

POLICY GRIDLOCK VERSUS POLICY SHIFT IN GUN POLITICS:

*A Comparative Veto Player Analysis of Gun Control
Policies in the United States and Canada*

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Why do major events of gun violence (i.e., mass shootings) lead to incremental change or no federal legislative change at all in the United States while major events of gun violence have resulted in large-scale legislative changes in Canada? Exploring the complexities involved in this compelling question, this article conducts a comparative analysis of recent gun control policy gridlock and shift in these two countries. We concentrate on two mass shooting cases in each country: the Columbine (1990) and Sandy Hook (2012) massacres in the United States and the École Polytechnique Massacre (1989) and Concordia Shooting (1992) in Canada. We use veto player theory to gain insights into why tightening gun policy is so difficult to implement in the United States while Canada often follows up with policy transformations after a focusing event. This theory informs the central argument that the key factors underpinning the divergent policy outcomes on gun control issues in both countries involve differences in the structure of government/institutional design and the role and power of interest groups in each case.

Keywords: Gun Control, Firearms Restrictions, Gun Violence, Mass Shootings, Regulation Policy, Interest Groups, Comparative Public Policy, Institutional Design, Veto Player Theory, Canada, United States, National Rifle Association, Coalition for Gun Control.

**Bloqueo político frente a cambio de política en la política de armas:
una explicación comparativa de Veto Player acerca de las políticas de
control de armas en los Estados Unidos y Canadá**

La divergencia entre las respuestas a la política de armas después de un evento de enfoque (por ejemplo, un evento de violencia con armas) en los Estados Unidos y en Canadá se debe a la estructura del gobierno y el papel de las instituciones. Otros factores, como la cultura política, no son tan significativos como estos factores en la manipulación del proceso político. En ambas naciones, la mayoría de los ciudadanos apoyan las restricciones a la posesión de pistolas y rifles de asalto. La teoría de Veto Player explica las razones por las que la política de armas se está volviendo más estricta es tan difícil para implementar en los Estados Unidos, mientras que en Canadá hay transformaciones políticas después de un evento de enfoque.

Palabras clave: Política Pública Comparativa; Control de Armas; Grupos de Interés, Ajustes Institucionales, Teoría de Veto Player, Canadá, EE. UU., Estados Unidos.

枪支政治中的政策僵局与政策转变：一项关于美国和加拿大枪支管控政策的比较性解释（针对否决者理论）

摘要：焦点事件（例如枪支暴力事件）发生后的枪支政策响应，在美国和加拿大有所差异。这种差异是由于政府结构和制度角色引起的。其他因素，例如政治文化，在操纵政策进程一事中并没有显著的作用。两国中大多数公民支持限制持有手枪和突击步枪。否决者理论详细阐述了为何加强枪支政策在美国十分难以实施，而加拿大在焦点事件发生后却能经常跟上政策转变。

关键词：比较公共政策；枪支管控；利益群体；制度设置；否决者理论；加拿大；美国

The twentieth century's debate over gun control has long been a challenging and divisive issue in both the United States and Canada. Between 2001 and 2014, there were 440,095 deaths by firearms on U.S. territory (CNN 2016).¹ The Texas Church Shooting in 2017, the Las Vegas and Virginia Shootings of the same year, the 2016 Orlando

¹See the graph at <http://edition.cnn.com/2016/10/03/us/terrorism-gun-violence/index.html> for more details.

Shooting, the 2015 San Bernardino Slaying, the Sandy Hook Massacre of 2012, and the 2007 Virginia Tech Killings are horrendous examples of recent mass murder by guns. Despite serious public debate in the wake of each atrocity, these high-profile incidents have not elicited a meaningful policy response by the U.S. federal government to mitigate the risk of continued gun violence. The U.S. firearms regulation legislation lags severely behind that of other developed nations. It is limited and weak in curtailing gun-related violence, injury, and death nationwide and the policy formulation process is sluggish and inefficient (Fleming 2012).

Despite Canada's relatively stringent gun control laws, there is a growing concern about the misuse of firearms in homicides and mass murders in Canada. Statistics published by the Department of Justice Canada (see Zhang 2012) show that, in 2008, Canada had approximately 8,710 police-reported incidents involving a firearm that affected 9,469 victims. The total economic and social costs of gun-related crime in Canada was \$3.1 billion that same year, and "firearms were present in about one third of homicides (32.7%) and attempted murders (35.8%) in 2008" (Zhang 2012). While figures have fluctuated since, Statistics Canada reveals that, in 2016, "there were approximately 7,100 victims of violent crime where a firearm was present"—a 33 percent increase on 2013 figures and only 200 victims less than 2009 (Cotter 2018). The Toronto Van Attack in April 2018, the Quebec City Mosque shooting of 2017, the Vernon Massacre of 1996; the Yeo Inquest Shooting of 1992 the Concordia Shooting of the same year, and the École Polytechnique Massacre in 1989 show that Canada is not immune to horrendous incidents of gun violence. But, unlike the United States, the Government of Canada has been able to make broad changes to gun control legislation in response to gun violence events.

This study presents a selective comparative analysis of four mass shootings and the way these have influenced gun control policies in the United States and Canada. The objective is to explore the reasons underpinning the distinct outcomes of the gun policies undertaken by these countries after a focusing event. It addresses the question of why major events of gun violence (i.e., mass shootings) led to incremental change or barely any federal legislative change at all in the United States while major gun violence events have resulted in large-scale legislative change in Canada at the federal level. We present a comparative small-N study that entails an analysis of four similar cases following a deductive approach guided by key principles of the veto player theory. Mostly based on qualitative methods, empirical data is employed to depict the

rates of violence, homicide, public sentiment, and government actions to address the level of gun violence across both countries.

We begin by setting the country context in comparative international focus before laying out the theoretical framework. Next, we cover the salient details of each of the four case studies, and analyze each in view of the earlier theory. The discussion section develops key elements of the case studies and their relation to veto player theory. It also offers additional factors that the cases and contexts suggest should not be overlooked in explanations of why these countries experienced diverse policy outcomes in the way they did. The final section concludes.

Country Context

The issue of gun control in North American society frequently generates heated debate. However, the federal legislative response in the United States is significantly less impactful than the legislative response in Canada. A comparison of developed nations shows that the United States is unique in its high rates of both gun ownership and homicides. Carter (1997) showed that the numbers of deaths due to firearms were six times greater in the United States than in Canada and Australia, and ten times higher than in the average European nation in the 1990s. In 2016, the firearms-related *homicide* rate alone in the United States was 18 times higher than that of Australia, Sweden, and France according to data presented by Preidt (2016). Figure 1 depicts gun violence rates in the United States and Canada.

