and Targets of Domestic Terrorists", Center for Strategic and International Studies, July 2020: 2.

⁶⁶² Doxsee, Harrington, Jones, "The Tactics and Targets of Domestic Terrorists": 2.

Scholars such as Jacob Aasland Ravndal claim the motivation behind rightwing terrorist violence in Northern Europe includes a combination of "high immigration, low electoral support for anti-immigration (radical right) parties,...extensive public repression of radical right actors and opinions...", while in Southern Europe it consists of a "combination of socioeconomic hardship, authoritarian legacies, and extensive left-wing terrorism and militancy."⁶⁶³. These conditions, or 'recipes', as Ravndal refers to them, are also met with a third condition for allowing RTV – significant polarization between far-right activists and all those that they consider or view as their enemies⁶⁶⁴.

As for the United States, there are far-right groups that define themselves as militias whose goals are to "reinvigorate the traditional republican institution of the amateur citizen soldier as a counter to the anti-democratic and 'tyrannical' dimensions of the contemporary federal government" 665.

In Germany, specifically in Dresden November 2019, ABC News reported a "Nazi Emergency", referring to an increase in right wing extremism⁶⁶⁶. A citizen's organization *Pegida*, which stands for "'Patriotic Europeans against the Islamization of the West", has also experienced an increase in their membership numbers with thousands of supporters showing their loyalty and support by participating in marches⁶⁶⁷. Alongside of these trends, we see the rise in different far-right political parties such as Golden Dawn in Greece, and Alternative for Deutschland in Germany and paramilitary groupings throughout the European Union.

In addition to taking part in violent events, far-right groups also participate in demonstrations. In Germany in 2015 for example, there were

⁶⁶³ Ravndal, "Explaining right-wing terrorism and violence in Western Europe",: 846.

⁶⁶⁴ Ibid.

⁶⁶⁵ Jonathan Obert, Elias Schultz, "Right Wing Militias, Guns, and the Technics of State Power", Law, Culture, and the Humanities, vol. 16(2): 238.

⁶⁶⁶ Sarah Hacal, "30 years after the fall of the Berlin wall, right-wing extremism is on the rise as the East lags behind", abc News, accessed August 7th, 2020. https://abcnews.go.com/International/30-years-fall-berlin-wall-wing-extremism-rise/story?id=66670250.

 $^{^{667}\,}$ Hacal, "30 years after the fall of the Berlin wall, right-wing extremism is on the rise as the East lags behind"

690 right-wing extremist rallies⁶⁶⁸. By coming together in rallies, it enables them to show 'power through numbers', and support for the ideals that they adhere to. Typically, "80–85% of all rallies dealt with the issues of asylum, immigration, and islamization", representing specific areas the far-right groups devote their attention to⁶⁶⁹.

From 2015 to present in America, individuals and religious institutions have been the main targets of right-wing attacks. Individuals have predominantly been targeted due to racial motivations, with attackers using firearms as their primary weapon. Previously in 1994, the main targets of RTV were abortion-related, with 27% of all attacks carried out on women's health clinics and the medical staff. However, since 1994 to present, there has been a growing trend of individual's targeted because of their ethnic, racial, or religious background, including the religious institution that they may have been associated with⁶⁷⁰.

Guns and Gun Rights in America

This part will focus on: Nevada, New York and Texas in order to show the spectrum of gun regulation in the USA.

As stated by Obert and Schultz, "to say that gun rights are a defining feature of American public life is stating the obvious"⁶⁷¹. In the United States, the Pew Research Center found that "three in ten American adults say they personally own a gun, and an additional 11% say they live with someone who does"⁶⁷², illustrating that guns and gun ownership are commonplace

⁶⁶⁸ "Right-wing extremism" Bundesamt für Verfassungsschutz, accessed August 12th, 2020. https://www.verfassungsschutz.de/en/fields-of-work/right-wing-extremism/figures-and-facts-right-wing-extremism/right-wing-extremist-demonstrations-2015.

⁶⁶⁹ "Right-wing extremism", Bundesamt für Verfassungsschutz.

⁶⁷⁰ Doxsee, Harrington, Jones, "The Tactics and Targets of Domestic Terrorists": 3.

