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Journal of American Studies, **55** (2021), 2, 252–261
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doi:10.1017/S0021875820001383

Not in My Office: Rights in an Armed Campus Space

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When the Texas legislature in August 2016 allowed concealed handguns on campuses, the implementation of the legislation assumed a spatial meaning. At issue was not so much *what* the impact of firearms in educational establishments would be but *where* concealed guns could be carried and which specific locations were to be determined as exclusion zones. The decision-making process boiled down to a negotiation of rights by the federal government, state legislature, university, and members of the campus community. In particular, the question of gun rights was interpreted through notions of space, freedom, and privacy, as understood through amendments to the US Constitution.

The sign on the door of a faculty office at The University of Texas at Austin provides an effective entry point for this essay (Figure 1), as it captures a key tenet of the implementation of SB 11, the Campus Carry legislation: that the controversy surrounding firearms in educational establishments assumed, above all, a spatial meaning. Per the law's implementation, faculty who had a sole-occupant office, considered comparable to private property, were able to dictate whether guns could be brought to their workspace. Staff, teaching assistants, or assistant instructors who shared office space were not accorded this privilege. The measures taken by activists to call attention to and challenge the legislation were dictated by the delineation of public, private, and shared space. Thus the *where* of firearms became central to the debates preceding the implementation of the Campus Carry law. At issue was not so much *what* the impact of the law would be but *where* concealed guns could be carried and which specific locations were to be determined as inclusion and exclusion zones. This focus on space failed to register the ways in which members of the community perceived, experienced, and negotiated personal awareness of the presence of guns on campus. My examination probes this forum's focus on security/insecurity as it relates to the perceptions and negotiation of rights by the university community within various spatial contexts on campus.

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https://doi.org/10.1017/S0021875820001383 Published online by Cambridge University Press

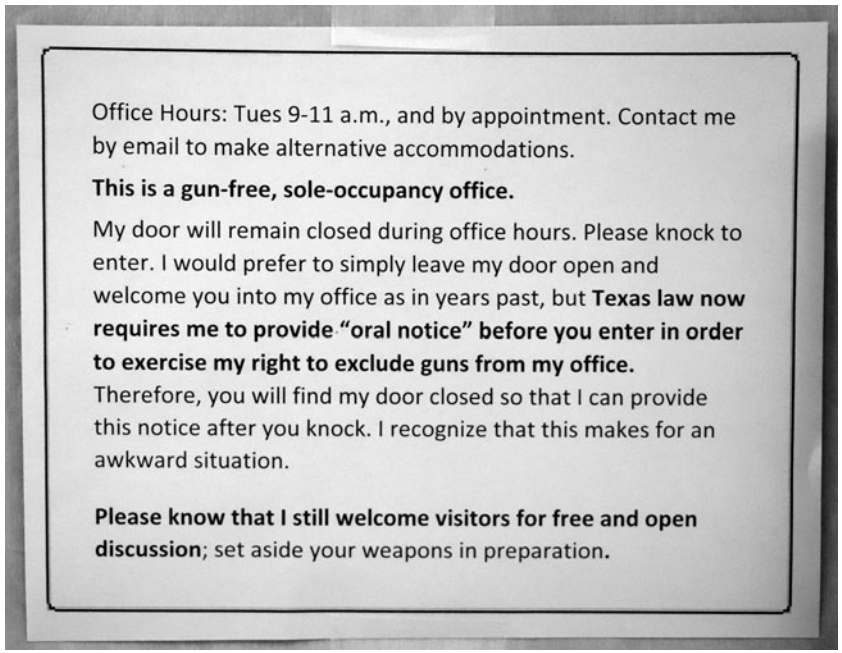


Figure 1. Faculty office sign. UT Austin. Photo: Benita Heiskanen. Courtesy of the John Morton Center for North American Studies.

The Campus Carry law that came into effect in Texas in August 2016 has multiple theoretical and practical ramifications for individuals and campus communities, and it is also linked to broader ideological assumptions about the spatiality of rights. The delineation of rights was intrinsically hierarchical, negotiated by the federal government, state legislature, university, and members of the campus community, and it was determined by access to and participation in policymaking processes. Drawing on two town-hall-style public debates organized at UT Austin, which were complemented by thousands of Internet responses, as well as interviews conducted with faculty and students on campus, my discussion reveals the various practical and ideological corollaries that the legislation manifested within the armed campus space. The various groups of people involved in the debates typically depict the role of firearms in society in opposite ways.

