



# Contemporary Justice Review

## Issues in Criminal, Social, and Restorative Justice

ISSN: 1028-2580 (Print) 1477-2248 (Online) Journal homepage: <http://www.tandfonline.com/loi/gcjr20>

## Concealed carry bans and the American college campus: a law, social sciences, and policy perspective

Bruce A. Arrigo & Austin Acheson

To cite this article: Bruce A. Arrigo & Austin Acheson (2016) Concealed carry bans and the American college campus: a law, social sciences, and policy perspective, Contemporary Justice Review, 19:1, 120-141, DOI: [10.1080/10282580.2015.1101688](https://doi.org/10.1080/10282580.2015.1101688)

To link to this article: <http://dx.doi.org/10.1080/10282580.2015.1101688>



Published online: 01 Dec 2015.



Submit your article to this journal [↗](#)



Article views: 157



View related articles [↗](#)



View Crossmark data [↗](#)

Full Terms & Conditions of access and use can be found at  
<http://www.tandfonline.com/action/journalInformation?journalCode=gcjr20>

## Concealed carry bans and the American college campus: a law, social sciences, and policy perspective

Bruce A. Arrigo and Austin Acheson

Department of Criminal Justice and Criminology, University of North Carolina, Charlotte, NC, USA

### ABSTRACT

Should individuals on American college campuses be permitted to carry concealed weapons? This issue positions second Amendment liberty guarantees against personal safety concerns and learning environment interests. Current policy prescription has yet to appropriately balance these competing demands. Accordingly, this article reviews and comments on three key dimensions of the concealed carry ban controversy. This includes a presentation of the governing case law, a recounting of the relevant social science findings, and a discussion of the societal forces and human dynamics that both inform and influence this public policy debate. We argue that these forces and dynamics constitute cultural impediments to achieving meaningful consensus-building legislation. The manuscript concludes by proposing several justice-based reformist directions with relevancies for academic researchers, political officials, and policy-makers.

### ARTICLE HISTORY

Received 18 September 2014  
Accepted 2 March 2015

### KEYWORDS

Gun violence; law and social sciences; public policy; culture; ethics

### Introduction

College campuses are not immune from instances of crime and violence. The US Department of Education (DOE) reports that, in 2009, university and college campuses across the country accounted for 17 murders, 2590 forcible sex offenses, 1865 robberies, and 2675 aggravated assaults ('Summary Crime Statistics', 2012). The Clery Act of 1990 (20 U.S.C. §1092(f)) requires all colleges and universities participating in federal financial aid to report crime information to the US Department of Education (DOE) for offenses occurring on or near academic institutions. This legislative requirement notwithstanding the above statistics reflect only crimes that occurred on colleges and universities that were *reported* to police. Thus, in reality, the number of offenses is likely to be higher than what these DOE data indicate.<sup>1</sup> Interestingly, while the Clery Act (1990) may appear to be a law targeting crime exposure, it also includes a provision aimed to protect the campus community when threats arise. This provision requires higher education institutions to issue timely warnings when crimes represent a risk or danger to students and employees.

Another way that public colleges and universities have tried to keep the learning environment safe is with campus police departments (Reaves & U.S. Department of Justice, Bureau

of Justice Statistics, 2008). The latest publication on campus law enforcement by the Bureau of Justice Statistics found that 74% of four-year institutions with at least 2500 students had a campus law enforcement agency (Reaves & U.S. Department of Justice, Bureau of Justice Statistics, 2008). Although nearly all of the campuses reported having 24-h patrols, three digit emergency numbers, and emergency blue-light phones, campuses using sworn officers averaged only 2.3 police personnel to every 1000 students (Reaves & U.S. Department of Justice, Bureau of Justice Statistics, 2008).<sup>2</sup>

To be sure, sworn campus officers and security personnel simply cannot be expected to be on hand for every act of violence or criminality that occurs. In these instances, individuals are left to defend themselves. Educational institutions have recognized this fact and have responded, in part, by offering self-defense classes such as rape aggression defense (e.g., Karjane, Fisher, & Cullen, 2005; Schwartz & DeKeseredy, 1997). This program is usually taught by campus police and, since 1999, claims to have trained over 900,000 women (Nadeau, 2013). Nevertheless, each year reports show that rapes and assaults continue to occur ('Summary Crime Statistics', 2012), leaving the effectiveness of such programming up for debate and the arguments for alternative self-defense measures open to speculation (e.g. Anderson & Whiston, 2005; Brecklin & Ullman, 2008).

One of these arguments, and the center of the ensuing discussion, is to allow individuals to carry licensed concealed firearms while on campus. The National Conference of State Legislatures (2014) currently indicates that there are 21 states that ban concealed weapons on college campuses, 22 states that allow each institution to make the decision, and 7 states that allow concealed carrying on public (post-secondary) campuses (i.e. Colorado, Utah, Idaho, Oregon, Kansas, Wisconsin, and Mississippi). Those who support concealed carry practices argue that US citizens have a right to self-arm and to self-defend, and that campus bans violate their Second Amendment guarantees (for a review see, Langhauser, 2009). Those who oppose concealed carry practices argue that colleges and universities have an obligation to cultivate a learning climate absent suspicion, fear, and danger, and that by allowing more guns on campus the incidents of violence will escalate rather than diminish (e.g. LaPoint, 2010). With gun control debates in the national spotlight, policy-makers and higher education administrators are being forced to re-evaluate campus-specific gun restrictions (e.g. Fox & Burnstein, 2010). Regrettably to date, little in the way of evidence-based guidance has been supplied, leaving state and elected officials to ponder the appropriate course of action given conflicting liberty interests and societal demands (Winkler, 2006).<sup>3</sup>

Moreover, in light of the recent tragic events in Tucson, Aurora, Newtown, Lone Star College, and Santa Monica College, there is renewed discussion involving those who advocate gun possession limitations as a way to prevent unnecessary injury or devastating fatality, and those who advocate gun possession de-regulations as a way to ensure the unfettered expression of constitutional safeguards (e.g. Fox & Savage, 2009; Kleck, 2009; Spitzer, 2011; Squire, 2012; Winkler, 2013).<sup>4</sup> This debate takes places on public colleges and universities in the form of bans on the concealed carrying of handguns, with some groups now calling for a repeal of such restrictions (Kopel, 2004, 2009; Winkler, 2006). In developing informed policy on this matter, consideration must be given to the rights of citizens as well as educational institutions, the perceptions held by those constituencies affected by the measure, the relative impact a policy change could have on relevant stakeholders, and the structural conditions and human dynamics that fuel and sustain the controversy as a whole (Arrigo, Bersot, & Sellers, 2011).<sup>5</sup>

The present article examines the controversy surrounding licensed concealed carry bans on public college or university campuses from a law, social sciences, and policy perspective. In particular, we review the operative constitutional and precedent-setting case law; recount the extant empirical evidence; and discuss important macro-, mezzo-, and micro-level forces and dynamics that culturally impede and circumscribe consensus-building legislation. The article concludes by offering several provisional recommendations for justice-based reform. These proposals are designed to rethink and advance the law and policy agenda on matters of gun violence and victimization, and they emphasize an agenda for future research, legislative practice, and ethical accountability regarding the concealed carry ban debate.

### The right to bear arms: a constitutional and case law review

Any analysis of gun control policy warrants a brief recounting of the issue's constitutional foundation. The Second Amendment reads, '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' (U.S. Const. Amend. II). In striking down the D.C. handgun ban, the Supreme Court interpreted this Amendment as giving individuals not connected with militia service the right to possess a firearm in the home for lawful purposes, such as self-defense (*D.C. v. Heller*, 2008). Furthermore, the Court held that individuals have an inherent right to self-defense which is central to the Second Amendment (*D.C. v. Heller*, 2008). Perhaps most important in the context of the college campus, the Court noted that the ruling did not diminish any longstanding prohibitions on possessions of weapons 'in sensitive places such as schools and government buildings' (p. 626). The decision in *Heller* was applicable only to federal enclaves. However, in a subsequent Supreme Court ruling, the Court held that the Second Amendment, and ergo their interpretation in *Heller*, was made applicable to the states by the Fourteenth Amendment (*McDonald v. City of Chicago*, 2010). Although these rulings support the view calling for a constitutional right to use weapons in self-defense, the relevance of the Court's decision-making to university and college campuses is limited. Indeed, the US Supreme Court has recognized 'special places,' such as educational institutions, as public sites where bans on weapons may exist (*D.C. v. Heller*, 2008).

The overwhelming majority of higher education institutions, either through state law or institutional policy, continue to prohibit the concealed carrying of firearms on campus (Kopel, 2009; LaPoint, 2010; Lenzen, 1995). Wasserman (2011) offered an analysis of college and university gun control in light of *Heller* and *McDonald*. By citing subsequent cases in lower appellate courts, Wasserman showed that courts have continued to support statutes prohibiting firearm possession by certain groups, including the mentally ill, felons, and juveniles (see also, Kopel, 2004). The central part of his analysis focused on whether or not higher education institutions possess the power to enact gun regulations under state constitutions or statutes. Wasserman (2011) examined three different state rulings that evaluated this issue.