⁶⁷¹ Jonathan Obert, Elias Schultz, "Right Wing Militias, Guns, and the Technics of State Power", Law, Culture, and the Humanities, vol. 16(2): 236.

⁶⁷² John Gramlich, Katherine Schaffer, "7 facts about guns in the U.S", Pew Research Center, accessed August 10th, 2020. https://www.pewresearch.org/fact-tank/2019/10/22/facts-about-guns-in-united-states/.

in the United States. Although most gun owners use their guns for activities such as target practice, hunting, and general recreation, others use them for protection – either from someone or the government infringing upon their rights as an American citizen.

As the Second Amendment of the United States Constitution affirms:

"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" ⁶⁷³.

Many Americans still hold the right to bear arms as their sacred right that the government must not infringe upon. In recent years, the US Government has debated and some attempts have been made to push for greater gun controls following many deadly events involving guns such as the shooting at Sandy Hook Elementary School and the shooting at a Walmart in El Paso, Texas. However, the resistance and protests by many Americans with their proclaimed right to bear arms has prevented any drastic changes or reforms⁶⁷⁴.

When examining right-wing terrorist violence, the right to bear arms in the US is of particular interest. Members of the far-right that belong to militia movements in America view guns as the "ultimate guarantors of freedom"⁶⁷⁵. Although RTV does not always include gun violence, the Global Terrorism Index points out how "over the past four decades, one in every five mass shootings in the US has been classified as a terrorist attack", thus showing a need to look into gun policy.

Those on the far right in America, at least those part of militia movements such as the Oath Keepers and the Three Percenters, view the current American government as "a collapse of the vision of the founders, as a creation of an alien, non-democratic form of politics dedicated to stripping power from citizens" 676. The push for gun control in the country has further reinforced

⁶⁷³ US Const. Amend II.

⁶⁷⁴ Roland Hughes, US gun debate: Four dates that explain how we got here, BBC. Accessed: December 14th, 2020: https://www.bbc.com/news/world-us-canada-42055871.

⁶⁷⁵ Obert, Schultz, "Right Wing Militias, Guns, and the Technics of State Power": 237.

⁶⁷⁶ Ibid.

the belief that it is up to them to rise up against the current government and also teach self-sufficiency through activities such as hunting⁶⁷⁷.

When Barak Obama was elected president, the militia movement in America saw a revival (after it slowed during the 1970s), brought about with concerns over his race, fears that somehow he was involved in "Muslim extremism", and "supposed expansions of federal authority via the Affordable Care Act and the financial services bailout" which were perceived as crises⁶⁷⁸. The overall goal of militia movements was to fight against any tyranny as well as "protecting the homeland"⁶⁷⁹.

Militias perceive themselves as the last line of defense to protect the rights of people from the encroachment of the government. Specifically, they focus protecting theirs and others rights to bear arms. When surveyed, "two thirds of gun owners say that [protection] is a major reason why they own a firearm", aside from reasons of hunting, collection of firearms, and for work purposes⁶⁸⁰. This does not speak entirely for the whole of the far-right spectrum, but the concerns and worries of perceived crises of the militia movement are commonly held in the far-right amongst many other groups and organizations.

Each state in the United States has their own gun policies. In Nevada's State Constitutional Provision Article 1, Section 11, Paragraph 1 for example, it states, "Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes." Nevada maintains a broad interpretation on what guns may be used for, leaving it up to citizens, as long as laws in place are followed.

Meanwhile in New York, the State's Constitutional Provision states nothing. However, Article 2, Section 4 of the New York Civil Rights Law states,

⁶⁷⁷ Ibid: 246.

⁶⁷⁸ Obert, Schultz, "Right Wing Militias, Guns, and the Technics of State Power": 239.

⁶⁷⁹ Ibid: 240.

⁶⁸⁰ Gramlich, Schaeffer, "7 facts about guns in the U.S".

 $^{^{681}\,}$ NRA-ILA. nd. "State Gun Laws". Accessed August 11th, 2020. https://www.nraila.org/gun-laws/state-gun-laws/.

"A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms cannot be infringed." New York has no provision, but their Civil Rights Law mirrors the Second Amendment almost completely.