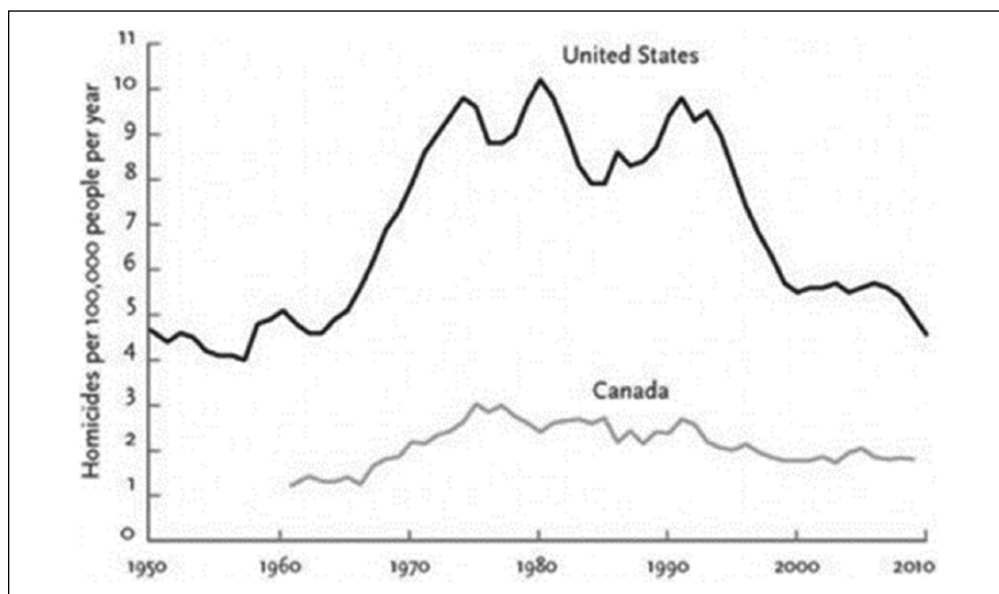
At present, both countries experience a high rate of gun violence, but growth in the United States was much more drastic than in Canada. According to a Statistics Canada report, between 2009 and 2013, the United States suffered 56,000 gun homicides, while Canada recorded just 977 firearms-related homicides in those years (Overton 2016; Wright 2017; cf. *National Observer* 2015)² which, taken per capita, indicates over five times as many gun homicides in the United States than in its northern neighbor.

Also, in North American societies, private ownership of weapons, particularly handguns and assault weapons, has been at the center of modern controversy. The scenario of mass shootings has reached near-catastrophic proportions in the last few years. The United States

²The graphs presented at <http://www.nationalobserver.com/2015/12/04/news/how-american-gun-deaths-and-gun-laws-compare-canadas> are particularly useful in depicting comparisons across time in recent years.

Figure 1.

Homicide and Total Firearm Death Rate per 100,000 People per Year, 1950–2010.



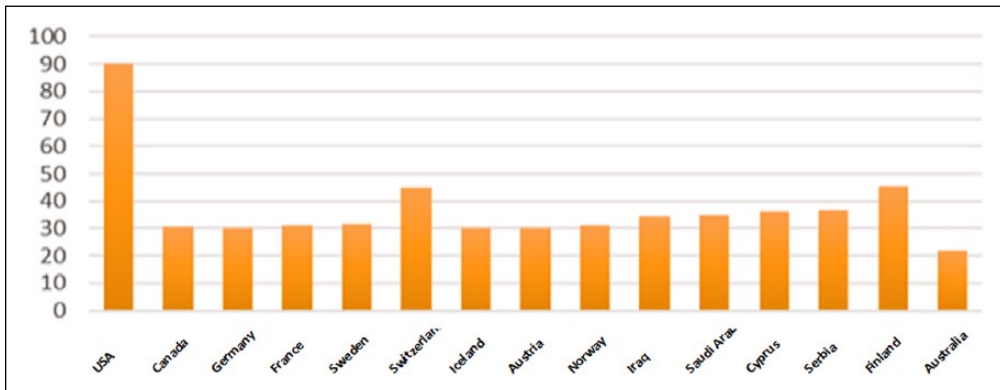
Source. Adapted from Preidt (2016) and Grinshteyn and Hemenway (2016).

experienced a total of 346 mass shootings in 2017, and—as of this writing—a total of 292 mass shootings in 2018.³ The high school shooting at Santa Fe in Texas, the Marjory Stoneman Douglas High School shooting at Parkland in Florida, and the Marshall County High School shooting at Benton in Kentucky exemplify the horrifying mass shootings in the United States in 2018.

Canada has also experienced several gun massacres in the last few years. The deadly mass shootings at La Locha in Saskatchewan in 2016, the Quebec City mosque shooting in 2017, the Danforth shooting in Toronto in 2018, and the 2018 Fredericton shooting in New Brunswick imply that Canada is also a gun country (see Statistics Canada 2018). Despite vehement resistance from powerful pro-gun interest groups and conservative government veto players, there is much to suggest that restricting gun ownership would reduce such incidents. If the private possession of certain classes of firearms were banned or more severely restricted in the United States and Canada, at least some of the recent

³Gun Violence Archive (2018) available at <https://www.gunviolencearchive>. See the yearly lists for details and most recent figures at Gun Violence Archive (n.d.).

Figure 2.
Civilian Firearm Owners per Hundred People.



Source. Adapted from detailed data in *The Washington Post* (2012).

mass murders might have been avoided altogether and casualties would almost certainly have been lower.⁴

Figure 2 shows that individual ownership of firearms is alarmingly high in the United States compared to other countries. The estimated rate of individual gun possession (licit and illicit) in the United States was, according to these *The Washington Post* (2012) figures, nearly 90 firearms per hundred people, while in other countries overall civilian gun arsenals are less than half of this. There is also substantial correlation between gun prevalence and violence. In the United States in 2014–2015, the percentage of households with any type of gun was 48 percent,⁵ and in 2012 the proportion of households with a shotgun was reported to be 21.4 percent, which was twice as high as the rate in Canada (Gunpolicy.org 2018; cf. Carter 1997). In the late 1990s, there were approximately 6.6 million firearms in private possession in Canada, which per capita is about one-quarter of the rate of gun possession in the United States (Hartnagel 1998). The figures for 2012 were 30.8 guns per

⁴Hopper's (2018) article examines which of the most major recent U.S. mass shootings would probably have not occurred in Canada, or would have incurred fewer casualties, due to the restrictions of current Canadian law.

