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Headline: Dunblane inquiry report is an opportunity missed

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Article: WE became a village. When the news was brought from Dunblane the world grew small. Here, beneath the cold fog, was a region defeating reason, a province beyond the margins of language. Every throat closed.

But humanity is defined by its response to its condition. The need to explain Dunblane overwhelmed the knowledge that none of us was ever equipped to comprehend these things, far less to explain them. No matter what, we would understand what created Thomas Hamilton. We would explain 13 March, 1996. And we would prevent such a thing from happening again.

Society uses the tools with which it is familiar. The politicians we elected chose a judge to inquire, to investigate, and - for this, too, was needed - to judge. Lord Cullen, independent of all, would excavate the truth from the human mire. Armed with his understanding, we would change our thinking, perhaps remake our laws. Helpless with the past, we would somehow repair the future.

The politicians have paid their respects to the judge this week. Michael Forsyth has been grateful for his sensitivity, courtesy and care. George Robertson has been thankful for his wise analysis. The Government intends to accept all of his recommendations.

But there is more: the Cabinet wishes to go further than the judge suggests. Labour and the SNP, in turn, do not believe the Cabinet has gone far enough.

Thus the question is begged: if Lord Cullen has succeeded, how can he also have failed? The judge, after all, has set the terms for the debate. He has called the witnesses. Supported by Lord Mackay of Drumadoon, the Lord Advocate, he first ensured that there would be no parallel investigations by the media or others, whatever their potential usefulness, despite the fact that the only accused was dead and beyond prejudice. Meanwhile, the judge alone has decided which arguments to consider, which to accept, and which to reject.

We might have expected no less, but could we have expected more? It is a telling example of the British way, for example, that while Parliament handed the problem of gun control to Cullen "to make such interim and final recommendations as may seem appropriate", the judge, in the end, has handed it back again as being "peculiarly within the province of the Government and Parliament to decide". What, then, was the point of the inquiry?

Similarly, by adopting the language of previous legislation, Cullen has restricted the argument. Discussing the licensing of firearms, he talks, in the usual language, of people offering "good reason" for the right to own lethal weapons.

But the debate has moved on: where is the discussion of people proving a need, as opposed to a desire, to own a gun? Where is the examination of a sport's claim to special privileges? To talk of "good reason" in the matter of lethal weapons is to reverse logic. Where is the need?

Equally, Cullen has provided the Government with its fudge by a seeming determination to concentrate his "assessment of risk" on multi-shot handguns almost to the exclusion of all other weapons. He has an actuary's eye for the possibilities of death by shooting, and in his report risks are split like hairs.

The judge writes: "While all firearms are by definition lethal an individual shot from a handgun, depending on the distance and calibre, may well be less lethal than a shot from a shotgun or a rifle. However, the multi-shot handgun ... has the capacity by reason of its high rate of fire and speed of aim to kill or injure a greater number of people within a given short space of time than would be possible with any other type of firearm which is legally available ..."

Which is to say that the judge concedes common knowledge - all guns can kill - but concentrates on a spurious distinction: handguns are more efficient, therefore only handguns require legislation.

In steps the Government to preserve 40,000 .22 lethal weapons (along with Britain's precious Olympic record) while the question of two million shotguns in private ownership is forgotten. Are there really two million people in Britain who need a shotgun? Bluntly put, Cullen ducks such questions. He admits that a "system of exceptions" could be "grafted on to a wholesale prohibition" for the sakes of farmers, gamekeepers and so forth, but states that because the "range of uses" for shotguns and rifles is "very different" they have nothing, basically, to do with his inquiry. As an argument, this is incoherent.

The judge follows a tangled route to reach such recommendations as he does make, meanwhile. There are no first principles here. Chiefly, Cullen argues only that self-loading pistols and revolvers of any calibre (in contrast to the Government's stance) be disabled when not in use and stored in gun clubs. Failing that, he suggests that such handguns - but only such guns - be banned from private ownership.

Is this adequate? Read Cullen's report and you will learn a lot about arms but little about the moral arguments over their existence in any society, never mind their use. You will find no answer to the question that even shooters themselves are now asking: why should someone be trusted to own a rack of rifles and shotguns but not a self-loading pistol? Why has Cullen drawn the line at one category of weapons?

The career of Thomas Hamilton presumably provides the answer. On medical advice, the judge concludes that the killer was not mad, as such - small comfort there for the species - but also, more practically, that he was never a freemason. Since Hamilton escaped scrutiny for so long, and since masons were among the many people against

whom he harboured a grudge, this might be thought significant. It would be more significant still if, as there is good reason to believe, Cullen is wrong, though that is a story for another day.

As things stand, the judge's report is an opportunity missed. It offers compromise in a matter that will only be exacerbated by compromise. It encourages the Government, having done "more than Cullen", to dig in its heels and refuse to take the final, rational step. It allows Parliament to retreat behind its procedures into arguments over free votes - could there be any other kind? - on issues of conscience. And it is vitiated by its failure to meet with rational argument the inexorable emotional pressure, the desperate passion, of the bereaved and their supporters. Their suffering has been prolonged, their endurance tested again. They say they will not give up, and I believe them.

Whatever the Scottish Secretary requested, the public had only two questions of Lord Cullen: why Thomas Hamilton?; why guns? The judge has given us half an answer to the first question (though few could have done more) but no answer to the second.

It isn't enough. The cold fog lingers still.

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