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### Vigilant citizenship

*Legal imaginaries and political subjectivity in Miami*

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#### Publication date

2019

#### Document Version

Other version

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Other

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#### Citation for published version (APA):

Jeursen, T. J. (2019). *Vigilant citizenship: Legal imaginaries and political subjectivity in Miami*.

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*Chapter 3*

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**G U N S**

*Figure 3.1. Street in the neighborhood where Olaf and I lived in 2015, February 2015.*

## THE SOUND OF THE SHOTGUN

A couple of days after I arrived in Miami, my roommate Olaf showed me the shotgun he owned. He kept the Remington 12-gauge pump-action shotgun stored in its original carton box under the king-sized bed he and his girlfriend slept in. Olaf also kept it loaded. The only thing you had to do was load the shell into the chamber by pumping the handle on the bottom. Olaf was not particularly fond of guns, or weapons in general for that matter. However, he told me, he had chosen to buy and own a shotgun because of the sound, the famous “click-clack” that you hear when you load a shell into the chamber. He believed that the sound by itself would already be enough to scare off any perceived threats, so he would not actually have to shoot anyone.

One night in April 2015, Olaf came home late and took out the garbage to be collected the next morning. He opened the electric fence in our front yard and drove the Mini Cooper his girlfriend had recently bought onto the street to make room for the container to roll through. Olaf parked the car in the middle of the street and walked back towards the house to grab the container, leaving the engine running. The moment he turned his back, a man quickly walked over to the Mini, entered it, and began to drive away with the door still open. Olaf ran towards his girlfriend’s car, shouted, and was able to pull the driver by his leg, but immediately let him go. He realized there was no way of knowing whether the man was armed, and the car was not worth risking physical injury, let alone death. As he saw the car making a turn towards the main road, a white van that had been parked across the intersection also took off in the same direction as the Mini.

Olaf stormed back into the house, called 911, and knocked repeatedly on my door. We waited for the police together as he told me what had happened. The car was worth a lot of money, and his relationship with his girlfriend (who was at Coachella, a music festival in California, at the time) was already strained. A stolen Mini was not going to make things any better in the near future. It was a long and frustrating night for my roommate. One of the MPD officers who had responded to his call leaned back against the police car and rested his hands on his belt. He told Olaf that either they would find the car quickly, or it was unlikely that it would ever be recovered. “What can I say? It’s Miami, man”, the police officer explained to Olaf. By this, he meant that such incidents “just happened” in the city, and that there was only so much anyone could do about it. It was a risk you had to accept when living there. Olaf was also disappointed by our neighbors’ response, who did not seem to care much about what had happened either. Together with the lackluster performance of the MPD, this made him

feel suddenly uncomfortable about living in the neighborhood. He recalled how his family, who lived in Miami Beach, had warned him about moving to this part of the city. Had it been a mistake to ignore their advice?

Most of Olaf’s friends and family members owned and carried a gun. After hearing about the incident with the Mini, Olaf’s personal trainer began to carry his loaded handgun at the top of his equipment bag when he came to our house. Some of Olaf’s friends told him that they would have shot the man for sure. Olaf, however, told me that he was happy that he had not been carrying a gun at the time the man drove away in the Mini – he was afraid that he would have actually shot him, and doubted whether it was worth hurting or even killing someone over a car.

This story illustrates how private gun ownership shapes practices and understandings of security provision and particularly self-defense. In a way, Olaf’s experience bears similarities to the opening vignette of the first chapter, in which MPD police officer Rico questioned whether it would be legal for him to use lethal force. Not because Olaf was a police officer, but because the law entitled him to own and use a gun. Because private gun ownership is legal in Miami – as in all of the US – Olaf could purchase and own a shotgun in order to protect himself, his girlfriend, and his belongings. The law allowed him to use or threaten to use lethal force when faced with imminent danger. His shotgun transformed my roommate into a “first responder”: Olaf would not be forced to wait for the MPD to come to his aid, he could intervene in a dangerous situation himself. Yet Olaf wondered when and how he could use the weapon in a way that was both ethically and legally justifiable.