In *University of Utah v. Shurtleff* (2006), the university argued that the state constitution guaranteed the university autonomy in creating firearms regulation, regardless of contrary state law. The trial court agreed; however, before an appeal could be heard, the state legislature passed a law removing any state entity's ability to restrict firearm possession (Utah Code Ann. §63-98-102, 2004). The state supreme court ruled that the university did not have the authority to restrict firearms on campus, and that it was beyond the court's purview to decide whether the university's policy was necessary to achieve an educational and safety

mission (*University of Utah v. Shurtleff*, 2006). Thus, the exercise of carrying concealed handguns has been permitted on campuses in the state of Utah, a status it held alone until 2011 (Wasserman, 2011).<sup>6</sup>

The next case that Wasserman (2011) cited is *DiGiacinto v. The Rector and Visitors of George Mason University* (2011). In *DiGiacinto*, the state supreme court ruled that the university did not violate either the state or federal constitution when curtailing gun possession and adopting a concealed carry ban on the college's campus. The court held that an academic institution of higher learning was a sensitive place under the *Heller* ruling, and that parents who send their children to such entities have a 'reasonable expectation that the university will maintain a campus free of foreseeable harm' (p. 370). The court thereby recognized the safety issue present on campuses, and endorsed the university's autonomy in protecting the campus population as it saw fit.

The third case reviewed by Wasserman (2011) is *The Regents of the University of Colorado v. Students for Concealed Carry on Campus, LLC* (2010). Consistent with *DiGiacinto*, the institution had set in place a policy prohibiting firearms possession on campus, noting that to do otherwise would compromise the learning environment and would contribute to a climate of violence (Wasserman, 2011). The appellate court held that the university's policy violated state legislation concerning the concealed carrying of weapons in public places (*University of Colorado v. Students for Concealed Carry on Campus*, 2010). The state supreme court upheld the ruling. Thus, the university did not have the authority to restrict firearm possession.<sup>7</sup>

In her law review, 'The second amendment goes to college' (2011), Miller argued that colleges and universities must ban weapons possession because of a need to provide for a safe and comfortable learning environment. In essence, she asserted that the academic freedom doctrine allows public higher education institutions autonomy in restricting weapons, that these institutions have a compelling reason to implement such policies, and that the rulings in *Heller* and *McDonald* support her two-prong argumentation. Whereas Wasserman (2011) acknowledged the pivotal role of politics in the debate, Miller (2011) recognized the importance of lobbying forces such as Students for Concealed Carry on Campus (SCCC) and Students for Gun Free Schools (SGFS).<sup>8</sup> Much like Wasserman (2011) and Miller (2011) addressed the possibility of campus restrictions falling under strict legal scrutiny. She maintained that institutions have a compelling interest in protecting the campus population and in ensuring the free exchange of classroom ideas. Displaying firearms for purposes of coercion or intimidation negatively affects one's ability to learn and to comprehend. Although Miller (2011) offered several arguments as to why she believed concealed carry bans are narrowly tailored to these interests, it is significant that she acknowledged the importance of empirical evidence in supporting these bans. Wasserman (2011) similarly noted the significance of adopting policies supported by social science findings.

### Concealed carry bans on college campuses: social science findings

The legal aspect of the concealed carry ban controversy can be extensively analyzed through a review of precedent-setting case law and academic reviews pertaining to the same. Conversely, the empirical evidence examining campus bans and violence is relatively scarce. This fact notwithstanding, some important data-driven studies have recently appeared in the literature and, accordingly, their findings are reviewed in brief below.



In her assessment of the relevant science, Lewis provided a comprehensive statistical critique of the concealed carry ban practice exercised by higher education institutions. In particular, she relied on a 2001 US Department of Education (DOE, 2001) study, indicating that the murder rate for the USA in 1999 was 5.7% per 100,000 compared to 0.007% at higher educational institutions. Lewis also noted that, according to the DOE (2001), among the 4300 colleges and universities reviewed only 17 murders had been committed in 2009, denoting that the murder rate on college campuses remained significantly lower through the latter part of the decade. Based on these data, Lewis argued that college campuses are much safer than other public areas; thus, allowing concealed weapons to be carried as protection against would-be assailants constituted an over-reaction to a miniscule and misunderstood problem. Consistent with this line of reasoning, Lewis also cited a study by Hemenway, Azrael, and Miller (2001). These researchers found that 94% of respondents were not in favor of allowing the concealed carrying of weapons on campus. Participants also reported feeling less safe as more individuals carried firearms in their community. Thus, Hemenway et al. (2001) concluded that legislation designed to relax restrictions on concealed carry ban permits might not reflect the opinions and attitudes of the public.<sup>9</sup>

A study published by Bouffard, Nobles, Wells, and Cavanaugh (2011) attempted to predict what the effect would be on the prevalence of guns on campus if the concealed carry ban was removed. Although the authors' study was limited to one public university in the state of Texas, the research findings nevertheless offer a glimpse into the effects of lifting the policy restriction. Opponents of the ban maintained that if it were removed the result would be an increase in armed, law abiding citizens who could react, reasonably and appropriately, in case of a shooting incident (Bouffard et al., 2011). Proponents of the ban asserted that if it was lifted, more guns would be on campus, and thus there would be additional opportunities for accidental shootings, suicides, and criminal activity involving guns (Bouffard et al., 2011). The study was designed to determine whether a change in policy would increase the likelihood of students carrying concealed guns on college campus and in school classrooms. The results indicated that this issue was dependent upon the sampled building; as such, the authors gave no concrete conclusion about the overall increased probability of an armed classroom (Bouffard et al., 2011). However, they did note that in all but one of the buildings sampled, three-fourths of the classrooms had at least one person who reported that there was a very high likelihood (100%) of obtaining a concealed permit or of obtaining a permit and carrying if the campus ban was lifted (Bouffard et al., 2011). To be clear, this study is limited in that it is impossible to gauge whether each student who claimed that they would apply and carry, actually would do so if the ban were lifted. Moreover, the study sampled only the students of one public college in a state that has a strong gun culture (Bouffard et al., 2011). Although this was the first study that attempted to estimate the effects of a change in campus gun policy, the results have strong implications for policy-makers: the effects of changing laws or policies concerning prohibitions on campus gun bans remains unknown.

In a subsequent study, researchers evaluated the attitudes of students concerning the carrying of concealed firearms on campus (Cavanaugh, Bouffard, Wells, & Nobles, 2012). For this investigation, the authors sampled students from a university in Texas and in Washington. The results showed that Washington students were more than three times as likely to report discomfort with having guns on campus as were the Texas students. Both institutions had similar responses regarding guns in the community, suggesting that students saw the campus as a unique environment with respect to the presence of firearms. The authors concluded

that policy-makers have not sufficiently addressed the emotional and behavioral reactions of students concerning the concealed carry ban controversy. Additionally, the results implied that a change in policy permitting concealed carry on campus might not increase students' sense of campus safety. The authors acknowledged that only the opinions of students were targeted in their study, leading them to conclude that future research should explore the attitudes of other relevant stakeholders (e.g. school administrators and faculty members) before making serious policy decisions.

Such a study was recently published evaluating faculty perceptions concerning the concealed carrying of guns on college campuses (Thompson, Price, Dake, & Teeple, 2013). Three public schools were randomly selected from each of the five states surrounding the Great Lakes. School websites were used to randomly select faculty to receive a survey. The results showed that 97% of the respondents felt safe at their campus, 94% did not support carrying concealed weapons on campus, 92% would not obtain a permit if the ban was lifted, and 97% would not carry a weapon if it was allowed. Furthermore, 94% responded that they would not feel safer carrying a weapon to school or on campus. Moreover, faculty members who owned two or more guns, politically affiliated as Republicans, and gender-identified as male were significantly more likely to support concealed carry practices on campus (Thompson et al., 2013). In discussing their findings, the authors noted that trained police officers hit their targets only 17–34% of the time, and that between 20 and 33% of school-based shootings constituted a 'mistake of fact' (Thompson et al., 2013, p. 371).

Some preliminary research has also been conducted examining the perceptions of campus police chiefs with respect to the presence of firearms on college and university campuses (Thompson, Price, Mrdjenovich, & Khubchandani, 2009). Specifically, the results showed that 96% of sampled law enforcement personnel agreed or strongly agreed that they should be involved with school administrators to create concealed carry ban policies. Moreover, if existing bans were lifted, 86% disagreed or strongly disagreed that it would prevent some or all of the murders on college campuses. The authors also noted that most campus police chiefs recognized that changing policies to grant the concealed carrying of weapons would not prevent firearm violence at higher education institutions. Ultimately, the authors suggested an academic community approach focused on prevention to reduce gun violence on college and university campuses (Thompson et al., 2009).<sup>10</sup>

### **The social forces and human dynamics of concealed carry bans on college campuses**

By simply reviewing the extant literature, it appears as if support for allowing the concealed carrying of weapons on campuses lacks sufficient legal standing and necessary empirical evidence. However, while the effects of making a policy change are mostly unknown – except for the fact that more guns would likely be present on or near college and university settings – opposition to existing bans nonetheless remains strong (e.g. Kopel, 2009; Lenzen, 1995). If the policy permitting the concealed carrying of firearms on campus is vastly unsupported, then it is important to consider why the debate continues unabated. In other words, what social forces and human dynamics culturally fuel and sustain this controversy? The ensuing discussion provisionally identifies several of these macro-, mezzo-, and micro-level influences. Specifically, they include societal (i.e. political and economic), institutional (i.e., governmental and educational), and individual (i.e., social–psychological) forces and dynamics.

