

## **Liberalization of the Firearm Licensing Policy in Israel:**

### **Platform for The Institute for Liberty and Responsibility's**

#### **Roundtable Discussion on March 7, 2024**

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In recent years, there have been efforts to liberalize the licensing policy of private firearms in Israel – efforts which have intensified since the outbreak of the Gaza war in October 2023. The policy seeking to ease access to firearm licenses has given rise to a heated public debate which raises many questions, referring to the severity of the problem that the policy attempts to address as well as the manner in which it is implemented. A conceptual framework which attempts to combine these dimensions, in order to provide interesting insights into these and other questions, revolves around the question of the proportionality of public policy. The “proportionality” of a policy draws our attention to the congruence between the cost and the benefit of this policy; between the policy’s objectives and the means of its implementation; and above all, between the severity of the policy problem and the intensity of the utilization of policy tools (e.g., the financial investment in said policy).

Questions regarding the proportionality of public policy do not emerge in a vacuum. The rise of politicians who see policy as a platform which they can exploit for a performative display of “strong” leadership draws our attention to the possibility that the policy problem is invented, imagined, or inflated to suit the needs of the politician. A classic example is the way former US president Donald Trump framed the march of thousands of immigrants toward the US border, prior to the 2018 mid-term elections. This convoy was framed as an “existential threat” to the US, leading to deployment of military forces to prevent the immigrants from crossing the border. However, this “problem” was removed from the public agenda as soon as the ballots were closed in those elections (Maor, 2022). In such cases, there is no doubt that the policy is an overreaction, as it was enacted to address a policy problem which had not actually existed.

By the same token, public expectations during a crisis may create pressures on decision makers to initiate a policy response which has high public visibility but low policy effectiveness. An

example can be seen in the decree which lists the formation of an active, armed rapid-response team as one of the criteria enabling residents of the community in which this team was formed to receive a firearm license under lenient conditions, alongside the formation of hundreds of rapid response teams, including in communities which are neither in close proximity to the border nor have a mixed population. In this case, the visibility of the policy – which spotlights its initiator and frames him as a strong leader – is prioritized over other policy variables. The gun distribution ceremonies, in the presence of the minister in charge, reinforce this conclusion. This policy can be categorized as a disproportionate response – in this case, overreaction – which may generate hefty political gains to its initiator. These two categories correspond neatly with an Israeli reality characterized by a 34% support rate (as of November 2023) to the claim that “addressing the unique problems of Israel requires a strong leader who disregards the Knesset and the elections” (Efrat, 2023).

Throughout the Western world, we are witnessing an ongoing process of declining public trust in politicians and in political institutions, and this is also true for Israel. The Public Trust in Political Institutions Index, compiled by the Institute for Liberty and Responsibility (2023), indicates an unprecedentedly low level of public trust in these institutions (16%). Faced with the emergence of a consistent trend of declining public trust in political institutions, there is a growing incentive for decision-makers to overreact in their policy response, in order for that response to be seen by the public as proportionate. In the case in question, of liberalizing the licensing policy for private firearms, elected officials have implemented a uniform policy on a national level, disregarding the variance in the severity of the policy problem across different regions, in order to display the seriousness of their intentions.

Data collected by The Institute for Liberty and Responsibility highlight another perspective which is relevant for this discussion. These findings undermine the perception which posits the existence of a shared Israeli basis in regard to several key issues, such as the character of the state of Israel and its desired course of action. On many issues, there is a distinct split in the public’s views, predicated on affiliation with political camps and the considerable hostility between these camps (Yair, 2023). In this context, decision makers will be inclined to design and enact policies in a manner which is consistent with the views of their political support base, and of the potential base from which they may draw voters. The policy response will therefore match the priorities of the political “base” – rather than the views of the general public – which in turn will yield a policy deemed by the general public as a disproportionate response.