As for Texas, the State's Constitutional Provision states in Article 1, Section 23, "Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime." The Constitution defines defense as the main reason for the use of gun, either for oneself or the State. However, the Constitution also makes it clear that the State has the power to regulate gun use to ensure that it is only used for purpose of defense as well as deter crime" 684.

Gun Rights in the European Union

In the European Union, states share the belief that the bearing of firearms should be restricted⁶⁸⁵. More specifically, "within the EU a shared understanding exists whereby possession and use of firearms should be limited to state authorities and access to firearms by the public should be restricted"⁶⁸⁶. The European Union prohibits the following firearms: fully automatic weapons and military weapons, explosive military missiles and launchers, firearms disguised as other objects, and ammunition with penetrating, explosive or incendiary projectiles, and the projectiles for such ammunition.

Firearms in the European Union that are subject to authorization include eight types of weapon: 1) firearms used by marksmen or hunters, 2) semi-automatic or repeating shot firearms, 3) single-shot firearms with center-fire

⁶⁸² Ibid.

⁶⁸³ Ibid.

⁶⁸⁴ NRA-ILA. nd. "State Gun Laws".

⁶⁸⁵ Erica Bowen, Becky Crookes Sue Elliott, F. Jeane Gerard, Mike Hellenbach, Helen Poole, Thanos Stamos, "The detection and policing of gun crime: Challenges to the effective policing of gun crime in Europe", European Journal of Criminology, vol.15(2) (2018): 172.

⁶⁸⁶ Bowen, Crookes, Elliott, Gerard, Hellenbach, Poole, Stamos, "The detection and policing of gun crime",: 174.

percussion, 4) single-shot firearms with rim-fire percussion whose overall length is less than 28cm, 5) semi-automatic long firearms whose magazine and chamber can together hold more than three rounds, 6) semi-automatic long firearms whose magazine and chamber cannot together hold more than three rounds, where the loading device is removable or where it is not certain that the weapon cannot be converted, with ordinary tools, into a weapon whose magazine and chamber can together hold more than three rounds 7) repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length, and 8) semi-automatic firearms for civilian use which resemble weapons with automatic mechanism⁶⁸⁷.

As for firearms that are subject to declaration, this category includes firearms used by hunters, long firearms with single-shot rifled barrels, single-shot short firearms with rim-fire percussion whose overall length is not less than 28cm, repeating long firearms other than those described by types 6 above, and semi-automatic long firearms other than those in numbers 4 through 7 above⁶⁸⁸. Firearms that have no restrictions include single-shot long firearms with smooth-bore barrels⁶⁸⁹.

Amongst member states of the European Union, there exists "significant variation" when it comes to firearm policies such as in Croatia, Portugal, Spain, the Netherlands, Denmark, Germany, Belgium, France, Sweden, and Italy⁶⁹⁰. I will analyze the individual policies of Germany and France in particular because they are two countries that experience a higher number of right-wing terrorist and general terrorist violence, as seen by the attacks in Hanau, Halle, and on mosques after the Charlie Hebdo attack.

In Germany there are some of the most stringent gun policies in the world⁶⁹¹. The minimum age for possession of any type of firearm is

⁶⁸⁷ Ibid: 175.

⁶⁸⁸ Ibid.

⁶⁸⁹ Bowen, Crookes, Elliott, Gerard, Hellenbach, Poole, Stamos, "The detection and policing of gun crime",: 175.

⁶⁹⁰ Ibid: 174.

⁶⁹¹ Frank Gardner. "Germany Shooting: 'Far-right extremist' carried out shisha bars attack", BBC, August 14th, 2020. https://www.bbc.com/news/world-europe-51567971.

18 across the board. However, when assessing policies on individual types of firearms, the restrictions range significantly⁶⁹². When it comes to handguns for example, individuals must have a license which enables them to possess only two of them⁶⁹³. With long guns, citizens are limited to only three semi-automatic long guns, and "pump action shotguns with pistol grips or a short overall length are prohibited". It does not specify however whether a license is required⁶⁹⁴. Concerning both air guns and gas and alarm weapons, licenses are required. In the case of small firearms, individuals are required to carry a permit, and can be obtained without having to show any expert knowledge⁶⁹⁵.