### *Societal conditions: political, economic, and media dynamics of gun control policy*

It should come as no small surprise that gun control policy – like all contentious crime and justice controversies – is influenced by partisan politics, lobbying groups, and the national media (e.g. Spitzer, 2011; Wilson, 2006; and generally, Walker, 2010). Generally, the Republican Party advocates for lessening gun control policies. This includes relaxing government restrictions and repealing state prohibitions (Wilson, 2006). In their 2012 platform, the party claimed that, ‘Gun ownership is responsible citizenship, enabling Americans to defend their homes and communities’ (‘Republican Platform’, 2012, p. 13). Another hallmark plank for the Republican Party is supporting corporate tax reductions (‘Republican Platform’, 2012, p. 2). This support has led to a view of the Party as corporate friendly (Spitzer, 2011; Wilson, 2006). Mindful of this view, party faithful are inclined to support fewer gun restrictions because reductions would lead to increased firearms sales, and more weapons purchased would grow the profits of large American gun manufacturers (Wilson, 2006).

Conversely, the Democratic Party generally supports strengthening gun regulations and enforcing existing restrictions and/or bans. In the published 2012 Democratic Platform, the Party stated, ‘We believe that the right to own firearms is subject to reasonable regulation’ (‘Moving America Forward’, 2012, p. 18). This support has led to a view of the Democratic Party as citizen friendly (Winkler, 2013). Consistent with this view, party faithful are inclined to support more gun restrictions because regulation, monitoring, and inspection are key governmental functions that ensure the public good and protect the populace (Wilson, 2006; Winkler, 2013).

Although the statements above may reflect the general opinion of the two political parties, it is worth noting that not every self-identified Republican or Democrat adheres to their party’s prescriptions concerning firearms regulation. The purpose of the ensuing discussion is not to evaluate which party platform or plank is ‘correct’ with respect to gun regulation; rather, the purpose is to examine how national politics affect the campus concealed carry ban debate. At the macrological level, the politicization of gun control policy is mediated principally by lobbying influences and media messaging (Barabas & Jerit, 2009; Haider-Markel & Joslyn, 2001; Zuckerman, 1996). The ongoing operation of these structural forces both establishes and sustains competing portraits of the concealed carry ban controversy. Some commentary on how this image-crafting and social construction takes place is worth noting.

Lobbying groups, especially political action committees or PACs, play a pivotal role in influencing the gun policy debate (Barabas & Jerit, 2009; Zuckerman, 1996), and PACs are closely aligned with the country’s competing two-party political ideologies. The two groups discussed here, the National Rifle Association (NRA) and the Brady Campaign, have recently received heightened attention – and scrutiny – especially given the possible gun control legislation that continues to loom in the national spotlight. The NRA’s lobbying branch, the Institute for Legislative Action (ILA), advocates for the right to ‘purchase, possess and use firearms for legitimate purposes as guaranteed by the Second Amendment to the U.S. Constitution’ (NRA-ILA, 2013). When restrictive gun legislation is proposed, the group becomes involved on all levels of government by organizing members and by conducting ad campaigns that show disapproval and put pressure on policy-makers (Haider-Markel & Joslyn, 2001; NRA-ILA, 2013). This group aligns closely with the Republican Party in supporting fewer gun restrictions. The Brady Campaign to Prevent Gun Violence is a lobbying group whose goal is to ‘pass, enforce, and protect sensible laws and public policy that address gun



violence at the federal and state level' (Brady Campaign, 2013). The group actively lobbies legislators through citizen financial support and membership networking. The Brady Campaign to Prevent Gun Violence aligns more closely with the Democratic Party in supporting the enforcement and the strengthening of gun regulations.

These two groups leverage their political and economic capital over elected officials and/or policy-makers whenever gun control legislation presents itself, and these decision-makers are forced to listen. Even when public officials and policy-makers recognize that a certain prescription is not supported by the populace, lobbying pressure may encourage, if not expect, an unpopular and partisan vote (e.g. Freedman, 2008). Such may be the case with campus concealed gun carry bans. Although studies show most individuals support these bans, the resources of a national lobbying group can put considerable pressure on elected officials and/or policymakers, including a reconsideration of support for restrictive gun control policies.<sup>11</sup>

Political-economic leveraging that PACs exert over the gun control policy debate is managed and, in some instances even deliberately manipulated, through stylized media messaging (Altheide, 2004; Carli, 2008; Carrabine, 2008). This messaging is designed to affect attitudes toward gun control policies consistent with corporate interests. These interests strategically align with favored party politics and the economic philosophy that undergirds these respective ideological viewpoints.<sup>12</sup> A recently published study evaluated the effects of news media messages of mass shootings on public endorsement of gun control policies (McGinty, Webster, & Barry, 2013). Compared to the control group, those subjected to a story about a mass shooting exhibited heightened support for gun restrictions (McGinty et al., 2013). Another published review looked at media framing and policy change following the Columbine shooting. The authors noted that the mass media's profit motive compels them to tell interesting stories that undermine logical analysis, thereby creating distorted and/or caricatured perceptions of the event in question for the viewing or listening public (Birkland & Lawrence, 2009). Most importantly for the purpose of this article, the authors found that the news media follow a similar pattern when covering reports of school shootings: the initial focus is on individual- and community-level aspects, followed by societal implications of how the event affects the nation and not just the local community where the event occurred (Birkland & Lawrence, 2009). The study also noted that the intense media coverage of the shooting failed to affect national public policy, indicating that the media coverage ultimately did not have long-lasting policy effects for this media-spectacled event (Birkland & Lawrence, 2009).

The media's ability to make the rare event of mass shootings appear relevant to individuals is due to its ability to play on human psychology (Freedman, 2008). In other words, infotainment news and commentary cultures take what is otherwise a non-issue, and create a moral panic in which society believes that the non-issue requires immediate, critical, and ongoing attention (Altheide, 2004).<sup>13</sup> The idea of moral panic is most often attributed to the work of Stanley Cohen. In his classic, *Folk devils and moral panics: The creation of the mods and rockers* (1972, p. 9), Cohen defined this state of affairs as occurring, in part, when 'a condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its (the panic) nature is presented in a stylized and stereotypical fashion by the mass media'. Further, Cohen (1972, p. 9) explained that these instances of moral panic may simply come and go, or they may result in the long-lasting effects of change within 'legal and social policy [circles] or even in the way society conceives itself'. The argument submitted here is that episodes of violence, seen in recent mass shootings, have allowed the media

to create a moral panic for American citizens concerning the state of gun violence in the USA (e.g. Birkland & Lawrence, 2009). Moreover, this perceived and sensationalized threat has fueled public discussion and political discourse regarding firearms policy in particular contexts, including campus bans on the concealed carrying of guns.

The notion of the media creating moral panic following shootings is not novel. Ronald Burns and Charles Crawford addressed this same issue in 'School shootings, the media, and public fear: Ingredients for a moral panic' (1999). Burns and Crawford (1999) argued that as a society, we rarely all agree on an issue; however, the media oversimplifies evil through sensationalistic journalism (e.g., fear of crime, victimization, and would-be assailants) whose purpose is to conjure mass societal support while, at the same time, increase audience ratings (see also, Dowler, 2003; Dowler, Fleming, & Muzzatti, 2006). Thus, the media latch onto stories such as school shootings because the common denominator among most citizens is the shared view that children are innocent and should be protected. Even though the statistics showed that the school violence problem was exaggerated and blown out of proportion, Burns and Crawford (1999) pointed out that the media fueled the issue by failing to put the events into proper context. As a result, the Justice Policy Institute accused the media of creating misconceptions about school violence and fueling a moral panic among the public potentially leading to counterproductive legal policies focused on excessively policing and protecting the wrong environments (Burns & Crawford, 1999; Dowler et al., 2006).