⁵Note that other sources cite a more modest percentage. Statista (2018), for example, includes data for 2015 at 41 percent of households in the United States owning one or more firearms and 42 percent in 2017. Their survey of U.S. household gun ownership over the years 1972–2017 indicates fairly minor changes during that period with the highest at 47 percent of households in 1990 and the lowest at 37 percent in 2013.

hundred people in Canada, while the United States had 88.8 guns per hundred people (*The Washington Post* 2012).

Canada follows a strong background checking system, which effectively denies firearms to people with recent criminal records or histories of violence. If the Liberal-led Bill C-71 that was introduced in parliament in March 2018 becomes law, enhanced checks would be conducted on not merely the last five years of a person's history (for potential red flags like violent criminal behavior or spousal abuse) as is currently the case, but a person's entire life (Bill C-71 2018). Tightening gun transit rules and mandatory sales record keeping by retailers also form part of the bill's attempts to improve safety by restricting and monitoring gun ownership.

These initial comparisons point, at least superficially, to a few of the factors that have a bearing on why major events of gun violence (i.e., mass shootings) are more prevalent in the United States than Canada. However, to gain a deeper insight into why focusing events have led to far more policy change in Canada than the United States, a brief foray into the veto player theory is instructive.

Theoretical Framework

The veto player framework, established by George Tsebelis in 2002, has been applied to a rich body of literature that aims to understand the law-making processes of different countries (see, for example, Bawn 1999; Mariyana *et al.* 2017; Shen 2009). Veto players are individuals and collective actors whose agreement (by majority rule for collective actors) is officially required for a modification in the *status quo* (Tsebelis 2002). For a change of the *status quo* to occur, some veto players must agree on it (Ganghof 2017). Three characteristics of veto players are mainly considered in the policy-making process: the number of veto players, their congruence, and their cohesion (Zohlnhöfer 2009). The theory's first proposition is that the probability of a change in the *status quo* will decrease when the number of veto players increases. The second is that it will be difficult to change the *status quo* if the congruence of the veto players' decreases because their ideological distance increases when their congruence decreases. The third is linked to veto player cohesion—defined as the similarity with the policy positions of the constituent units of each veto player (Tsebelis 1995). It assumes that policy stability decreases when the veto players' cohesion increases.

The institutional setup is critical to analyzing the types and roles of veto players, as these are different in different political structures. A

veto player could be a single political leader (a national president), an independent branch of government (executive, legislative), or a political party of a government coalition that possesses veto power over policy change (Wang and Li 2016). To identify the actual veto players in any given political system, Tsebelis divided veto players into two categories—institutional and partisan—which enabled him to compare presidential and parliamentary regimes. The roles of institutional veto players are specified by their national constitution. These actors must, therefore, accept policy change in accordance with what their constitution permits. For instance, legislative chambers and the president of the presidential system are institutional veto players if their agreement is required for a change in the *status quo*. However, partisan veto players are generated by “the political game” (Zohlnhöfer 2009). This category of veto players exists in both multiparty parliamentary systems as well as in presidential systems. For example, parties that are members of a coalition government are partisan veto players.

The veto player framework explicates that policy stability increases with the number of veto players, their incongruence, and the internal cohesion of each (Shen 2009). Institutional players do not count as veto players unless they have a formal veto power. For Tsebelis (1995, 2002), in the bicameral systems of Britain and Austria, the lower chambers can ultimately overrule the decisions of the upper houses. Consequently, the upper houses cannot be counted as veto players, given that their decisions are not final and can be overridden by the lower houses.

Canada’s parliamentary system can be classified as a single veto-player system when a majority government is in power, but a two or three veto-player system when two or more parties participate in a coalition to challenge a minority government. In the United States, both houses of Congress and the president have individual and sovereign rights of veto. Thus, the United States is a pure presidential regime with three veto players.

Despite not being formal veto players—since they possess no formal veto powers—interest groups are often indispensable to policy change or maintenance of policy stability and therefore are particularly relevant to the veto player theory. This study thus follows Zohlnhöfer’s (2009) position that, in some policy arenas, the power and the role of the interest groups cannot be disregarded, as they can play a more decisive role than the institutional or partisan veto players depending on the degree of organization and mobilization of the group. They assume a different role than institutional actors who have institutionalized control over policy making,

acting to influence the position of the veto players to achieve their interest-based goals (see also Vigour 2014). A nuanced analysis of legislative and policy change should therefore consider not only the institutional and partisan veto players but also the actions of interest groups that influence them. Well-coordinated and well-financed interest groups can also counter a bill that works against its interest stake. Interest groups motivate the institutional and partisan veto players via diverse means—including the media, petitions, demonstrations, referenda, and so forth—as they incite potential veto players to block the adoption of policy at odds with the groups’ interest-based mandate (Vigour 2014).

Some important distinctions exist between presidential and parliamentary systems that support the relevance of interest group activity to veto player analyses. The presidential system is structured such that there are many access points in the policy process. By using this structural advantage, interest groups can effectively access and influence the policy process. However, in parliamentary systems, interest groups play a more marginal part in decision making due to the centralized power of parliament (Fleming 2012).

Even though external actors do not have the power to formally block the policy-making process, they work with allies in the institutions to influence it. One consequence is the ability of powerful interest groups to promote or impede the decision-making process. Analyses of institutional and partisan actors, as well as interest groups and other types of external actors, are significant when examining the policy-making systems of different political regimes.

The veto player theory advances an important understanding of how governments are structured. It can be used to break down all political organizations, regardless of institutional systems, such as regimes (presidential or parliamentary), party systems (one-, two- or multiparty), and types of parliament (uni- or multicameral) (Ganghof 2017; Tsebelis 1995, 2002). The present study uses this approach to illuminate the gun policy-making process of the United States and Canada because of its ability to explicate policy stability versus policy change. In this regard, the veto player theory provides some excellent explanations of how policies become changed, why policies do not change, and why policy stability tends to prevail in the context of differential institutional structures.

Case Studies

We use a cross-country “most similar case design” analysis to ascertain how events that are similar have generated different legislative outcomes

in Canada versus the United States. Four case studies of mass shooting are selected from the United States and Canada to compare legislative change before and after the shooting incidents. The Columbine High School shooting in 1999 and the Sandy Hook Elementary School shooting in 2012 are two cases in recent American history that spurred considerable public outcry and debate on the issue even in relation to more recent incidents. Similarly, the Montréal massacre in 1989 and the Concordia shooting of 1992 were chosen since they are the two high-profile firearm incidents that led to strong mass public outcry for stern legislative actions on gun violence in Canada and, eventually, to concrete policy changes.