This chapter discusses how guns shape everyday security provision in Miami, and what guns mean in terms of how Miamians enact and experience citizenship. In my analysis, I emphasize that shared understandings of the law, which I call legal imaginaries, make the gun meaningful in daily life in ways that go beyond its material implications and cultural associations. Since private gun ownership is legal in the US, I am particularly interested in how Miamians experience and enact citizenship in light of this right. The main part of this chapter is therefore concerned with how Miamians enact and experience citizenship through the legal framework of private gun ownership.

Private gun ownership is accompanied by expectations that transform the idea of gun rights into a duty to carry or use a gun. Widely circulating interpretations of the US constitution and of Florida state laws, such as the Stand Your Ground law, not only legalize but also encourage private gun ownership and armed self-defense. Miamians who might not feel

comfortable owning and carrying a gun are still subject to peer pressure and the normative ideal of vigilant citizenship. Like Olaf, they ask themselves when using a gun is legal, and when it would be considered murder. Such complexities reflect the process of political subject formation, in which vigilant and responsible citizens are contrasted with ignorant or criminalized individuals. Political belonging to the first category has come to involve private gun ownership as an act of good citizenship.

I also discuss how the conditions for and understandings of private gun ownership create and reproduce differentiated citizenship. Although the US constitution and Florida state laws make armed self-defense legal, not everyone can claim this right: for some Miamians, it is illegal to buy or own a gun. In addition, discursively shaped normative categories, of more and less preferred types of urban gun owners, affect the extent to which differently positioned Miamians can navigate legal and moral accountability. Local police departments and city officials, for instance, organize gun buyback programs in order to get “unwanted guns off the streets.” Such programs are, however, exclusively organized in less wealthy neighborhoods. Understandings of good and law abiding citizens are entangled with race, class, and appearance, to the extent that some Miamians are not welcome in local gun stores – as I discuss in more detail below.

Finally, I explain how Miamians interpret individual responsibility in light of gun use. Many Miamians I encountered considered guns to be both an asset and a liability: individuals can use guns to defend themselves, but at the same time they can be held legally liable for doing so. However, when legal gun violence is a given, whom Miamians hold responsible can actually be diffuse, with legal and moral accountability at times blurred, yet always individualized. In such interpretations of responsibility, Miamians look for ways to hold individuals accountable without contesting the legality of guns, or even the shooter. In these cases, accountability becomes a question of morality rather than legality.

Drawing on the concept of legal imaginaries, I develop a socio-legal approach that complements analyses of private gun ownership and security that emphasize the material and cultural meanings of guns (Anderson, 2017; Kivland, 2018; Kohn, 2004; Springwood, 2014). This work has tended to focus either on the material aspects of guns, how they shape and enable a particular type of action (e.g., Latour, 1994), or on cultural constructs that inform how and why guns are supposed to be used in everyday life (e.g., Springwood, 2007a). I offer an understanding of how and why guns become meaningful objects in acts and experiences of citizenship through shared understandings of the law. This approach to

gun ownership and use illustrates how legal imaginaries shape citizenship through everyday security provision, and in particular how vigilant citizenship is formulated and affects daily life in Miami. While guns are prominent and powerful objects in everyday security provision, their presence is often concealed and their use recorded, a point I return to in the following chapters on cameras and secrets.

Guns are considered essential for the security practices of police officers, private security guards and regular residents seeking to project themselves. The private security industry differentiates between “D” and “G” licenses, the latter allowing a private security guard to legally carry a firearm while at work. G-licensed security guards receive a higher salary, which is an incentive for aspiring security guards to learn how to use a gun. All of the protagonists of this dissertation, and many others Miamians I met in the course of this research, owned a gun. They stored them underneath their bed, hidden behind their underwear, under their pillow, or simply left them on their nightstand. A widespread phenomenon, private gun ownership affords a sense of political belonging to a collective body in which people make use of their right to legally own a gun. The cases in this chapter, however, are more indicative of how guns contribute to processes of individualization, in which suspicion, precarity and a lack of togetherness have become characteristic of Miami’s urban environment. I specifically focus on my roommate Olaf and Marcus, the barber in Overtown; in addition I introduce Alex, the manager of a Wynwood gun store.