At issue, then, is whether the recent focus on school related shootings in the USA is truly reflective of a violent culture justifying the need for gun policy reform, or whether the media opportunistically (based on political-economic dynamics) elect to exploit the American public's misplaced fear in the name of increasing Network viewership. If the latter is the case, then the policy debate is merely a result of a profit-minded induced moral panic. The FBI Uniform Crime Report for 2011 indicated that the violent crime rate was 15.4% lower than 2007, and 15.5% lower than 2002. These findings suggest that, in fact, we live in a less violent society than we did merely five or even ten years ago. These data notwithstanding, the extensive and dramatic media coverage of recent tragic shootings, have fostered a misperception concerning the nature of societal violence, and this false framing contributes to sustaining a moral panic around firearms and their (legitimate and illegitimate) use. This panic – sourced in the message of fear and desperation – has led the public to demand gun policy change and action, including the reform of campus bans on concealed carry practices. Thus, legislators and policy-makers faced with reaching consensus and with implementing laws addressing this inflamed matter should recognize that the climate of support for stricter regulations is linked to and sustained by media coverage of recent shootings that (temporarily and strategically) fan the public's outrage.

These political, economic, and media dynamics account for the structural influences that support and co-shape the campus gun control debate. However, macrological forces do not operate independent from other-related dynamics. Indeed, macro-level forces help to co-produce a mezzo-level marketplace wherein institutions and organizations compete for recognition and legitimacy by way of decision-making. Additionally, these societal forces contribute to micro-level (local and situational) contexts wherein individuals can be (and often are) captivated by the cultural rendering of reality established through the image-crafting and storyline of fear, suspicion, victimization, and danger (Birkland & Lawrence, 2009; McGinty et al., 2013).

### ***Institutional conditions: governmental and educational dynamics of gun control policy***

At the institutional level, policies concerning campus bans on carrying concealed weapons are affected by the power dynamics that operate between state legislatures and public colleges and universities, partisan politics in these institutions, and differing interests between the two. Previously discussed was the issue of whether public institutions had the autonomy to create gun control policies. For example, in *DiGiacinto v. The Rector and Visitors of George Mason University* (2011), the court concluded that public universities in Virginia had the autonomy to create their own policies. However, in *University of Utah v. Shurtleff* (2006), the court opined that public universities could not establish reforms that co-opted existing laws and/or policies enacted by the state legislature. Therefore, the first institutional-level issue to review with respect to campus concealed carry bans is determining who has the authority to create or change such policies – especially since these two groups do not always agree on such matters.

As was the case in Utah, a state legislature and its state-funded academic institution can have differing opinions on what policy prescription is best. In establishing laws, state congressional leaders must consider how the policy will affect the entire state, not just those on a college campus. As Bouffard et al. (2011) noted with Texas, some states are recognized as having a gun culture, or as being gun-friendly. The legislative bodies in these states may be more inclined to propose laws that reduce gun regulations, and if public universities do not have autonomy from the state legislature, they will be subjected to these reductions in gun regulation. Such would likely be the case in those state assemblies where Republicans hold the majority. Therefore, even though studies may show that the campus population is not in support of allowing concealed weapons to be carried on campus, the state legislature may create policies removing the bans, as was the case in Utah.

Other public colleges and universities have autonomy in creating policies that govern their institutions. Academic policy-makers do not have to consider the gun culture of the state, or the majority opinion of state voters. Instead, academic policy-makers focus primarily on the students, faculty, staff, and visitors of their campus. As Miller (2011) stated in her assessment of the issue, colleges and universities must ensure not only the safety of those on campus, but also ensure an environment free of fear or intimidation. This is how the free exchange of ideas and learning is guaranteed. Thus, one way to achieve this aim is to enact bans that prohibit the carrying of concealed firearms on campus.

Another characteristic of academic institutions that influences the conceal carry ban controversy is the overrepresentation of liberal ideology amongst college and university faculty. Citing several studies, Gross and Cheng (2011) found that relative to the general population, liberals were overrepresented by 30% and conservatives were underrepresented by 10% amongst college faculty. Furthermore, 51% of college/university faculty identified as Democrats, 13.7% identified as Republicans, and twice as many Democrat-leaning Independents were reported as compared to Republican-leaning Independents (Gross & Cheng, 2011). Perhaps, the overrepresentation of liberal faculty members within higher education accounts for the findings presented by Thompson et al. (2013). In their study, the authors noted that the majority of faculty did not support the concealed carrying of weapons on campus. If individuals identifying as liberals or as Democratic-leaning Independents compromise the faculty majority, then it is likely that faculty administrators responsible for

creating campus policies are also predisposed toward supporting legislation that promotes, rather than restricts, more gun safety. Clearly, party affiliation and political ideology alone are not determinative of a faculty member's position on the carrying of concealed handguns on college and university campuses. Instead, the argument proffered here is that academic policy-makers also participate in the world of partisan politics.

Arguably, it is irrelevant whether or not educational institutions have the autonomy to enact gun control policies, or whether the political demographics of college faculty impact the outcome on this matter in a given state. Instead, what may be more revealing is how these institutions (i.e. state legislatures and educational institutions) manage and perpetuate a culture of fear and further a society focused on risk management (Hier, 2008, 2011). Whether or not an educational institution enacts a concealed carry ban on its campus is of little consequence because both sides firmly believe that their policy prescription makes academic communities safer (i.e. banning handguns increases safety; allowing handguns increases safety). In doing so, these institutions sustain a culture of fear by reinforcing the idea that violence will come to a campus, necessitating an institutional response in order to mitigate said awaiting harm. This dynamic demonstrates how the media-manufactured moral panic of gun violence promulgated at the macro-level is subsequently absorbed and maintained at the mezzo-level (Zuckerman, 1996). When the institutions of government and higher education debate, enact, and enforce policies fueled by the political economics of incessant and smartly crafted media messaging, then these policies simply amount to threat-avoidance strategies (Barabas & Jerit, 2009). While such efforts at risk management or potential hazard control may promote the illusion of the collective good's safety, this well-intentioned interest ultimately will compromise prospects for 'individual human flourishing' (Arrigo et al., 2011 p. 34).

This idea of individual human flourishing warrants further commentary. To the extent that fear of harm or threat of victimization drives public policy absent scientific evidence or legal justification, then institutional decision-making is held captive by or hostage to such misplaced concerns (Freedman, 2008). Rather than discussing the components of sensible gun legislation – including the carrying of concealed handguns on college or university campuses – government officials and academic administrators are compelled to think and act otherwise. But the focus on risk management, would-be offending, possible threats, and the like reduces the conversation to finite possibilities of how best to resolve the question in which some stakeholders ostensibly will be satisfied while others will not (Hier, 2011). This is an approach that misses the opportunity to envision and seek a solution that benefits everyone. What this means, then, is that institutional choice and action will already be circumscribed. When choice is foreclosed and action is confined, then no stakeholder truly excels as interests are already compromised. Under these conditions, the logic and language of a society of captives prevails (Arrigo, 2013). This is a form of decisional imprisonment sustained institutionally given the culture of fear, the politics of risk management, and the media-spectacled imagery and narrative of violence.

### ***Individual conditions: social-psychological dynamics of gun control policy***

Analysis at the micro-level focuses on individual dynamics and the human social forces that influence perception, choice, and action. This influence extends to the issue of gun policy (Haider-Markel & Joslyn, 2001), including one's right to carry concealed weapons on college

or university campuses. Consider, for example, the impact of state or national political forces on individual decision-making. Voters who align themselves with the Democratic Party platform and with liberal ideology are more likely to support stricter regulations on firearms, whereas voters who align themselves with the Republican Party and with conservative ideology are more likely to support reductions in firearm regulations (Wilson, 2006; Winkler, 2013). Similarly, prospective voters are also influenced by the media-hyped political-economics of national lobbying groups. Both the NRA and the Brady Campaign reach out to their constituencies to support or oppose legislation as they (these PACs) pressure elected officials to endorse specialized (including corporate) interests (NRA-ILA, 2013; Brady Campaign, 2013). Moreover, for the individual policy-maker (e.g. elected officials and congressional seat holders), PACs can (and often do) exert influence on them in order to persuade, and even secure, undecided and independent-leaning voters (Levitt, 1998). For the individual citizen, lobbying groups garner support by employing emotionally charged ad campaigns and by undertaking grass roots organization and mobilization (Freedman, 2008).

Several of the previously cited and reviewed studies concerned with gun policy, illuminate other factors present at the micro-level of analysis that warrant some further commentary. Specifically, the Cavanaugh et al. (2012) study evaluated student perceptions of campus concealed carry bans. The researchers found that several individual-level variables were associated with student support for or opposition to the policy. Students who were significantly more likely to feel comfortable with firearms on the college or university campus were state residents, male, Republican, off-campus gun carriers, and off-campus victims of crime (Cavanaugh et al., 2012). Additionally, the Thompson et al. (2013) study gauged faculty perceptions regarding concealed handguns on campus. Faculty members who were much more likely to support a conceal-and-carry policy on campus owned two guns, were raised in a household with guns, and were concerned about being victims of a crime (Thompson et al., 2013).