As for in France, the minimum age requirement of 18 only applies to handguns and long guns. For handguns, a license holder may possess up to seven 22 calibre guns, or five handguns of a larger calibre⁶⁹⁶. To possess long guns, a psychological exam is required, and a license holder may have no more than twelve firearms as well as no more than fifty rounds of ammunition⁶⁹⁷. In the case of gas and alarm weapons, they are freely available if the firepower for the weapon is less than two joules, and air guns do not require a license if a person's gun is less than ten joules of projectile energy or more than two⁶⁹⁸.

In addition to individual member state restrictions, the European Union, since 2015, developed a firearms directive that adds further measures to make it more difficult to acquire firearms⁶⁹⁹. In 2016 the European Parliament came to an agreement that a revision of the original firearms direc-

 $^{^{692}}$ Bowen, Crookes, Elliott, Gerard, Hellenbach, Poole, Stamos, "The detection and policing of gun crime",: 178.

⁶⁹³ Ibid.

⁶⁹⁴ Ibid.

⁶⁹⁵ Ibid.

⁶⁹⁶ Ibid.

⁶⁹⁷ Ibid.

 $^{^{698}}$ Bowen, Crookes, Elliott, Gerard, Hellenbach, Poole, Stamos, "The detection and policing of gun crime": 178.

 $^{^{699}\,}$ "Firearms Directive". European Commission, accessed August 12th, 2020. https://ec.europa.eu/growth/sectors/firearms_en.

tive was needed to increase the security of citizens⁷⁰⁰. The changes made to the original firearms directive included a ban of certain semi-automatic firearms such as automatic firearms that can be changed into semi-automatics, long semi-automatics (with a length less than 60cm), and long semi-automatics that had loading devices of more than ten rounds, and short semi-automatic firearms with loading rounds that had more than twenty rounds⁷⁰¹.

The revised firearms directive of 2016 also includes a regulation on acoustic weapons and alarm and signal weapons. Acoustic weapons were declared to still be "used in theaters or movies, subject to declaration, authorization, or license depending on the category they belong to before transformation"⁷⁰², meaning that these inactive weapons may still be used, so long as they have been declared, are licensed or authorized, and correspond with the type of firearms they had been when they were active. Along with this, the revised directive planned to treat museums and collectors of firearms as "any civilian firearms holder"⁷⁰³ and will "have the possibility to acquire category A firearms"⁷⁰⁴, but they may only do so under strict conditions⁷⁰⁵.

As with acoustic weapons, deactivated weapons must also be declared and include stricter enforcement of deactivation rules. Furthermore, stricter conditions for the online acquisition of firearms and clearer rules on marking them have been put in place to improve the capability of tracing weapons. Finally, European Union countries require medical checks for the authorization in acquiring a firearm⁷⁰⁶.

As this analysis has demonstrated, there exists a significant range between the United States and the European Union. In the case of the EU, there are

⁷⁰⁰ Ibid.

⁷⁰¹ Ibid.

⁷⁰² Ibid.

⁷⁰³ Ibid.

⁷⁰⁴ Ibid.

⁷⁰⁵ Ibid.

⁷⁰⁶ European Commission. "Firearms Directive".

significantly more restrictions when it comes to purchasing as well as possessing guns. Despite the restrictions in the EU, they are still widely used in right-wing attacks, as seen by the shootings at the Halle Synagogue and in Hanau in Germany. Although, this does not by any means say that guns are the only primary weapon of right-wing extremists.

Modes of Violence Used by Right-Wing Extremists in The United States and the European Union

Over the past decade, there has been a surge in right-wing terrorism⁷⁰⁷. With an increase in right-wing politically motivated violence, it is important to examine what modes of violence are being used for attacks, and at what rates. Statistics from the Center for Strategic and International Studies (CSIS) show that in America firearms are overwhelmingly the main weapon of choice in fatal attacks with firearms being the primary weapon of fatal attacks 73% of the time between 2005 and 2020⁷⁰⁸. The question that remains is why firearms remain an attractive weapon of choice when committing acts of terror? Perhaps it is the limited restrictions and availability of guns in the United States compared to other countries and regions.