In the following section, I introduce and explain my socio-legal approach to guns, situating this in relation to existing work on private gun ownership, which emphasizes the material and cultural aspects of guns in the US. Next, I discuss how private gun ownership produces and reproduces differentiated citizenship in Miami, focusing on gun buyback programs and other forms of exclusion and racialized stigmatization. I then turn to Marcus, who, like Olaf himself, experienced difficulties negotiating broadly shared normative expectations of gun ownership. In conclusion, I focus on how guns define and shape agency in terms of legal liability, and what this tells us about legal imaginaries of legality and legitimacy shape acts and experiences of citizenship.

## A SOCIO-LEGAL APPROACH TO GUNS

Guns are perhaps both the most common and the most contested object in everyday security provision in the US. Nationally, there are over 300 companies involved in the business of small arms production, and approximately 200 million privately owned guns are distributed over 40 per cent of US

households (Springwood, 2007a). Opinions on private gun ownership divide the nation and correlate with political preference: states with the most gun owners vote Republican and states with the fewest vote Democrat. There is, however, little reliable and up to date statistical information available regarding private gun ownership. For political and economic reasons, the National Rifle Association (NRA) has managed to keep research on gun ownership and gun violence to a minimum and off of the political agenda.

The NRA argues that guns are neutral objects that do not shape individual perceptions or behavior. Responding directly to the NRA's line of argumentation, Bruno Latour (1994) proposed a material account of sociology, which he later developed into actor-network theory (see also Latour, 2005). He claims that guns are not neutral and do in fact transform individuals, creating new violent actors that can act differently than individuals without a gun (e.g., Riis, 2008). A gun is not subordinate to the will of its owner, but has a script: it has the potential to take hold of its owner and guide her towards playing a certain role in its story. Not only does the materiality of guns instruct and direct, Latour (1994) argues that it even pulls the trigger. In his view, our personalities and actions depend on what we have in our hands, not the other way around. In this material understanding of social life, guns are seen as agents (or actants), an approach that would require a shift in our human-oriented interpretation of security encounters, especially in terms of legal accountability and culpability.

Latour's (1994; 2005) theory of material agency has, however, been thoroughly critiqued. A main concern has been that the approach only focuses socio-material relationships but ignores the power structures and cultural constructs that inform gun ownership and use in everyday life. In other words, what his account lacks is a thorough understanding of the cultural and political contexts in which guns are owned and used. As Chelsey Kivland (2018: 358) explains, a gun in Haiti "unlike in the United States, will probably not be used to indiscriminately shoot people in a school or movie theater or at a concert. This is not because the gun does not afford this possibility but because the gun has not figured in this particular cultural scripts". Examining the transformative effects of guns in terms of subjectivity and agency, she focuses on stories of gun violence in order to theorize the gun as a script, as a "character in the play" a technology that "can generate action and meaning in the world" (ibid.: 357). In her view, the script of the gun should be understood in terms of how human intention and technological capacity interact.

Working less from a material understanding of guns, researchers studying "gun cultures" have sought to account for the everyday experience of guns,

both in and outside the US. Peter Squires (2000), for example, examines differences and similarities between gun control policies in the US and the UK. Tracing the significance of guns in the US throughout history, he explains gun violence through what he understands to be the national gun culture. Similarly, Abigail Kohn's (2004) ethnography of gun enthusiasts in California focuses on the significance of guns in everyday life. She approaches guns as a materiality that represents a core feature of US identity and culture, deeply embedded in historical developments of citizenship. Based on her interactions with her interlocutors, Kohn points out that guns shape the worldview of those who own them, but argues that "in a nation fixated on guns as the US, outlawing guns will not wean Americans of their interests in guns" (ibid.: 140).

Explaining gun violence through the concept of a single (national) gun culture is, however, problematic and limiting. Rather than focusing on gun culture at large, therefore, Charles Springwood approaches guns primarily as cultural and material objects, "as symbols of subversion of domination", and studies how "handlers of guns *produce* – through their usage – the range of possible meanings of guns" (2007a: 11, 9, emphasis in original). He provides a qualitative account of guns that include a range of their specific cultural, societal, and political implications, including (dis)empowerment, race, gender, and popular culture, and proposes the concept of "gunscape": societal constructs that inform how and why gun use is supported in everyday life. Indeed, guns and gun play have become meaningful both in and beyond security contexts. Entangled with notions of morality, masculinity and ethnicity, guns inform how children and adults play as they mimic the practices of police officers, cowboys and Indians, bank robbers, and soldiers. Sometimes such role playing practices cross over from their dramaturgical spaces into actual encounters with police officers. Phrases and metaphors that relate to guns have also permeated everyday language, such as "pulling the trigger" and "taking a shot" (see Myers, 2017). Richard King (2007: 88) examines the relationship between the "erotic and the ballistic", and suggests that ideas of force and manhood in relation to private gun ownership support and amplify sexual hierarchies. In other words, as a cultural object, the gun "presents itself as a particularly useful starting-point in thinking about how to integrate the symbolic and the material, and to articulate embodiment and political knowledge" (Springwood, 2007b: 16).