The results from the studies just mentioned indicate that individual-level factors (e.g. off-campus gun carriers, raised with firearms in the household, off-campus victims of crime, or fearful of victimization) affect one's level of support for the carrying of concealed weapons on college or university campuses. This latter social-psychological variable (i.e. fear of victimization) is particularly salient as it furthers our view about the importance of macro-, mezzo- and micro-forces, whose interactive and interdependent effects co-shape policy beyond the scope of legal exegeses or outside the remit of empirical science. Specifically in the Cavanaugh et al. (2012) study, Texas students reported feeling more worried about campus violence and feeling more comfortable with guns on campus than students in the state of Washington. Additionally, the researchers found that those who followed violent news were significantly more likely to support the concealed carrying of guns on campus versus those who did not follow such news coverage. Conversely, the McGinty et al. (2013) study concluded that those who read articles covering mass shootings were more likely to support stricter gun regulations. What these findings suggest, then, is that an individual's *perception* of gun violence – fueled, in part, by societal conditions and institutional dynamics informs personal choice and action on the matter of conceal and carry gun legislation as applied to college or university campuses. What is significant (and troubling) about these human dynamics is that much like societal (i.e. political, economic, and media-based) claims-making and institutional (i.e. governmental and educational) decision-making, meaningful problem-solving is forestalled and much needed consensus-building is foreclosed. Indeed, rather than pursuing a policy that dignifies, honors, and affirms all stakeholders, the possibilities for

the same are reduced to compromise positions or, worse, political brinksmanship, legislative gridlock, and public discontent.

Our position is that the interactive, interdependent, and co-productive effects of the three levels of analysis reviewed in brief above, assume a prominent, although vastly under-examined, role in explaining the status of gun policy in the USA, including concealed carry bans on American college campuses. In this particular instance, the limits of law and science stem from the fact that neither of them can sufficiently address how social problems (e.g. gun violence) are ideologically driven, socially constructed, media-manufactured, institutionally maintained, and publically reenacted (e.g. Carrabine, 2008; Critcher, 2003). When individual citizens are captivated by the image-crafting and storyline of impending violence and risk minimization, then this framing of the issue will significantly dictate policy prescription (Hier, 2008). Lost in this troublingly scripted and altogether uninspiring process is the opportunity for ingenuity, creativity, and innovation. Indeed, as Arrigo et al. (2011, p. 4) noted: 'when the logic of risk management governs choice, action, and progress, policy efforts that support experimentation and innovation are not simply perceived generally with caution, they are interpreted mostly as hazardous.' The concealed carry ban controversy remains unresolved and a continuous source of political wrangling not because support for or opposition to the measure best resolves it. Instead, the *moral* dilemma is that neither of these perspectives takes seriously the notion that meaningful reform begins when all parties invest in solutions that grow individual citizenship, collective welfare, and societal excellence. This is policy built on dignifying, honoring, and affirming all viewpoints, while demystifying the manner in which cultural forces (societal-, institutional-, and individual-level dynamics) impede but could also promote prospects for more sensible and salubrious legislation. Regrettably to date, investing in this approach to crafting non-partisan and panic-free legislation remains elusive for policy-makers, politicians, and the public.

### Future directions: taking the next policy steps

In order to rethink the concealed carry ban debate and to guide our admittedly provisional reformist commentary, we begin by appropriating a justice-based framework. The framework acknowledges that growing prospects for consensus-building public policy requires a fidelity to certain shared democratic principles. These principles (equality and equity in particular) endorse the view that reliance on science and adherence to ethics both play a pivotal role in the legislative process (e.g., Faden & Powers, 2011; Wolff, 2011). Stated differently, justly resolving the concealed carry ban controversy necessitates evidence-based solutions and ethics-based logics to realize them. Several philosophers have maintained that legitimizing this justice-based congressional process depends, in part, on the legal system's capacity to more fully reflect and embody the flourishing character and conscience of the people on contentious public affairs matters (e.g. Farrelly & Solum, 2007).<sup>14</sup> Consistent with this reasoning, some recent scholarship has examined the role that psychological jurisprudence (PJ) can assume in reconciling thorny policy disputes in ways that more completely exemplify the principles of equality and equity for all wherein science and ethics function as more proximate drivers of democratic governance (e.g. Bersot & Arrigo, 2011, 2015; Sellers & Arrigo, 2009; Trull & Arrigo, 2015).

Although well beyond the scope of this article, we note that PJ takes the view that public policy begins with theory that can 'describe, explain, and predict law by reference to human

behavior' (Small, 1993, p. 11). This theory, then, offers a critique about how and for whom justice is administered by way of judicial and/or legislative decision-making, and a diagnosis about the type of character and conscience that this justice dignifies and affirms at the structural, institutional, and individual levels of inquiry and analysis. With respect to practice, PJ offers a path to judicial and legislative decision-making that accounts for how these officials should reach judgments guided by sensible values and pertinent data that support human capital (growth in moral character) and well-being (depth in moral conscience). When this virtue-based reasoning informs judicial and legislative choice and action, then 'these values and data emphasize not merely what law [and policy] are but what [they] *ought to be*' (Arrigo et al., 2011, pp. 6–7, emphasis in original).<sup>15</sup>

We assert that if the values of individual citizenship, collective welfare, and societal excellence are to be secured and/or advanced, then PJ represents a blueprint for meaningful (flourishing) reform. Indeed, when relying on PJ's overarching framework for analytical direction, academic researchers, policy-makers, and congressional members are integral to realizing the administration of justice, and to furthering the shared principles of democratic governance. Along these lines, then, we note that if consensus-building is to be achievable on matters of firearms legislation (including the concealed carry ban controversy), then attention to additional scientific research is required and a renewed focus on ethical accountability among political stakeholders is essential. The specifics of these recommendations are reviewed in brief below.

### *Gaps in the literature*

As a point of departure, we recognize that the challenge for social scientists is to establish policy-focused research agendas that fill empirically testable gaps in the extant literature. This challenge extends to federal and state regulatory agencies that operate under the political constraints and economic directives that often (and problematically) dictate a government's fundable research enterprise (Spitzer, 2011; Wilson, 2006). That said three streams of research and scholarship warrant consideration. In what follows, we summarily identify a number of potential – although certainly non-exhaustive – data-based future directions.

Consistent with our macro-, mezzo-, and micro-analysis of gun control policy, additional research attention is warranted in several essential and calculated areas. These include the structural dynamics (i.e. media-driven political economic factors), the institutional dynamics (i.e. government and educational influences), and the individual-level dynamics (i.e. social-psychological forces) that impede prospects for consensus-building legislation. At the structural level, societal conditions surrounding the concealed carry ban controversy as found on American colleges and universities galvanize lobbying interests and spur congressional politics in ways that sustain, rather than diminish, the public's entrenched polarization (Winkler, 2013). Studies are needed that explain how this process works, how it is self-reinforcing, and how this process is designed to promote structural barriers to reform. At the institutional level, government officials and educational administrators struggle to find a sensible campus-focused balance in which second Amendment liberty guarantees, personal safety concerns, and learning environment interests can be prosocially and equitably reconciled (Kopel, 2009; Miller, 2011; Wasserman, 2011). Studies are needed exploring the culture of American colleges and universities that operate with or without a concealed carry ban (LaPoint, 2010). These inquiries would address how, and to what extent, a campus' concealed

carry ban policy fueled citizen unrest or outrage or furthered group conformity and social cohesion. At the individual level, constituency groups impacted by the concealed carry ban (e.g. campus police, student commuters and residents, university administrators, faculty and staff) warrant further analysis (e.g., Bouffard et al., 2011; Cavanaugh et al., 2012). Specifically, additional research is needed that examines how the campus gun policy at a given institution affects various perceptions of community life, attitudes toward the learning experience, and the overall sense of safety and well-being for all parties concerned. Coupled with social-psychological investigations that examine the welfare of group constituencies is the need for victimization studies (Thompson et al., 2013). These include inquiries that address fear of firearms violence for would-be victims as well as trauma studies directed toward survivors of campus gun victimization – including the collateral harm to family members.<sup>16</sup>

In each of the research areas identified above, social scientists would do well to consider how their findings extend, refute, or corroborate the existing science. Moreover, investigators would do well to assess how regional (especially state-level) differences inform the overall data. In the final analysis, if research is to meaningfully contribute to establishing sensible consensus-building public policy, then structural, institutional, and individual dynamics must be filtered through the gun climate that variably pervades the American conscience.