Columbine Shooting

The Columbine High School massacre was an extreme case of a well-planned mass shooting. On April 20, 1999, two senior students of Columbine High School, Eric Harris and Dylan Klebold, entered the school carrying four guns and more than 30 homemade bombs. By the time they ended their deadly carnage and committed suicide, they had killed twelve students, a teacher, and wounded 24 others (Schildkraut and Hernandez 2013).

The immediate concern following the Columbine shooting was how did the perpetrators get the guns? At the time, Klebold was only 17 and Harris had just turned 18. A later investigation revealed that the pistol used was sold directly to the perpetrators by a 22-year-old private owner in a separate transaction (Kleck 2009). It was an illegal transfer because Harris and Klebold were minors at that time. According to American gun laws, anyone at least 21 years of age can legally purchase and possess a handgun. Moreover, all the long guns were purchased legally by friends of the perpetrators from private sellers at a gun show (Kleck 2009). As part of this pre-planned attack, Harris had conducted his own research on the regulations set forth by the Brady Act, and he wrote a class paper on the laws earlier in 1998 where he stated, “the biggest gaping hole is that background checks are only required for licensed dealers . . . not private traders . . . the private dealers can sell shotguns and rifles to anyone who is 18 or older” (Soraghan 2000). This weakness made it easier for perpetrators of violent killings—like Columbine—to have access to guns. So, much of the public debate following Columbine was referred to as “Gun-Show Loopholes.”

In the wake of Columbine, there was a massive public outcry demanding stern legislative action to prevent a recurrence. A Gallup poll

conducted in the aftermath found that people blamed the accessibility of guns more than any other factor for gun violence (*Gallup* 2007). Other polls showed that two-thirds of Americans generally favored stricter gun laws (Olinger 2000). Moreover, an overwhelming 87 percent of Americans supported a mandatory background check system for customers and sellers of guns at gun shows (Olinger 2000). Yet, despite this swell in public opinion, interest groups exert the most powerful influence on gun policy agendas in the United States. The two most powerful are the National Rifle Association (NRA) and the Brady Campaign. Even though both groups have significant roles in defining and shaping gun policies, the NRA (a staunchly *status quo*, anti-gun control advocacy group) is far more powerful than Brady Campaign (a pro-gun control group) because of the NRA's financial strength, and its access to politicians (Vizzard 2015). The presidential system of the United States creates many access points for the NRA to prevent the initiation of, or block the scope of, gun-related legislation—a point that illustrates several elements of the arguments made for including interest groups indirectly in a veto player analysis.

Nevertheless, the most common policy lesson drawn following the Columbine school shooting was the need for more gun control. The carnage energized the gun control debate, and added an emotional edge to gun control advocates' demands. When later giving testimony in a House oversight committee hearing, President of the Brady Campaign Paul Helmke (2011) expressed his frustration over U.S. gun violence mentioning that although it is not a new problem, it is a problem that Congress has avoided long enough. The sentiment had been echoing frequently since just after Columbine (see Olinger 2000). On the flip side, the NRA's vice president demanded absolutely gun-free, zero-tolerance, totally safe schools rather than stricter gun laws (Israel 2013). The NRA gave thousands of dollars to Colorado state legislators to defeat gun control laws that were prompted by Columbine (Araya 2000). In this strategic battle, the NRA's lobbying was more effective because they maintained good ties with members of the government—in particular, the Republicans. Therefore, in the presence of such a powerful influence on veto players (the NRA), it was tough for policy makers to drive their gun control proposals from the agenda stage to the policy formulation stage (Fleming 2012).

Within a week, President Clinton introduced legislation proposing the ban of private weapons sales at gun shows. He also appealed to Congress to limit access to explosives and firearms to curb gun

violence. However, he did not get any positive response from the Republicans and the NRA (Fleming 2012). On the contrary, instead of supporting stricter gun laws, the NRA focused its attention on placing armed guards in schools (Sanderson 2012). Clinton's "Gun-Show Bill" remained locked in Congress for more than five months. The president again urged Congress to "close the gun-show loophole" during his visit to Colorado, again to no avail. Consequently, the 106th Congress concluded without passing a stringent gun control bill (Shepler 2002). Between 2001 and 2003, two important gun control bills—the Gun-Show Background Check Act (2001) and the Gun-Show Loophole Closing Act (2003)—were placed before Congress. Both were voted down (Schildkraut and Hernandez 2013). The main actor behind this legislative failure was the NRA. Until the politicians could surmount the pressure of *status-quo* interest groups, it would be quite difficult to enact stringent laws in the United States.

Sandy Hook Elementary School Shooting

The Sandy Hook Shooting was one of the most infamous shooting incidents in American school history. On December 14, 2012, 20-year-old Adam Lanza entered the Sandy Hook Elementary School in Newtown, Connecticut, and fatally shot 20 children and six adults. When law enforcement entered the building, the perpetrator took his own life (Schildkraut and Hernandez 2013). A later investigation disclosed that, before this mass shooting, Lanza had shot and killed his mother (Kupchik, Brent, and Mowen 2015).

The Sandy Hook case led to huge domestic and international public outcry for stricter gun control. Right after this shooting, more than 100,000 people signed a petition on Whitehouse.gov demanding that the Obama government seriously focus on the issue of gun control. The reason behind this aggressive public reaction was that Sandy Hook was not an isolated incident; rather, it took place within six months of three similar massacres (Hristakopoulos 2013). Nevertheless, the views of the pro-gun control and anti-gun control groups were sharply polarized. On December 21, 2012, one week after the carnage, an NRA press conference focused on the protection and security of American schoolchildren. NRA Executive Vice President Wayne LaPierre, demanded "armed police officers" in every single school to thwart another mass shooting (Eckstein and Partlow Lefevre 2016). On April 2, 2013, the NRA proposed its "National School Shield Plan" recommendations to Congress. The centerpiece involved allocating several billion dollars to

place armed security officers in every single school to prevent gun violence (Hristakopoulos 2013).

The Brady Campaign also campaigned to support strict gun control. On January 8, 2013, former Congresswoman Gabrielle Giffords (who was shot and wounded in a 2011 shooting in Tucson) launched “Americans for Responsible Solutions” for stricter gun control (Hristakopoulos 2013). Yet, although public perception toward stringent gun control was notable after the Sandy Hook slaying, the NRA’s stance on gun rights was the largest barrier at this stage. Immediately after the incident, President Obama formed a task force which, on January 15, 2013, unfolded proposals to the public entitled “Now Is the Time.” It contained nine major recommendations for gun control, including background checks, an assault rifle ban, magazine limits, mental health resources, and a research fund (Eckstein and Partlow Lefevre 2016). This time, Obama upheld a strong position against gun violence, promising he would do everything in his power to curb gun violence. The Obama government announced a series of 23 executive orders, including new initiatives for maintaining a federal background check database to control gun violence (Hristakopoulos 2013).