At UT Austin, the pro-gun contingency on campus bases its arguments on the Second Amendment right to practice self-defense. For them, guns are a way to protect "law-abiding and responsible" gun owners from external threats; as such, they are considered to be great equalizers for both men and women.[1]

[1] Public Forum 1, The University of Texas at Austin, 30 Sept. 2015, notes in possession of author.

https://doi.org/10.1017/S0021875820001383 Published online by Cambridge University Press

This view emphasizes that women and ethnic/racial minorities, too, are able to defend themselves against potential assault. For the antigun advocates, the reverse is true: guns are perceived as a form of oppression and an intrusion into social space, especially from the perspective of groups considered to be vulnerable. Above all, the opponents of the legislation argue that the First Amendment grants them the right to exercise freedom of speech within the educational context without any external threats. The belief in the right to keep and bear firearms is also intrinsically tied to the Fourth Amendment's provision to protect people's right to privacy, as in the example of the home, analogous on campus to office space or private vehicles.

A SAFE SPACE FOR WHOM? SPATIAL RIGHTS VERSUS SPATIAL VIOLATION

The US Constitutional premise of the right to keep and bear firearms is stated in the original language of the Bill of Rights, dating back to 1791, when the United States did not have a standing army: "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."[2] The original wording has been a point of controversy for most of its existence. Two questions related to the Second Amendment, in particular, have been a source of disagreement: do people have the right to keep and bear firearms and to practice self-defense notwithstanding the particular context? Or does the right specifically have to do with the purpose of citizen militias to ensure the security of a free state? The emphasis on whether the Second Amendment is a personal or collective right is at the crux of the matter, with significant ramifications for its application in various socio-spatial contexts. The issue is complicated by the fact that while people have the right to keep and bear firearms to secure a free state, in US history firearms have also been used against what has been interpreted to be an oppressive or tyrannical government, as in the American Revolution against the British. The issue was dealt with in 2008 by the US Supreme Court in a 5–4 *District of Columbia* v. *Heller* ruling that specifically interpreted the Second Amendment as an individual – rather than collective – right, namely that individual citizens must be able to keep and bear firearms beyond the context of a citizen militia to protect the privacy of their home and personal property.[3] The ruling was considered a conservative

[2] Second Amendment, Legal Information Institute, https://www.law.cornell.edu/wex/second_amendment, accessed 4 April 2020.

[3] In 1939, the US Supreme Court in *United States* v. *Miller* interpreted the issue as not an individual but a collective right, which was connected to a citizen militia and one that

https://doi.org/10.1017/S0021875820001383 Published online by Cambridge University Press

victory, one which had major consequences for US society, allowing wide-scale civilian possession of firearms unrelated to any military activities.

A central tension related to discussions extending the Second Amendment to the context of campuses has to do with ideological assumptions related to individual rights and the institutional authority to regulate firearms without infringing the Constitution. In the case of Texas, universities were permitted to make "reasonable rules" regarding Campus Carry, as long as they did not prohibit the actual carrying of handguns on campuses. License holders themselves believe firmly in the right to bear firearms for the purpose of self-defense without restrictions. As one carrier puts it, "I choose to carry, because I like to be prepared."[4] The pro-gun argumentation is based on the logic that so-called "good guys with guns" are needed to meet the threat posed by "bad guys with guns" who do not respect the law. Banning guns, pro-gun advocates argue, would only affect law-abiding license holders, whose disarmament would turn the campus, in the words of one carrier, into "a safe space for shooters."[5] According to another proponent of the Campus Carry legislation, "gun-free zones" are nothing else than "crime spree zones."[6] Although the emphasis here is on individual freedom to make choices about guns, carriers also base their argument on a collective function, as in the following response: "When the wolf comes stalking the sheep, having a sheepdog around will save the herd."[7] Consequently, as the pro-gun argument goes, Campus Carry would ultimately enable guns to serve as a deterrent, and violence, as a result of the presence of concealed handguns, would decrease.

On the other side of the debate, the antigun contingency argues that within the educational context the right to have a safe learning environment trumps the pro-gun rationale: "Keep guns out of classrooms; if cell phones can be restricted, horses and guns should be as well."[8] Antigun activists on campus promote the viewpoint that the Campus Carry policy is effectively a violation of their spatial rights, for a classroom is supposed to be "safe and nurturing, like a sanctuary," providing a forum for the free exchange of ideas.[9] The antigun advocates liken the right to a safe learning environment to that of their right to safety: "Safety rights should supersede gun owners' rights."[10] The notion of the campus as "a safe space to learn" underscores the broad delineation of the Campus Carry legislation primarily in spatial terms.[11] The following depiction by a student exemplifies the spatial conceptualization:

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the federal government was in a position to regulate. This precedent was overturned by *District of Columbia* v. *Heller*.