### *Ethical accountability measures*

In addition to strategically pursuing evidence-based and policy-sensitive research to fill gaps in the literature, we submit that ethical accountability measures are essential to initiating reform. One way to make a case for such accountability is to pose the following question: how much inequality and unfairness can a just society tolerate? Concerns such as these are especially relevant when it comes to complex public policy issues whose politics is fiercely waged and whose solutions are conflictually structured. With respect to the concealed carry ban controversy, equality is compromised because differential treatment prevails. Elected officials capitalize on media-hyped school shooting tragedies to endorse favored ideological objectives (Freedman, 2008). All too frequently, this occurs at the expense of addressing the structural problem of gun violence that takes up residence in those communities that are economically depressed and/or ravaged by crime (Squire, 2012) or in those institutional environs such as prisons, schools, and other custodial settings that are resource-deprived and plundered by predation (Spitzer, 2011). This is gun violence that harms far too many other citizens – especially including poor people and persons of color (e.g. Miller, 2008). Moreover, equity is conceded because unwarranted and even excessive exploitation prevails. Using the pain, injury, and loss of school shooting victim and family member survivors to promote political and/or economic ends, makes people into pawns of the powerful, trivializes the violence of personal and school-related victimization, and hijacks or otherwise derails the legislative decision-making process (Freedman, 2008). When concessions over equality and equity occur as such for some, then the administration of justice is ethically compromised. A representative democracy thrives on the guarantee that adherence to public good will trump investments in private politics. However, as described above and throughout this article, the concealed carry ban debate positions corporate interests and elite government over the unresolved needs of the polity and against the mounting demands of the people (Spitzer, 2011). This, then, is justice denied for all.



Accordingly, we contend that the maintenance of this state of affairs is as unsustainable as it is untenable precisely because of the ethical footing that it lacks. Stated differently, realizing the values of individual citizenship, collective welfare, and societal excellence depends on a pledge that congressional leaders presently seem unprepared to advance or ill-equipped to support. To remedy this deficiency, and consistent with our recommendations for additional empirically animated research and scholarship, we argue that accountability measures for elected office holders warrant renewed attention (Thompson, 1995). Specifically, legislative choice and action should reflect *growth* in moral character and *depth* in moral conscience as necessary constituents of furthering consensus-building public policy that dignifies and affirms equality and equity under the law. Thus, the moral question to ponder is as follows: How and for whom is justice rendered when stalemate and gridlock, brinksmanship and wrangling enmesh gun violence policy – including the concealed carry ban controversy as found across American college and university campuses – and what type of character and what quality of conscience does this version of justice honor? The ethical quandary here is not about whether democracy necessitates expression through policy, nor is it about whether both political parties understand the importance of achieving the same. Instead, the moral dilemma is with the normative approach that must inform both of these endeavors, and the accountability measures that could help to make the administration of justice as delineated above the underlying purpose of the policy process.

Growth in moral character emphasizes the human capital of political stakeholders; depth in moral conscience emphasizes the flourishing wellbeing of the general public. The former requires political courage and is best exhibited when legislators permit settled science to inform reasoned judgment. To be sure, the administration of justice requires such risk-taking. The latter requires human compassion and is best exhibited when legislators grant that settled science on its own is never a substitute for reasoned judgment. Indeed, the administration of justice is not altogether possible when only a product of empiricism. If achieving consensus-building on contentious public policy matters is the objective, then elected officials must exhibit the will to govern as a matter of character and conscience. To ensure that such ethical precepts more completely underpin the legislative process, congressional decision-making must be periodically reviewed. The transparency that is sought means that politicians would own their decisions in ways that clarified how their choices and actions furthered the values of individual citizenship, collective welfare, and societal excellence, consistent with shared principles of democratic governance steeped in virtue-based morality and jurisprudence. What we propose here is not simply a review of one's voting record on policy matters; instead, we recommend a public review of how this record comports with the ethical commitments needed to more fully achieve the administration of justice for all.<sup>17</sup>

## Summary

A law and social science analysis of human social problems can only provide so much relevant information about appropriate public policy on matters of national concern. This is especially the case when legal acumen and empirical evidence are insufficient to implement sensible and salubrious legislative reform. One exemplar of this statement is the controversy that surrounds the contentious concealed carry ban debate found all across American college and university campuses. When reviewing macro-, mezzo-, and micro-level dynamics that

contribute to this controversy, it is clear that a different kind of assessment is needed in order to move this complex issue to a new and much needed plane of awareness.

Our proposals for public policy reform began by adopting a justice-based framework. This framework challenges all stakeholders to reconsider how the concealed carry ban debate is resolvable, *provided* the empirical studies that are missing and the ethical commitments that have been lacking, receive fuller legitimacy. In part, this legitimacy comes by way of the law and its capacity to affirm and dignify the developing character and dynamic conscience of the people through its (the system's) reliance on psychological jurisprudence. As a conceptual platform for justice-based consensus-building, PJ concerns itself with advancing the values of individual citizenship, collective welfare, and societal excellence. Democracies that are built on shared egalitarian principles such as equality and equity depend on the maintenance (and flourishing) of the above-stated values in order to ensure the ethical administration of justice. This includes resolving public affairs concerns such as the concealed carry ban controversy as found on American college and university campuses.

Given these analytical parameters, several solution-focused directions were identified. These directions emphasized an agenda for future research to fill gaps in the literature, and a call for ethical accountability measures to promote growth in moral character and depth in moral conscience among legislators. Studies that address structural-, institutional-, and individual-level dynamics were recommended. Moreover, practices that promote ethical compliance as the driver for the administration of justice were proposed. In the case of the former, evidence-based and regionally sensitive science should inform policy prescription. In the case of the latter, a legislative process that demands character and develops conscience as a democratic portal to consensus-building is essential. This suggestion is both novel and untried; it is an approach to furthering human capital (courage) in political choice and public well-being (compassion) in political action.

## Notes

1. We also note that jurisdictional boundaries are likely to be relevant here. For example, some colleges utilize student parking lots that are owned by the city. If a crime occurs there, the city rather than the campus police are called. Therefore, the crime is not reported as having been committed at the college or university. Likewise, crime occurring at student 'off-campus' housing is not considered crime 'on-campus,' even though some off-campus housing is only populated (at least a majority population) by students at the university. Arguably, these jurisdictional issues help to account for the dark figure of crime in the DOE data.
2. The significance of these personnel data is confounded by the limited evaluation research that has systematically examined the effectiveness of these alternate campus security methods (Bromley, 1999; Hummer, 2004). Thus, any suggestion that campus law enforcement agencies have limited abilities and scarce resources to ensure the safety of all citizens on or near university campuses is a notion that warrants more probing data-driven analysis.
3. However, the controversial work of Lott (2010) is particularly noteworthy. He relies on complex statistical modeling derived from economics to empirically demonstrate that more gun possession equates with less crime in those jurisdictions that permit the concealed carrying of firearms. To our knowledge, Lott has yet to specifically examine the generalizability of his findings to the public college or university venue.
4. Fox and Burnstein (2010) recently commented on the breath of this 'renewed discussion' within public education. As they noted, 'over 80 percent of the peer-reviewed journal publications uncovered from searching for "school violence" in the *Social Science Abstracts* dating back to the mid-1970s were published between 2000 and 2008. The growth in interest and concern

has also been reflected outside the academic literature. A cottage industry has developed for school security hardware, technology, guidebooks, and consulting' (p. xiv).

5. Our focus first on rights-claiming (law), followed by constituency perceptions (science), and then stakeholder interests (structural-, institutional-, and individual-level factors) is deliberate. Indeed, as the subsequent analysis and commentary argue, both the approach to policy-making and the process of consensus-building are linked to under-examined cultural dynamics. These dynamics both shape and constrain law's doctrinal imperatives and science's research directives. The conceal-and-carry ban controversy on American college campuses is one case in point. This article, then, reconsiders these imperatives and directives by reviewing the relevant cultural dynamics at issue, and it proposes a justice-based framework for re-thinking the legislative process of consensus-building on matters of contentious public policy.
6. The legal (i.e. constitutional and doctrinal) issues in the Utah case explored the inherent tensions that follow when university autonomy and academic freedom are balanced against second Amendment protections and concealed-weapons authorization (Wyer, 2003). For the development of these legal issues and for commentary on why legislation like Utah's violates the academic freedom of those institutions that want to remain gun-free see, Lewis (2011).
7. Wasserman (2011) concluded his analysis by offering several recommendations for creating a college campus weapons policy. In brief, he noted that policies should address the functions, capabilities, and integrity of university security personnel, and an institution's strategic course of action should clearly state the punishments for violating the gun control policy. Moreover, since neither the *Heller* nor *McDonald* Court established the level of review for Second Amendment challenges, campus policies should plainly enumerate the institution's interest in restricting weapon possession, in order to pass strict legal scrutiny. Additionally, if campuses choose to allow the carrying of concealed weapons, then policies should be established that prevent those who have been convicted of a criminal offense, have shown irresponsibility with firearms, are dangerous to others, or are mentally ill from exercising a right to possess a firearm while on school grounds. Wasserman (2011) suggested that institutional or state policy-makers who implement firearm regulations supported by science will unlikely violate Second Amendment rights. Ultimately, however, he reasoned that the issue of firearms possession on college campuses will be determined by the side that exhibits more political strength, because 'politics is king' (p. 52).
8. On the pro-gun side, SCCC was founded by a college student in the wake of the 2007 shootings at Virginia Tech in an effort to pressure policy makers to allow students with concealed carry permits to possess firearms on public campuses (Miller, 2011). On the gun control side, SGFSs was founded by survivors of Virginia Tech and victims' families who lobbied policy-makers to enact or protect strict gun control policies on campuses (Miller, 2011).
9. This study was conducted in 1996 and 1999 through random digit dialing by the Harvard School of Public Health. The samples were stratified proportionally according to the 1990 census population sizes. In addition to college campuses, respondents were also asked about restaurants, sports stadiums, bars, hospitals, and government buildings. For each location, no more than 10% of respondents indicated that they thought ordinary citizens should be allowed to carry firearms.
10. More specifically, the authors recommended a three-tier prevention plan. Primary prevention involves measures intended to stop conditions from occurring that would lead to firearm violence. Secondary prevention consists of measures that result in early detection of and intervention into existing conditions where the likely outcome is forecasted to be firearm violence. Tertiary prevention includes measures that limit trauma to and rehabilitation of the community following firearm violence.
11. For instance, the NRA's PAC contributed \$178,000 in the first six months of 2013 to candidates supporting gun rights, and New York City mayor Michael Bloomberg's PAC, Independence USA PAC, spent 2.2 million to support a Chicago democrat in a special election (Wollner & O'Brien, 2013).
12. This notion may be best exemplified by the media messaging and manipulation of Rupert Murdoch, CEO of NewsCorp. Murdoch politically aligns himself and his company to the