On one side, Obama advocated more gun control and demanded stringent policies, regardless of politics. On the flip side, the NRA was playing a clear, if informal and indirect, veto player role in blocking any policy relating to gun issues. LaPierre shifted culpability from “guns” to “people” for this kind of atrocity (Eckstein and Partlow Lefevre 2016). The NRA adhered to a strong logic that “Guns do not kill people, people kill people” (Johnson 2013), and that if someone is truly evil, then no amount of gun control can resolve the problem. Therefore, LaPierre argued, there exists no need for strong gun control policy to prevent gun violence (Eckstein and Partlow Lefevre 2016). In this strategic battle, the NRA consistently utilized the Second Amendment as a premeditated tool for gun possession rights: a constitutional guarantee of the personal right to gun ownership. As a huge, well-organized, and well-financed group, the NRA has certainly influenced the decisions of policy makers. Even if it does not hold any formal veto power in Congress, its financial and political strategy makes the NRA highly influential in U.S. gun control politics. Sandy Hook was rhetorically codified as the moment when the gun debate stalemated. For instance, in 2013, during the 113th Congress, Senator Dianne Feinstein and 24 Democrat Senators introduced an important bill, the “Assault Weapons Ban” (Revolvy n.d.). President Obama also pushed the Senators to vote on this ban (Peterson and

Hook 2013). However, the outcome was “policy gridlocked” since most members of Congress were against this bill. Eventually, it was defeated by a vote of 60 to 40 (Peterson and Hook 2013).

École Polytechnique or the Montréal Massacre

Canada’s most infamous mass shooting took place on December 6, 1989, at the École Polytechnique in Montréal. The public outcry over this incident generated sufficient impetus for Canada to enact restrictive gun control legislation, although its route through the legislative process was complex and protracted. The perpetrator, 25-year-old Marc Lépine, shot 28 people, killing 14 women, on the campus of the École Polytechnique before turning the gun on himself. It was a planned massacre of women engineering students (Brown 2013).

The high death toll of the Montréal Massacre created a shock wave that reverberated throughout Canada. The tragedy led to demands that there *must* be a government response to address Lépine’s ability to access the high-powered semiautomatic weapon employed in this gun massacre (Flashman 2009). Members of the opposition parties, the New Democrats (NDP) and Liberals, and some progressive Conservative backbenchers, demanded new gun control laws banning possession of automatic and semiautomatic weapons by private citizens in Canada (Fraser 1989). Although the National Firearms Association (NFA) functioned as an anti-gun control group at the time of the massacre, its impact was marginalized in the policy process. There is much less support for the NFA in Canada compared to the very strong role played by the NRA in the United States. Yet the civil society response to this massacre culminated in the birth of the Coalition for Gun Control (CGC)—initially a feminist group, that became the most influential gun control interest group in Canada (Brown 2013). Here an opportunity was created by the combined efforts of politicians and motivated interest groups for significant policy change. It did not, however, achieve that change immediately.

Public opinion polls showed wide support for stiffer gun laws in Canada in the aftermath of Montréal. A Gallup poll in 1991 revealed that 79 percent of Canadians supported stricter gun controls, 17 percent wanted the existing laws retained, and only 2 percent desired more lenient laws (Brown 2013). After the massacre, Prime Minister Brian Mulroney stated that his government was taking the matter very seriously and that all violence against women was profoundly unacceptable (Fleming 2012). On June 26, 1990, Bill C-80 was proposed as a direct legislative response to the Montréal Massacre, intended to take stern action on the use of

military assault weapons and significantly tighten the rules on the ownership of firearms (Fraser 1990). However, a bill cannot be passed in parliament if the formal veto players (whose agreement is required for a legislative change) do not agree with it. Bill C-80 was not received with much enthusiasm by some of the Conservative opposition. Eventually, it was delayed and finally blocked in parliament.

It is true that interest groups are not extremely influential in Canada. The Montréal case nevertheless demonstrates that their role in the policy process should not be overlooked. Some politicians (i.e., members of the opposition from the NDP and Liberals) argued that the reason the Conservative government did not turn Bill C-80 into law was due to the lobbying efforts of the National Firearm Association (Fleming 2012) suggesting much more balance between the influence of pro- and anti-gun control groups than seen in the United States. Many Conservatives imposed their veto power on this bill on behalf of their gun-owning constituents, as it would affect the rights of gun owners (Fleming 2012) and could, therefore, result in losses at the polls.

However, the death of Bill C-80 generated a huge outcry from the public and, more importantly, from anti-gun interest groups. In response to that failure, on March 17, 1991, 500,000 signatures were presented to the House of Commons (Fleming 2012, 117) demanding new gun control legislation, and this time the Conservative government gave it utmost priority. On March 17, 1990, as a passionate policy entrepreneur, new Justice Minister Kim Campbell, declared that a new gun bill was being drafted that would be easier to push through the House of Commons. On May 30, 1991, Bill C-17 was introduced in the House (Fleming 2012). It proposed that firearms certificates would require a thorough background check, the completion of a gun safety course, and a 28-day wait between application for the certificate and its issue. It also significantly restricted military-grade firearms and automatic and semiautomatic ammunition (MacLellan 1995; Royal Canadian Mounted Police 2016).

Although the president of the NFA, David Tomlinson, stated that he was confident the bill would be killed (York 1991), this time the gun lobbyist group was not successful in blocking the legislation. The bill was certainly not passed without opposition. Progressive Conservative John MacDougall, one of the opponents, said that it went against law-abiding citizens who have handled guns for years (Fleming 2012). Several Conservatives, particularly those representing rural ridings, also voted against this legislation. However, the centralized decision system and

good party ties enabled the bill to be passed in the House of Commons on November 7, 1991.

Concordia University Shooting

The Concordia University Shooting was another alarming event of gun violence that led to a realization by Canadian policy makers of the acute need for more restrictive gun control laws in Canada. On August 24, 1992, Dr Valery I. Fabrikant, an associate professor of the Mechanical Engineering Department at Concordia University, shot four colleagues and wounded a staff member. Subsequently, he was convicted of murder and condemned to life in prison (Concordia University n.d.).