[4] Public Forum 1.

[5] Public Forum 2, The University of Texas at Austin, 5 Oct. 2015, notes in possession of author.

[6] Internet survey, The University of Texas at Austin, 5 Oct. 2015, copy in possession of author.

[7] Ibid.

[8] Public Forum 1.

[9] Ibid.

[10] Ibid.

[11] Public Forum 2.

https://doi.org/10.1017/S0021875820001383 Published online by Cambridge University Press

When I found out about [Texas governor] Greg Abbott signing into law SB 11, allowing the concealed carry of handguns on campus, I felt like my home was being infiltrated … When I go into a big lecture hall, I always keep an eye on my nearest exit. Even when I go to movie theaters, I worry that someone is going to shoot me. That should not extend to a classroom, but that's the reality.[12]

Both the pro- and antigun viewpoints within the context of the campus are complicated by the fact that educational establishments comprise multiple shared spaces whose demarcation is not clear. As a result of the spatial ambiguity, the implementation committees had to determine what forms of gun control on campus are lawful in the first place. Taking into consideration the various spaces of learning, student dorms, residence halls, sporting facilities, and public events centers, a task force designed a spatial hierarchy by which the campus was divided into inclusion and exclusion zones where concealed guns may always be present, where guns may never be carried, and where permissions shift depending on present purpose and users. The basic premise of the law mandated that guns may be carried into campus buildings unless part of an exclusion zone identified by UT Austin policy or state or federal law.[13] Therefore handguns may always be present in most university buildings, lecture halls, and cafeterias, with a few exceptions, when sometimes only a portion of a building is excluded. Handguns may never be carried in high-hazard lab settings, daycare centers, any program for minors, sporting facilities, patient care areas (including mental health care), or animal research facilities. Residence halls are hybrid areas that constitute exclusion zones while at the same time permitting handguns in common areas, such as lounges, dining areas, and study areas.[14] After the task force determined that there would be no lockers for the purpose of gun storage, automobiles were the only places on campus where guns could legally be stored, turning parking lots into de facto gun repositories.

SPATIAL FREEDOMS: FEELING VERSUS BEING (UN)SAFE

The intersection of spatiality and freedom are central to arguments for and against Campus Carry. Here, too, the discussion is based on the Bill of

[12] Interview with author, The University of Texas at Austin, 27 March 2018, notes in possession of author.

[13] For general information as well as policy and implementation guidelines of Campus Carry at The University of Texas at Austin, see https://campuscarry.utexas.edu/, accessed 10 March 2020.

[14] For a detailed discussion of the spatial zoning of the Campus Carry legislation see Benita Heiskanen, "Un/Seeing Campus Carry: Experiencing Gun Culture in Texas," *European Journal for American Studies*, 5, 2 (Summer 2020), at https://journals.openedition.org/ejas/15817, accessed 10 Aug. 2020.

https://doi.org/10.1017/S0021875820001383 Published online by Cambridge University Press

Rights, with the First Amendment providing firepower for argumentation. The antigun activists make the case that the First Amendment guarantees members of the campus community the freedom of expression and the right of citizens to assemble peaceably without external threats.[15] In their view, Campus Carry is an infringement on academic freedom, constituting a "chilling effect on free speech" and, hence, knowledge-production processes.[16] The function of universities is to provide a safe environment, yet guns on campuses cause "intimidation of open discussion" and create an "environment of fear."[17] As one faculty member puts it, "Especially [for] people teaching difficult topics – religion, sexuality, politics of particular kinds … You can't have a free argument if you think your opponent has a gun, or if you think it's possible that your opponent has a gun."[18] Furthermore, opponents of the legislation argue, guns in classrooms undermine the discussion of what one faculty member describes as "difficult dialogues" for those who feel at risk or that they may be a target, preventing "the freedom to seek and express the truth."[19] In the words of a faculty member, the "core UT value of freedom for truthful expression would be limited with guns in classrooms."[20] Some not only argue that "rights of safety" should surpass gun carriers' rights but that Campus Carry is no less than a "morally obscene law."[21] The argumentation has resulted in a back-and-forth between the opposing groups.