corporate ideology that will be most beneficial to NewsCorp at a given time (Arsenault & Castells, 2008). For example, Murdoch supported Tony Blair and the New Labor party as exhibited through Murdoch's print media publication efforts, which had an impact on the 1997 British Prime Minister election outcome. Ultimately, Murdoch's strategic involvement in the election benefitted NewsCorp, especially given the New Labor party's position on media regulation. Additionally, Murdoch's Fox News Channel saw a 288% increase in audience viewing during the beginning of the Iraq War in 2001 when the channel helped to bolster the public's approval of President Bush's administration and his initial handling of the crisis (Arsenault & Castells, 2008).

13. The moral panic literature is robust, and it consists of various strains of critical inquiry as well as ongoing dispute (David, Rohloff, Petley, & Hughes, 2011; Garland, 2008; Young, 2009). As we subsequently and very tacitly suggest, reliance on the proposed justice-based framework further amplifies the theoretical grounding of the construct.
14. Legitimate concerns for judicial activism and legal moralism figure prominently into this analysis. For a pertinent review of these matters based on the proposed justice-based framework, see Bersot & Arrigo (2015).
15. Several data-driven studies of constitutional, state appellate, and statutory law help to substantiate this claim. Examples include a review of the empirically derived ethics that informs the US Supreme Court's policy prescription on juvenile waiver, cognitive impairment, and adjudicative competence (Sellers & Arrigo, 2009); that informs state appellate court decision-making on solitary confinement, mentally disordered offenders, and cruel and unusual punishment (Bersot & Arrigo, 2010); that informs Congressional gridlock regarding juvenile immigration, criminalization, and human rights (Trull & Arrigo, 2015); and that informs current case law on sex offenders, civil commitment, offender registration, and community notification (Bersot & Arrigo, 2015). Each of these studies considered how (and for whom) justice was normatively administered given that the judicial and/or legislative reasoning was not derived from or based upon virtue ethics.
16. As we previously explained, empirical evidence about the actual effects of campus carry is very thin. This is a gap in the literature that, if addressed, would clearly make a significant contribution to the overall literature. For example, licensed carry has been the practice at all public colleges or universities in Colorado since 2010, with the exception of the University of Colorado, where licensed carry went into effect in 2012. Licensed carry has been in effect at the public institutions of higher education in Utah for nearly a decade. So there are now a good number of campuses from which data could be gathered. Important criminological studies thus come to mind: How many instances of legal or illegal gun use by licensed carriers have there been? Has licensed carry on campus had any discernible effect on campus crime rates? What the data would likely indicate is that the actual numbers of anything which people emphasize in the gun debate (e.g., successful or unsuccessful defensive gun uses by carriers; gun misuse by carriers, such as students threatening a professor for a bad grade, etc.) are statistically not significant. If this is the case, then endorsing an ethics of justice argument as developed by PJ and as applied to campus carry is made all the more compelling. To do anything less, would support the moral panic of gun violence.
17. One potentially useful mechanism that could monitor and enforce such compliance would be the completion of mandatory continuing education units as a condition of maintaining legislative office. In particular, participants would receive essential skills-based training in how to grow and to achieve consensus-building public policy informed by the justice-based framework and moral reasoning of PJ. The successful implementation of this training as a further condition of maintaining elected office could be yet another ethical accountability measure. Recommendations such as these suggest a nascent basis for requiring congressional members to hold a *license* in order to serve the people while in public office.

## Disclosure statement

No potential conflict of interest was reported by the author.

## References

- Altheide, D. L. (2004). Media logic and political communication. *Political Communication, 21*, 293–296.
- Anderson, L. A., & Whiston, S. C., (2005). Sexual assault education programs: A meta-analytic examination of their effectiveness. *Psychology of Women's Quarterly, 29*, 374–388.
- Arrigo, B. A. (2013). Managing risk and marginalizing identities: On the society of captives thesis and the harm of social dis-ease. *International Journal of Offender Therapy and Comparative Criminology, 57*, 672–693.
- Arrigo, B. A., Bersot, H. Y., & Sellers, B. G. (2011). *The ethics of total confinement: A critique of madness, citizenship, and social justice*. New York, NY: Oxford University Press.
- Arsenault, A., & Castells, M. (2008). Switching power: Rupert Murdoch and the global business of media politics. *International Sociology, 23*, 488–513.
- Barabas, J., & Jerit, J. (2009). Estimating the causal effects of media coverage on policy-specific knowledge. *American Journal of Political Science, 53*, 73–89.
- Bersot, H. Y., & Arrigo, B. A. (2010). Solitary confinement, inmate mental health, and cruel and unusual punishment: An ethical and justice policy perspective. *Journal of Theoretical and Philosophical Criminology, 3*, 1–82.
- Bersot, H. Y., & Arrigo, B. A. (2011). The ethics of mechanical restraints in prisons and jails: A preliminary inquiry from psychological jurisprudence. *Journal of Forensic Psychology Practice, 11*, 232–264.
- Bersot, H. Y., & Arrigo, B. A. (2015). Responding to sex offenders: Empirical findings, judicial decision-making, and legal moralism. *Criminal Justice and Behavior, 42*, 32–44.
- Birkland, T. A., & Lawrence, R. G. (2009). Media framing and policy change after columbine. *American Behavioral Scientist, 52*, 1405–1425.
- Bouffard, J. A., Nobles, M. R., Wells, W., & Cavanaugh, M. R. (2011). How many more guns? Estimating the effect of allowing licensed concealed handguns on a college campus. *Journal of Interpersonal Violence, 27*, 316–343.
- Brady Campaign to Prevent Gun Violence. (2013). *Our Work*. Retrieved from <http://www.bradycampaign.org/?q=our-work>
- Brecklin, L. R., & Ullman, S. E. (2008). Self-defense or assertiveness training and women's responses to sexual attacks. *Journal of Interpersonal Violence, 20*, 738–762.
- Bromley, M. L. (1999). Comparing the practices and policies of sworn and non-sworn campus police departments within the context of the Campus Security Act of 1990. *Criminal Justice Policy Review, 9*, 261–278.
- Burns, R., & Crawford, C. (1999). School shootings, the media, and public fear: Ingredients for a moral panic. *Crime, Law & Social Change, 32*, 147–168.
- Carli, V. (2008). The media, crime prevention and urban safety: A brief discussion on media influence and areas for further exploration. *Centre International Pour La Prevention De La Criminalite*. Retrieved from [http://www.crime-prevention-intl.org/fileadmin/user\\_upload/Publications/The\\_Media\\_Crime\\_Prevention\\_and\\_Urban\\_Safety\\_ANG.pdf](http://www.crime-prevention-intl.org/fileadmin/user_upload/Publications/The_Media_Crime_Prevention_and_Urban_Safety_ANG.pdf)
- Carrabine, E. (2008). *Crime culture and the media*. Cambridge: Polity Press.
- Cavanaugh, M. R., Bouffard, J. A., Wells, W., & Nobles, M. R. (2012). Student attitudes toward concealed handguns on campus at 2 universities. *American Journal of Public Health, 102*, 2245–2247.
- Cohen, S. (1972). *Folk devils and moral panics: The creation of the mods and rockers*. London: MacGibbon and Kee.
- Critcher, C. (2003). *Moral panics and the media*. Buckingham: Open University Press.
- David, M., Rohloff, A., Petley, J., Hughes, J. (2011). The idea of moral panic – Ten dimensions of dispute, *Crime, Media, Culture, 7*, 215–228.
- DiGiacinto v. The Rector and Visitors of George Mason University, 281 Va. 127. (2011).
- District of Columbia v. Heller, 554 U.S. 570. (2008).
- Dowler, K. (2003). Media consumption and public attitudes toward crime and justice: The relationship between fear of crime, punitive attitudes, and perceived police effectiveness. *Journal of Criminal Justice and Popular Culture, 10*, 109–126.
- Dowler, K., Fleming, T., & Muzzatti, S. L. (2006). Constructing crime: Media, crime, and popular culture. *Canadian Journal of Criminology and Criminal Justice, 48*, 837–850.