Three years after Montréal, the Concordia Shooting encouraged many Canadian politicians and interest groups, especially the CGC, to renew the call for tougher gun control legislation. The immediate response from the public and interest groups was notable after this incident. However, the Concordia Shooting occurred during the term of a Progressive Conservative (PC) government in power in Canada. Its response was also notable—in the other direction. It was not amenable to taking severe action in response and did not try to drive the agenda for new gun controls. According to the veto player rule, a large number of veto players must agree for a policy change to take place. At the time of this PC government, the majority of institutional veto players were reluctant to enact legislative change, and no new policy was created in 1992 (Fleming 2012).

The scenario soon altered, however, when the Liberal Party acquired power in the fall of 1993. They were enthusiastic for a large-scale of policy change and adopted various initiatives for stern legislative actions as per their electoral promise. So, at the time of the Liberal government, the institutional veto players had agreed on a substantive policy change. In March 1994, a 200,000-signature petition for the outright banning of private ownership of handguns in Canada was presented to the House of Commons (Concordia University n.d.).

In this case, unlike in the United States, the Canadian gun lobby was not very influential. Even after their marginalized position, the right-wing gun lobby in Canada applied its most vigorous opposition ever in 1994 in an attempt to block the adoption of a gun registry proposal. Their attempt was continually interrupted by the pro-gun control group, the CGC (Fleming 2012). The two Canadian cases selected for this study demonstrate that, in Canada, nonstate actors do not hold a strong informal influence over veto power to modify policy like their U.S. counterparts do.

In March 1994, a 200,000-signature petition for new gun control legislation was presented in the House of Commons for an outright ban on private ownership of handguns (Concordia University n.d.). On April 12, 1994, Justice Minister Allan Rock stated that a total ban on handgun ownership would soon be proposed in parliament (Fleming 2012). On February 14, 1995, Rock disclosed his controversial Bill C-68, also called the Firearms Act of 1995. When Bill C-68 was placed before the House of Commons, there was considerable dissent within the Liberal Party. Surprisingly, thirty Liberal MPs, mostly from rural ridings, used their blocking power to fight this measure. Nonetheless, Bill C-68 gained significant cross-party support that minimized the impact of such opposition from within the ruling party and forged alternative lines of agreement. The entirety of the opposition *Bloc Québécois* backed the passage of the bill. Eventually, on June 13, 1995, Bill C-68 was passed into law (Ha 1995). Under this new “Firearms Act,” all rifles and shotguns had to be registered, a new licensing system was implemented to control gun violence, some types of previously legal handguns were banned, and licenses were required to buy ammunition.

Discussion: Reasons behind U.S. Policy Gridlock and Canadian Policy Shift

In the United States, Vizzard (2015) showed that no significant policy change has been observed at the national level for twenty years. Over this period, firearms legislation has been heavily influenced and molded by the lobbying and campaign spending of the NRA (Reich and Barth 2017). Cook and Ludwig (2000) noted that there were approximately 20,000 gun laws in the United States.⁶ Yet most relevant U.S. gun laws are generally lenient in nature and do not inhibit the widespread possession of handguns and assault weapons. In 2008, a court ruling in the case of *District of Columbia v. Heller* (554 U.S. 570) stipulated that handguns were designed for self-defense, so bans of these weapons were considered unconstitutional (National Rifle Association 2014).

Unlike the United States, since the legislation spurred by the Montréal Massacre, Canada has maintained tighter control over their restricted weapons (Samuel 2018). Canadian law classifies assault weapons as prohibited

⁶A figure touted for decades, particularly in pro-gun arguments, but with seemingly little solid empirical verification (see Kessler 2013; cf. Siegal *et al.* 2017).

and handguns are categorized as restricted weapons⁷ that must be registered, and authorization is required to transfer them from one location to another. Consequently, it seems very likely that these restrictive laws contribute, perhaps significantly so, to Canada's lower rates of homicides and gun violence.

Against this backdrop, this study now turns to an examination of some of the key reasons underpinning the two distinct natures of policy outcomes regarding gun control issues in Canada and the United States: policy shift and gridlock. The previous analysis suggests that the divergence between gun policy responses after a focusing event (a gun violence event)—at least in the four cases studied—appears to be significantly connected to the structure of government/institutional design and the role of interest groups. This is not to say that other factors, such as political culture, are unimportant. However, a clear case can be made for the key nature of the institutional factors in manipulating the policy process when it comes to gun restrictions, or the lack thereof. In both nations, most people support keeping handguns and assault rifles out of the hands of private citizens (Brown 2018; Ducharme 2018; *Ipsos/NPR Poll* 2018; Kennedy 2010), and public opinion tends to surge on this issue after focusing events. Public opinion cannot, then, explain the divergence between the two countries in isolation. Veto player theory, however, provides some plausible additional reasons why tightening gun restrictions is so difficult to implement by the U.S. federal government, while Canada has followed up with policy transformations after a focusing event.

Due to the institutional setup of the U.S. presidential system, there are multiple access points in the U.S. policy-making system, which allows formal veto players and informal, yet powerful, groups that influence them to access and influence the policy process. This diffused institutional structure increases the numbers of veto players and decreases their congruence and cohesion—making policy gridlock more likely. Recall that, for Tsebelis (1995, 2002) each government branch in a presidential system is a veto player since all are elected separately. The U.S. system thus requires confirmation of a change from the policy *status quo* from two legislative bodies (not one) in addition to the executive. The multiple veto players make it extremely difficult for the federal government to alter the policy *status quo*—particularly on contentious issues like gun control.

⁷See Kennedy (2010) for details.

By contrast, the Canadian system is designed in a way that policy change, even on contentious issues, is easier to enact. While bills must pass through the Senate, the Senate cannot veto the bill, only attempt to modify it. Parties are the veto players in a parliamentary system, and when one party has a majority, it becomes the dominant player (Tsebelis 1995). Policy change is easier in such systems, although it can also lead to increased legislative reversals of the policy *status quo*, depending on which party is in power. This last point is evidenced in Canada by the 1995 (Liberal) creation of the long-gun registry—part of the 1995 Firearms Act—which was repealed by the Conservative government in 2012, yet could be partially reinstated in the C-71 Bill that is being debated in parliament at the time of this writing (late-2018). The fusion of the executive and legislative powers in the Canadian system encourages strong party ties and discipline, and creates the opportunity for veto players' congruence and cohesiveness. This increases the possibility of policy change in very much the way Tsebelis depicted.