Despite the popularity of firearms in fatal terror attacks, CSIS statistics found incendiary devices as the weapon of choice at 38% in non-fatal attacks compared to firearms at only 24% between 2005 and 2020⁷⁰⁹. However, in fatal attacks, incendiary devices were used only 4% of the time⁷¹⁰. The report goes on to identify other weapons used in fatal far-right terrorist attacks and found melee weapons (generally knives or other sharp weapons) were 20% and 3% were vehicles⁷¹¹. The report concludes that there

⁷⁰⁷ "Global Terrorism Index 2019: Measuring the Impact of Terrorism", Institute for Economics & Peace, Sydney, November 2019. Available from: http://visionofhumanity.org/reports (accessed August 2020).

⁷⁰⁸ Doxsee, Harrington, Jones, "The Tactics and Targets of Domestic Terrorists": 4.

⁷⁰⁹ Ibid.

⁷¹⁰ Ibid.

⁷¹¹ Ibid.

have been four identified modes of violence used in fatal far-right terrorist attacks: melee, incendiary devices, firearms, and vehicles, of which firearms were used at the highest rate⁷¹². As the report demonstrates, guns are not the *only* mode of violence used, nor will they likely ever be.

As for the European Union, groups often train for their attacks as paramilitary do by including mixed martial arts, survival training, and marksmanship⁷¹³. Although there is limited data on exactly how often firearms are used in far-right attacks in the European Union, research suggests firearms play an important role in the training of far-right groups⁷¹⁴. Research by EU Terrorism Situation and Trend Report (TESAT) reported groups in Czech Republic, Hungary and Belgium all include the possession and use of firearms in their training. Furthermore, the report goes on to note that some Eastern European Countries receive "visits by Belgian right-wing extremists... for the purpose of training or self-defense and marksmanship"⁷¹⁵. The frequency of the inclusion of firearms in training illustrates their importance.

Although there are stark differences between the USA and EU on their gun policies, both regions view guns of significant importance in far-right groups. In the United States, we find that guns are used the majority of the time in fatal right wing attacks, while in the European Union, they are used more in the training of far-right groups, which could lead to greater use in attacks committed in the European Union in the near future.

Conclusion

In this paper the author explored who the far-right are in the West, with the special focus on the US and the EU and their modes of violence used

⁷¹² Ibid.

⁷¹³ "European Union Terrorism Situation and Trend Report 2020", European Union Agency For Law Enforcement Cooperation 2020, June 23rd, 2020 (Accessed September 27, 2020) https://www.europol.europa.eu/activities-services/main-reports/european-union-terrorism-situation-and-trend-report-te-sat-2020.

⁷¹⁴ Ibid.

⁷¹⁵ Ibid.

when committing violent and terroristic acts. The specific gun policies of the United States of America and the European Union were also discussed, which showed that the European Union has more restrictions on guns than in the United States. In terms of the modes of violence used by the far-right, this paper found firearms as the primary weapon the majority of the time in fatal terrorist attacks, and incendiary devices as second. When discussing the far-right in the West, this paper found private individuals were the main targets due to racial motivations, as well as their religious affiliation.

Although the information found and presented is not sufficient to come to any definitive conclusion about whether or not gun policies between the regions affect the modes of violence used by far-right extremists in their attacks, we can confirm that guns are the primary weapon of attacks in the United States because of their high availability and protection in the country. We also discovered in the case of the European Union that despite of strict gun regulations in the region, guns are still often used in rightwing attacks. More research is still needed, especially that the most recent trends⁷¹⁶ show an increase in right wing extremism. Thus, overall, there is little evidence that suggests that differing gun policies affect the modes of violence used by the far-right in violent attacks.

⁷¹⁶ Violent Right-Wing Extremism and Terrorism —Transnational Connectivity, Definitions, Incidents, Structures and Countermeasures, Report by Counter-Extremism Project. November 2020. Accessed December 14th, 2020. https://www.counterextremism.com/sites/default/files/CEP%20Study_Violent%20Right-Wing%20Extremism%20and%20Terrorism_Nov%202020.pdf.