The pro-gun activists frequently defend their position against the claim of intimidation:

> Ask anyone in a "right to carry" state when he or she last noticed another person carrying a concealed handgun. **The word "concealed" is there for a reason**. Concealed handguns would no more distract college students from learning than they currently distract moviegoers from enjoying movies or office workers from doing their jobs.[22]

The logic of this viewpoint is that as long as guns – including images of them – are suppressed from visual perception, they are not considered to be a threat.[23] As for the campus community members' senses of (in)security, the pro-gun advocates point out, "Regardless of how any particular student or professor feels about the issue, laws must be based on facts, not feelings."[24] Moreover, they argue, there is little statistical evidence that Campus Carry increases

[15] First Amendment, Legal Information Institute, www.law.cornell.edu/wex/first_amendment, accessed 4 April 2020. [16] Public Forum 1. [17] Ibid.
[18] Interview, 27 March 2018. [19] Public Forum 1. [20] Ibid. [21] Public Forum 2.
[22] Students for Concealed Carry, "Common Arguments against Campus Carry," https://concealedcampus.org/common-arguments/#3, accessed 2 April 2020, emphasis in the original.
[23] Heiskanen.
[24] Students for Concealed Carry, "Common Arguments against Campus Carry," https://concealedcampus.org/common-arguments/#23, accessed 2 April 2020.

https://doi.org/10.1017/S0021875820001383 Published online by Cambridge University Press

incidents of mass shootings in places of higher learning. Even so, their contention is that, should a person with bad intentions appear, "trained and responsible gun owners" should have the right to protect themselves.[25] The antigun activists counter by turning the pro-gun view of "feelings" on its head. As an example, a UT faculty member put the following statement on the syllabus after the implementation of the law:

> The law bars instructors from prohibiting guns in our classrooms but I am allowed to say that I would prefer to teach in a gun-free space. And I am allowed by law to point out that my preference is not based on a naïve belief that nothing dangerous ever happens in classrooms, but is based on reliable studies that show that carrying a gun might make people feel safer but does not, in fact, make people safer. In addition, I would prefer to teach in a gun-free space because I believe that the possibility that loaded, concealed guns are present in the classroom has the potential to prevent the full practice of free expression.[26]

Notwithstanding such arguments, the pro-gun contingency maintains that the matter boils down to Constitutionally guaranteed individual freedoms: "It's important to remember that concealed carry is about personal protection, not public protection. The fact that some students might not enjoy all of the benefits of concealed carry on campus doesn't mean that all students should be denied the means to protect themselves on campus."[27] The more vocal the arguments of the right to bear arms were, the louder the antigun viewpoints grew, demanding to know what the rights of teachers are in academia.

During the implementation process, a major spatial dispute was whether guns could be brought into offices. In the words of one faculty member,

> I didn't want people being able to bring guns into my office. You can see this is a small office. I sit on this side of the door, and we don't have a security system. If someone is sitting there and gets mad because I gave them a bad grade, which has resulted in a couple of murders of professors around the country, I wanted to prevent that from being able to be possible.[28]

Faculty members defend their spatial privileges on the basis of the Fourth Amendment's guarantee of people's right to privacy: the "right of the people to be secure in their persons, houses, papers, and effects."[29] However,

[25] Public Forum 2.
[26] Email correspondence with author, The University of Texas at Austin, 29 March 2018, original in possession of author.
[27] Students for Concealed Carry, "Common Arguments against Campus Carry," https://concealedcampus.org/common-arguments/#9, accessed 2 April 2020.
[28] Interview with author, The University of Texas at Austin, 28 March 2018, notes in possession of author.
[29] Fourth Amendment, Legal Information Institute, www.law.cornell.edu/constitution/fourth_amendment, accessed 4 April 2020.

https://doi.org/10.1017/S0021875820001383 Published online by Cambridge University Press

the task force implementing the legislation determined that no violation of the Fourth Amendment occurred if a sole-occupancy office "owner" has the right to prohibit the concealed carry of a handgun in their office:

> The lawyers went back and tried to establish that there are some precedent court cases that say that if you have a private office … theoretically, in a court of law, that property in there is yours. Not necessarily the furniture, but all the stuff in the desk and the drawers is yours. It's protected by the Fourth Amendment … So, once you put two people in there, it's no longer a private office. It's a multi-purpose office … We really went back and tried to define what a private office is and what your rights were in a private office.[30]

The right to privacy, then, only applies to offices that are assigned to one person and not generally open to the public. In cases where the office occupant chooses to prohibit concealed handguns, the notice has to be expressed "orally" and an arrangement made to meet carriers in another location.[31] This interpretation – where faculty are granted the right to exclude gun carriers from their offices but staff and teaching assistants and assistant instructors who share offices are not – results in a conspicuously unequal and hierarchical positioning of members of the campus community, all of whom are in principle supposed to enjoy the same Constitutional rights and freedoms.