Such divergence in institutional design impacts how far interest groups in each society can influence the formal veto players. With its substantial budget and large and committed membership, the NRA has a huge sway over U.S. gun policy creation through its significant contributions to political campaigns and public listing of politicians in support of, or opposed to, its interest-based stance (Reich and Barth 2017). Whenever a restrictive bill has been proposed in Congress after a gun violence event, the NRA has retarded the impact of that event and helped prevent federal laws from being created by either major political party in the United States (Dreyfuss 1995; Hartmann 2018). The earlier U.S. case studies offer examples of this. A more recent example concerns one of President Obama's last-minute regulations at the end of 2016—which he had proposed in 2013 after the Sandy Hook Shooting. It required the Social Security Administration to pass information to the FBI national background check database on persons receiving disability benefits due to mental illness (Vitali 2017). In early 2017, President Trump quietly enacted a law blocking this (Hartmann 2018; Vitali 2017) after the NRA and American Civil Liberties Union argued vehemently that the rule transgressed Second Amendment rights.

So, in addition to their multiple veto players, presidential systems are structured in a way for there to be many access points for nonstate actors, which has consistently enabled the NRA and other anti-gun control interest groups to block policy change after a gun-related focusing event. Conversely, pro-gun control groups in Canada had some

success in influencing gun control policy after the two focusing events discussed in this article. However, that success has not been consistent or overwhelming since 1995. They have often failed to influence policy change under Conservative governments and have faced tough competition from pro-gun lobby groups similarly vying to influence the policy process.

An initial set of conclusions is now starting to become clear. The difference in legislative actions between the United States and Canada seems to be rooted in three important factors. The first concerns the different ways that the structure of government, or institutional design, permits legislative decisions to be made. The second is how far that design permits interest group pressure in blocking or pushing for legislative change at any given time. This involves both the access points provided by the system as well as the congruence between a particular lobby's interests and those of the majority in power. The third involves how powerful the interest groups in question are. Yet, while these three play significant roles in determining gun policy outcomes and the difference between the two countries, they do not preclude the presence of other potentially explanatory factors.

The complexity of the gun issue in both countries is amplified by the motives of political parties and constitutional parameters, which can be significantly manipulated by interest group strategies. Anthony Downs (1957) famously argued that leaders of political parties are driven not by a sense of what policies are in the public interest, but formulate policy as a means of gaining votes to attain income, prestige, and power. They respond to interest groups as a means to win office (Downs 1957). As the cases in this article show, both the NRA and the CGC have efficient lobbyists who have influenced members of political parties controlling gun politics. In the United States, political actors of both parties are passionately influenced by the NRA's lobbying efforts (Weiss and Gould 2018), as their power and party position are considerably dependent on this interest group's financial backing. Republican-controlled governments are more supportive of lenient gun policy—the correlation between the Republican and the gun rights groups has been deepening for decades (Reich and Barth 2017). The sheer size and power of the NRA is indeed hard to ignore. In 2015, the NRA spent a reported \$5.1 million lobbying the government (Weiss and Gould 2018). In fact, from 1987 to 2016 it spent \$22.9 million on campaign donations alone, with the lion's share going to the GOP, whereas pro-gun control interest groups in the United States spent a mere \$4.2 million in the same period (Weiss and

Gould 2018). The significant gap is illuminating,⁸ particularly when considering the corresponding difference in lobbying intensity.

Canada has multiple political parties. But, according to Tsebelis' (1995, 289), there is only one formal veto player in a parliamentary system (the party in power, provided it has a majority). Left-of-center parties (Liberals and the NDP) usually support more restrictive gun controls and tend to work with the CGC, although the Concordia University Shooting shows such support is not always partywide. That case also showed that the CGC has sometimes persuaded right-of-center parties like the *Bloc Québécois* to adopt restrictive measures to curb gun violence. Both Canadian cases reveal that, when left-of-center parties are in majority power, or when cross-party and civil society agreement is congruent and cohesive, gun control restrictions can be more effectively passed and attempts to block them can be stymied. When right-of-center parties hold power, the tenor shifts to anti-gun control legislation. Tsebelis' (1995, 289) exception to this rule concerns the multiple veto players in parliamentary coalitions—decreasing the potential for cohesion and policy change and increasing the potential for instability. An example of this in Canadian gun politics occurred in 2010 when left-of-center MPs voted against the minority Conservative coalition's Bill C-391—which would have repealed parts of the costly 1995 Firearms Act long-gun registry—even though many rural Liberal and NDP MPs were heartily supportive of the Bill *and had voted for it in earlier readings* (see Levitz 2010). Strict Liberal Party discipline ensured that Bill C-391 was narrowly defeated. Unsurprisingly, when the Conservatives obtained a majority in the House and Senate in 2012, their power as single veto player returned and an almost identical bill killing the registry was swiftly passed.

Constitutional parameters also have a bearing on the different policy outcomes. There was considerable legal debate over the interpretation of the Second Amendment to the U.S. Constitution until the Supreme Court cemented its interpretation of the individual's right to carry arms in 2008. That year, in *District of Columbia vs. Heller* the Supreme Court nullified the District of Columbia's decades-old ban on handgun possession and acknowledged that the Second Amendment guaranteed an "individual right" to possess a firearm. The court also declared that only felons, minors, and mentally ill persons are prohibited from possessing a firearm (Vizzard 2015). Before *Heller*, it was unclear as to whether this

⁸The NRA spends nearly ten times as much in lobbying than the largest U.S. pro-gun control group (Weiss and Gould 2018).

right was restricted to collective paramilitary operations. Pro-gun groups vehemently cited the ruling as a constitutional guarantee of the personal right to gun ownership for their own pursuits (Vernick *et al.* 2011).

Conversely, the Canadian Constitution does not stand in the way of gun regulations in the interest of public safety and does not pose a seemingly insurmountable barrier to solid federal gun control legislation. Despite having a Charter of Rights and Freedoms,⁹ Canada has no constitutionally protected right to keep or bear arms for self-defense or any other purpose. While several sections of the Charter pertain indirectly to firearms possession/ownership,¹⁰ and are frequently used in arguments defending it, there is no constitutional guarantee. This constitutional divergence between countries requires that actors must accept policy change in accordance with what their constitution permits. The U.S. tradition of bearing arms presupposes a stronger opposition to any attempt to limit that right. In the absence of such a tradition, the Canadian framework presupposes at least some propensity to consider regulation as a viable policy not at odds with the Constitution.