The level of “proportionality” of a firearm licensing policy is measurable. On the subjective level, public opinion polls provide a snapshot of the views of the public, and of various groups within it, regarding the policy’s proportionality. The same goes for surveys among experts in the field – those who possess a more comprehensive view, taking into consideration the overall complexities of the field in question as well as the relative weight which should be assigned to each dimension, in relation to both the context and the policy response. Rulings of the High Court of Justice regarding the proportionality of policies also reflect the subjective views of the judges overseeing the case.

On the objective level, cost-benefit analyses of a firearm licensing policy encompass the costs pertaining to the number of gunshot incidents involving innocent victims, suicide cases, the number of women in abusive relationships who were harmed by these firearms, the extent in which firearms make their way to undesirable elements, and other costs associated with lowering the threshold requirements for a gun license. Potential benefits may include the actual contribution of the liberalized licensing policy to increasing personal safety – primarily a reduction in the number of terror casualties.

A quantitative analysis which comprises the severity of the policy problem and the extent of the investment in the policy over an extended period of time (around 50 years) may provide an objective indication of the proportionality level of the policy in question. A comparative, quantitative examination of the policy responses enacted by other governments who have faced similar challenges (while controlling for variables which measure the severity of the crisis in each individual country) also enables assessing the proportionality of the policy in question. Regardless of the method of measurement chosen by the researcher, the idea is to isolate the various background noises, particularly in regard to rhetoric and policy doctrines, and to focus on reliable information collected through the qualitative and quantitative research tools available.

The complexity of a liberal firearm licensing policy sheds light on a novel topic in the global research arena, concerning the proportionality of policies. The common approach identifies two main causes for the design and implementation of a disproportionate firearm licensing policy: powerful emotions, such as public panic which serves as a pretext for providing citizens with greater access to firearms, and institutional inertia which may lead to disproportionate policies when, for example, a policy plan meant to be implemented under certain conditions is implemented without modification under different conditions. Both of these approaches consider disproportionate policy to be an error or a policy mistake resulting in policy disasters.

Recently, Maor (2021) brought up the possibility of a third policy pattern: deliberate disproportionate policy. This is a policy that under certain conditions prioritizes policy effectiveness, or political rewards to be gained from a policy, over any other variable, whereas in other circumstances it prioritizes cost considerations (or some other variable) over policy effectiveness. The principles and the manner in which a deliberate disproportionate policy response is implemented are often discussed in the relevant decision-making forums, where the disproportionality of the policy is delineated, sometimes through the utilization of operation research departments, for example, when considering the fulfillment of military objectives. The rhetorical devices and policy doctrines which accompany deliberate policy overreaction tend to utilize threats of a disproportionate response, of achieving the policy's objectives at any cost, and so on. A deliberate disproportionate policy response may be effective, in terms of policy and/or in political terms, however its enactment may sometimes backfire and damage the policy's initiator.

The short platform outlined above gives rise to various topics for discussion:

#### **Public Views and Their Influence on Policy**

- What are the public's views regarding firearm licensing? Does the public prefer lenient or strict gun policy?
- What emotional need of the public is being addressed by the current policy which eases the requirements for a firearm license?
- How relevant is the public opinion when formulating policy regarding firearm licensing?

#### **Cost vs. Benefit of Liberalizing the Firearm Licensing Policy in Israel**

- What are the benefits of a liberal firearm licensing policy in strengthening actual personal safety or the sense of personal safety?
- What are the costs of a liberal firearm licensing policy? In terms of harm to innocents, threat or harm to women, suicide rates, firearm accidents, etc.
- What is the proper balance between costs and benefits?

### **Liberalization of Firearm Licensing Policy: Security Need or Political Gain?**

- Are there any political actors who stand to gain from liberalizing firearm licensing policy?
- Are the growing security challenges justifying or requiring participation of civilians in the provision of security through the possession of a private firearm?

For the sake of brevity, some further principal issues were omitted, and participants are invited to raise them during the discussion. I hope that the brief summary above could serve as a platform for a fruitful discussion which would yield useful insights for the calibration of the policy in question.

### References

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