- Faden, R., & Powers, M. (2011). A social justice framework for health and science policy. *Cambridge Quarterly of Healthcare Ethics, 20*, 596–604.
- Farrelly, C. P., & Solum, P. (Eds.). (2007). *Virtue jurisprudence*. London: Palgrave Macmillan.
- Fox, J. A., & Burnstein, H. (2010). *Violence and security on campus: From preschool to college*. Santa Barbara, CA: Praeger.
- Fox, J. A., & Savage, J. (2009). Mass murder goes to college: An examination of changes on college campuses following Virginia tech. *American Behavioral Scientist, 52*, 1465–1485.
- Freedman, D. (2008). *The politics of media policy*. Cambridge, MA: Polity Press.
- Garland, D. (2008). On the concept of moral panic. *Crime, Media, Culture, 4*, 9–30.
- Gross, N., & Cheng, C. (2011). Explaining professors' politics. In L. Stulberg & S. Lawner (Eds.), *Diversity in American higher education: Toward a more comprehensive approach* (pp. 178–194). New York, NY: Taylor & Francis.
- Haider-Markel, D. P., & Joslyn, M. R. (2001). Gun policy, opinion, tragedy, and blame attribution: The conditional influence of issue frames. *American Journal of Politics, 63*, 520–543.
- Hemenway, D., Azrael, D., & Miller, M. (2001). National attitudes concerning gun carrying in the United States. *Injury Prevention, 7*, 282–285.
- Hier, S. P. (2008). Thinking beyond moral panic: Risk, responsibility, and the politics of moralization. *Theoretical Criminology, 12*, 173–190.
- Hier, S. (Ed.). (2011). *Moral panic and the politics of Anxiety*. New York, NY: Routledge.
- Hummer, D. (2004). Serious criminality at U.S. colleges and universities: An application of the situational perspective. *Criminal Justice Policy Review, 15*, 391–417.
- In Debbie Shultz (Chair). *Moving America forward 2012 democratic national platform*. (2012). Democratic national convention. Retrieved from [www.democrats.org](http://www.democrats.org)
- In Reince Priebus (Chair). *Republican platform*. (2012). Republican national convention.
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 20 U.S.C. §1092(f).
- Karjane, H. M., Fisher, B. S., & Cullen, F. T. (2005). *Sexual assault on college campus: What colleges and universities are doing about it*. Washington, DC: National Institute of Justice, Office of Justice Programs.
- Kleck, G. (2009). Mass Shootings in Schools: The Worst Possible Case for Gun Control. *American Behavioral Scientist, 52*, 1447–1464.
- Kopel, D. B. (2004). The licensing of concealed handguns for lawful protection: Support from five state supreme courts. *Albany Law Review, 64*, 101–132.
- Kopel, D. B. (2009). Pretend "gun free" school zones: A deadly legal fiction. *Connecticut Law Review, 42*, 515–584.
- Langhauser, D. P. (2009). Gun regulation on campus: Understanding Heller and preparing for subsequent litigation and legislation. *Journal of College and University Law, 36*, 63–102.
- LaPoint, L. A. (2010). The up and down battle for concealed carry at public universities. *Journal of Student Affairs Colorado State University, 19*, 16–22.
- Lenzen, J. C. (1995). Liberalizing the concealed carry of handguns by qualified civilians: The case for carry reform. *Rutgers Law Review, 47*, 1503–1556.
- Levitt, S. D. (1998). Are PACs trying to influence politicians or voters? *Economics and Politics, 10*, 19–35.
- Lewis, S. K. (2011). Bullets and books by legislative fiat: Why academic freedom and public policy permit higher education institutions to say no to guns. *Idaho Law Review, 48*, 2–28.
- Lott, J. R. (2010). *More guns, less crime: Understanding crime and gun control laws* (3rd ed.). Chicago, IL: University of Chicago Press.
- McDonald v. City of Chicago, Illinois, 130 S. Ct. 3020. (2010).
- McGinty, E. E., Webster, D. W., & Barry, C. L. (2013). Effects of news media messages about mass shootings on attitudes toward persons with serious mental illness and public support for gun control policies. *American Journal of Psychiatry, 170*, 494–501.
- Miller, L. L. (2008). *The perils of federalism: Race, poverty and politics of crime control*. New York, NY: Oxford University Press.
- Miller, J. H. (2011). The second amendment goes to college. *The Seattle University Law Review, 35*, 235–263.
- Nadeau, L. (2013). *About r.a.d.* Retrieved from [http://www.rad-systems.com/about\\_us.html](http://www.rad-systems.com/about_us.html)

- National Conference of State Legislatures. (2014). *Guns on campus: Overview*. Retrieved from <http://www.ncsl.org/research/education/guns-on-campus-overview.aspx>
- National Rifle Association – Institute for Legislative Action. (2013). *About NRA-ILA*. Retrieved from <http://www.nra-ila.org/about-nra-ila.aspx>
- Reaves, B. A., & U.S. Department of Justice, Bureau of Justice Statistics. (2008). *Campus law enforcement, 2004–2005*. Retrieved from <http://bjs.gov/content/pub/pdf/cle0405.pdf>
- The Regents of the University of Colorado v. Students for Concealed Carry on Campus, LLC, 280 P.3d 18. (2010).
- Schwartz, M. D., & DeKeseredy, W. S. (1997). *Sexual assault on college campus: The role of male peer support*. Thousand Oaks, CA: Sage.
- Sellers, B. G., & Arrigo, B. A. (2009). Adolescent transfer, developmental maturity, and adjudicative competence: An ethical and justice policy inquiry. *Journal of Criminal Law and Criminology*, 99, 2, 435–488.
- Small, M. A. (1993). Advancing psychological jurisprudence. *Behavioral Sciences and the Law*, 11, 3–16.
- Spitzer, R. J. (2011). *The politics of gun control* (5th ed.). New York, NY: Paradigm.
- Squire, P. (2012). *Gun culture or gun control? Firearms, violence, and safety*. London: Routledge.
- Thompson, D. R. (1995). *Ethics in congress: From individual to institutional corruption*. Washington, DC: Brookings Institution Press.
- Thompson, A., Price, J. H., Dake, J., & Teeple, K. (2013). Faculty perceptions and practices regarding carrying concealed handguns on university campuses. *Journal of Community Health*, 38, 366–373.
- Thompson, A., Price, J. H., Mrdjenovich, A. J., & Khubchandani, J. (2009). Reducing firearm-related violence on college campuses—Police chiefs’ perceptions and practices. *Journal of American College Health*, 58, 247–254.
- Trull, L., and Arrigo, B. A. (2015). US Immigration policy and the 21st century conundrum of ‘child saving’: A human rights, law and social science, political, economic, and philosophical inquiry. *Studies in Law, Politics, and Society*, 66 (1): 179–225.
- University of Utah v. Shurtleff, 144 P.3d 1109. (2006).
- U.S. Const. Amend. II.
- U.S. Department of Education. (2012). *Summary crime statistics for 2007–2009*. Retrieved from <http://www2.ed.gov/admins/lead/safety/criminal2007-09.pdf>
- Utah Code Ann. §63-98-102. (2004).
- Walker, S. (2010). *Sense and nonsense about crime, drugs, and communities: A policy guide* (7th ed.). Belmont, CA: Wadsworth.
- Wasserman, L. M. (2011). Gun control on college and university campuses in the wake of District of Columbia v. Heller and McDonald v. City of Chicago. *Virginia Journal of Social Policy & the Law*, 19, 1–57.
- Wilson, H. L. (2006). *Guns, gun control, and elections: The politics and policy of elections*. Lanham, MD: Rowman & Littlefield.
- Winkler, A. (2006). The reasonable right to bear arms. *Stanford Law and Policy Review*, 17, 597–613.
- Winkler, A. (2013). *Gunfight: The Battle over the Right to Bear Arms in America*. New York, NY: W.W. Norton & Company.
- Wolff, J. (2011). *Ethics of public policy: A philosophical inquiry*. UK: Routledge.
- Wollner, A., & O’Brien, R. (2013, August 01). Gun groups raising unprecedented cash in 2013. *The Center for Public Integrity*. Retrieved from <http://www.publicintegrity.org/2013/08/01/13098/gun-groups-raising-unprecedented-cash-2013>
- Wyer, K. L. (2003). A most dangerous experiment? University autonomy, academic freedom, and the concealed-weapons controversy at the University of Utah. *Utah Law Review*, 2003, 983–1018.
- Young, J. (2009). Moral panic: Its origins in resistance, resentment and the translation of fantasy into reality. *British Journal of Criminology*, 49, 4–16.
- Zuckerman, D. M. (1996). Media violence, gun control, and public policy. *Journal of Orthopsychiatry*, 66, 377–389.