The *Heller* ruling and its aftermath also points to other factors affecting the different policy outcomes in both countries that warrant a brief mention. While the focus of this article has been U.S. gun policy stagnation at the federal level, policy activity has been more visible at the state level (Vizzard 2015).¹¹ The District of Columbia's 1975 Act (at the heart of the *Heller* debate) regulated firearms control strictly. State-level gun policy change in ideologically conservative state legislatures has, unsurprisingly, run in quite the opposite direction. Reich and Barth (2017) show that much subnational gun policy change in the new millennium has relaxed restrictions on access to firearms—in response to Obama's electoral victories and greater NRA campaign spending. Some new state laws have also been enacted in direct response to mass shootings, as in Florida's 2018 gun control law signed by NRA ally Republican Governor Rick Scott in the wake of the Parkland Massacre (*BBC News* 2018). The NRA are, predictably, suing.

Meanwhile, in Canada, far less independent provincial gun policy activity has occurred and national firearms laws apply in nearly all

⁹Which can be accessed in full at <http://publications.gc.ca/collections/Collection/CH37-43-2002E.pdf>.

¹⁰The relevant sections of the Charter regarding firearms laws and freedoms is summarized at <http://firearmslaw.ca/gun-law-resources/firearms-legislation/charter-of-rights-and-freedoms/>.

¹¹We are grateful to an anonymous reviewer for drawing our attention to this point.

provinces and territories. A notable exception is Québec, the only province to retain the requirement to register all nonrestricted firearms after the long-gun registry was repealed by the national government in 2012. In 2015, the Supreme Court of Canada forced Québec back in line with the rest of the country on the matter. The province responded by creating its own Firearms Registration Act in 2018 (Sécurité Publique Québec 2018). The comparison suggests Québec is protecting its political identity and provincial sovereignty interests from federal encroachment, much the same as many of the U.S. states are in their gun policy activity. Florida is using its sovereignty to be responsive to its citizens' demands in the face of a focusing event to avoid potential losses at the polls in the upcoming midterms. However, it also has found the need to protect its sovereignty against encroachment by the NRA, its traditional ally.

A final factor to note involves the peculiar U.S. "gun culture" which is especially prevalent in rural areas. Gun culture signifies a historical model of strong individualism and symbolizes self-sufficiency and freedom. For many in the United States, carrying firearms in a public place is a powerful expression of exercising a citizen's right (Yamane 2017) and is defended on ideological as well as pragmatic grounds. Yet a distinct culture has also developed against this gun ethos that responds to both the ideology and the pragmatism. Urban residents (including those experiencing frequent mass shootings), especially in the North and East of the country are skeptical of rural firearm traditions. A few recent academic works have focused on the political culture that stems from the gun culture, its backlash, how the two "camps" now appear more polarized, and how this has been increasingly reflected in voting behavior and "emerging political identities" (see, for example, Joslyn *et al.* 2017; Yamane 2017). Joslyn and others (2017) found a 50 percent increase in gun owners voting Republican between 1972 and 2012, and conclude that the growing divide between those who own or do not own guns will impact future U.S. elections significantly. If they are right, the NRA's power to influence veto players at state and local levels as well as the federal level is only likely to get stronger and politicians from conservative states are even more likely to fear the risk of losing out at the polls *qua* Downs (1957) if they do not bend to NRA pressure.

In Canada—as in all polities—a specific political and historical culture clearly contributed to the creation and evolution of its parliamentary system (see Blake 2018). However, it does not have an ideologically driven gun culture or an emergent gun-related political identity anything like those of the United States. Future comparative research would

be useful to ascertain how far this is an additional contributing factor as to why Canadian gun groups on both sides have lacked the ability to influence policy consistently and overwhelmingly—despite the continuation of focusing events or the flux of “enact and repeal” *ad nauseam*.

Concluding Remarks

Political culture, as it is shaped by gun culture in the United States, is certainly not unimportant. It may well be that “emerging political identities” are, or will be, a significant influence in future U.S. gun policy gridlock or shift. And at least in the U.S. case, while gun culture did shape a small part of the Constitution, it is unclear at present whether it can eclipse what we have argued are the key reasons underpinning the distinct natures of policy outcomes on gun control issues in Canada and the United States: the structure of government/institutional design and the role and power of interest groups in each case.

We have seen that public opinion in the United States and Canada strongly favors gun control legislation. It is true that Americans are less inclined to favor restrictive laws and Canadians are more in favor of them. But both polities adhere to a strong sentiment that strict gun laws are the way to bring down violence. Have powerful lobbying groups obstructed majority opinions from sufficiently influencing the policy making process in the United States? Although the opinion of the NRA is not in line with that of the majority of the public, because of its great wealth and strong, consistent organization, the NRA generally gets its way in policy making. In Canada, the CGC is the strongest anti-gun interest group that most closely represents the majority public view. It has achieved some major policy successes—often after major gun-violence focusing events. It has also failed to achieve them consistently over time, across governmental change, or without being hampered by significant political and interest group opposition. We argued that the veto player theory provides some very useful insights as to why this is so and why the different institutional structures in each country responded differently in the cases discussed in this article. The theory also has a clear bearing on current and future developments. Its suggestion seems to be that we are likely to witness little substantive deviation in either country, at least in the near future.

While President Donald Trump is an outspoken advocate for gun rights and the two houses of Congress are controlled by the Republican party, it will likely be very difficult to pass any stringent laws that can control gun ferocities. The Republicans have a long-standing tradition

of favoring lenient gun control laws and the gun control bills proposed during their tenure have followed this lenient tradition. For this reason, the NRA has strong support for the Republican Party, as they both adhere to a congruent political position on gun control. Besides, the Republican Party has long been a faithful friend of the NRA because of its Political Victory Fund, which plays a critical part in electoral campaign donations to party candidates. In the 2016 election cycle, this gun rights group dropped more than \$52 million on Donald Trump and six other Republican Senate candidates to secure a Republican-controlled U.S. government (Spies and Balcerzak 2016). Consequently, as a well-financed and well-organized interest group, the NRA will almost certainly continue to block restrictive gun control measures in the future (Vizzard 1999).

Compared to the United States, gun violence is rare in Canada. Yet there are more gun homicides in Canada than in many other developed nations (Preidt 2016). The recent shooting sprees in Toronto, Ottawa, and other Canadian urban centers warn against any misdirected complacency. The positive side is that the current Liberal Canadian government has made mitigating this issue a high priority, as the 2018 parliamentary debates of Bill C-71 attest. Nevertheless, the cases and theory discussed in this article indicate that even if Bill C-71 is soon enacted into law relatively unmangled, future Conservative majority governments will almost certainly strive to dismantle it. If the cases of Montréal and Concordia are indicative in this respect, the best pro-gun control supporters can hope for is that substantial dismantling may be postponed for a decade or so. It will not, we fear, be postponed indefinitely.❧

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