REFLECTION

The UT administrators' focus on the *where* of firearms reveals the negotiation of constitutional rights on campus grounds as a power struggle in and of itself, reflected in the newly established hierarchical spatial organization: "I really pushed with the members of the task force on the UT campus to actually try to get exceptions for as many spaces on campus as possible. Actually, I think we are the only campus in the state that has an exception for our office space."[32] While the pro-gun proponents argue for guns on campuses based on their rights in *public space*, the intra-group differences on campus are delineated by recalibrating notions of *private space*. By the time the legislation was passed, and there was scant hope of its being repealed, what the activists had left was appropriating *shared space* for expressing dissent about the existing policy. Moreover, faculty and staff activists created various *safe spaces* for discussions of the impact – that is, the *what* of gun culture and violence – as well as actual self-defense and de-escalation instruction:

[30] Interview with author, The University of Texas at Austin, 26 April 2018, notes in possession of author.

[31] See "Handbook of Operating Procedures 8–1060: Campus Concealed Carry," The University of Texas, 1 Aug. 2016, https://policies.utexas.edu/policies/campus-concealed-carry, accessed 4 April 2020.

[32] Interview, 27 March 2018.

https://doi.org/10.1017/S0021875820001383 Published online by Cambridge University Press

"Gun-Free UT came up with a series of workshops that we held last year about personal safety. We call this 'Peace Zone.' We have weekly self-defense workshops led by some Gun-Free UT members who are UT employees, who are martial arts experts and teach feminist empowerment self-defense."[33] Beyond that, as a staff member points out, "there's nothing you can do now except quit your job, basically."[34]

The focus on Campus Carry as a spatial right and freedom can disguise the broader question of gun violence as well as the multiple incidents of mass shootings that have already taken place in educational establishments in the United States.[35] An antigun faculty member questions the cavalier way in which US Constitutional rights are being tossed around without pausing to think what the right to shoot and kill actually stands for:

> Really? You think it's worth having a gun to protect your property? Think about this. You are going to shoot this intruder because of your property. Think this through a little bit. Then people go, "What do you mean?" I'm like, "Well, you are going to live the rest of your life that you killed someone to defend your property."[36]

In a similar fashion, another faculty member urges us to stop and think about the ramifications of guns, given their intended function: "There is an imbalance in every single debate that takes place about guns, because … they have an instrument on their body that can kill me, that is *meant* to kill me."[37] Yet other interviewees debunk the notion that most of the so-called "good guys" would have it in them to actually point a gun at another human being, let alone to fire the weapon and kill anybody:

> Well, good guys with guns find it difficult to kill people. That's why they are good guys … Even if I had a concealed-carry permit and even if I had a gun here, I mean, it would be really, really hard for me to pull it out and shoot at somebody. I think most people would have that reaction. As opposed to a bad guy who wakes up in the morning intending to do something like that.[38]

Ultimately, both the pro- and antigun viewpoints were forced to succumb to the supremacy of law and policymaking. The antigun contingency had to swallow the premise that firearms were allowed on campus and the pro-gun

[33] Interview with author, The University of Texas at Austin, 19 April 2018, notes in possession of author. [34] Ibid.

[35] The University of Texas was the site of a mass shooting already in 1966, when 17 died and 31 were injured at the hands of a sniper.

[36] Interview with author, The University of Texas at Austin, 24 April 2018, notes in possession of author. [37] Interview, 27 March 2018.

[38] Interview with research team, The University of Texas at Austin, 18 April 2018, notes in possession of author.

https://doi.org/10.1017/S0021875820001383 Published online by Cambridge University Press

group bore the responsibility to learn how to maneuver within the re-spatialized campus zoning.

The current interpretation of the Second Amendment that allows loosely regulated civilian possession of firearms in various quotidian contexts prompts multiple ways in which guns are regarded in US society. Simultaneously imagined as a weapon and a tool, a threat and a protector, an equalizer and a divider, guns signify all of the above, depending on differing worldviews. Within educational establishments, the gun question – as a right to defend oneself and one's property – assumes entirely new meanings. When delineated via Campus Carry, the question of individuals' senses of security/insecurity is a result of concurrent power plays between the different parties involved. The active contestations of rights through activist struggle disclose the notion of rights as contingent and malleable, with one party understanding it as "freedom to" and the other as "freedom from." With a focus on various, often contradictory, delineations of constitutional rights and their interpretation, my discussion points to the multiple de facto ways in which members of the UT Austin community experience, negotiate, and challenge the armed campus space. Both the pro- and antigun viewpoints serve to justify the right to make one's own choices about guns, but both approaches also have collective ramifications. Notwithstanding the multiple ways in which firearms on campus are justified or rebuked, their impact is concrete and tangible for proponents and opponents alike. One person's sense of security necessarily implies another's sense of insecurity.

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