I seek to build on and extend this existing work through a socio-legal approach, to advance our understanding of how people navigate everyday security provision and political belonging through gun ownership and use. A socio-legal approach focuses on the legal framework in which private

gun ownership and use – whether in the context of professional security provision or self-defense – become culturally meaningful and legitimate. In doing so, I examine how guns are entangled with notions of legality and legitimacy, and shape how Miamians, not just gun enthusiasts, interpret and enact gun ownership in terms of citizenship. I analyze guns through “lawscares” (Philippopoulos-Mihalopoulos, 2013) rather than “gunscares” to highlight the entanglements between urban space, law, and other forms of normativity. My approach to how Miamians enact and experience citizenship through guns focuses specifically on the legal framework of private gun ownership. Not only does this framework create the conditions for the justification of self-defense, it also shapes an understanding of legitimacy. As I outlined in the introduction to this dissertation, Miamians’ everyday interpretations of legitimacy increasingly center on legality. This chapter explains how an imaginary of legality and legitimacy is materialized through the object of the gun.

Miamians’ use and experience of guns, then, is directly connected to concepts of legality. In the US, private gun ownership is grounded in the Second Amendment of the constitution, and has been expanded in some states by so-called castle doctrine legislation and Stand Your Ground laws (Boots et al., 2009). As I explained in the Introduction, the US common law system means that court rulings are influential in defining and qualifying legislation as precedents for future lawsuits. When it comes to private gun ownership, there have been several important cases in recent history that have reinforced the prominence of self-defense, and which illustrate how the legislation directly informs and is informed by everyday security practices. In the impactful 2008 ruling of *District of Columbia v. Heller*, the US Supreme Court struck down the District of Columbia’s measures aimed at restricting gun ownership and use. The court cited various reasons why US citizens might favor a handgun for self-defense, including that it is easier to store and more accessible than a rifle, and that “it can be pointed at a burglar with one hand while the other dials the police” (*District of Columbia v. Heller*, 2008: 100). Building on this and similar judicial outcomes, the NRA successfully lobbied to expand self-defense legislation throughout the US that “redefines and expands the locations and situations when an individual may use force to defend their person or property without having any duty to retreat” (Boots et al., 2009: 516). These statutes justify self-defense even outside the home, the traditional “castle” where private gun ownership was originally legalized, providing additional legal grounds for justifying the use of lethal force. How and when these legal grounds translate to everyday security provision is, however, not unilinear or universal, but informed by

understandings of the law.

Private gun ownership connects directly to differentiated citizenship through the distinctions made between those who are entitled to legally own a gun and those who are not. An analysis of historical and contemporary policies in the US indicates that “the white majority has often used gun regulation as a tool to keep firearms out of the hands of politically unpopular groups that it deemed to be too dangerous” (Gulasekaram, 2010: 1542). Private gun ownership can be understood not so much as an easily claimed universal right, but an unevenly distributed privilege that paradoxically has become a defining aspect of citizenship status, creating second-class citizens who were not able to access these rights. Traditionally those who were not covered by the Second Amendment were enslaved people, immigrants, and specific racial and ethnic groups. Today, it is illegal for Florida residents with a registered felony to own a gun (or to vote), although they may seek to have their gun rights reinstated through a complicated and often unsuccessful legal procedure. Considering the disproportionate incarceration rates for African-Americans and Latinos in comparison to Whites in the US, exclusion from gun ownership based on felony convictions is therefore strongly linked to race (e.g., Wacquant, 2001).

Guns are given a different status depending on whose hands they are in: some guns are perceived as contributing to public safety, others are considered to be a threat to it. Legitimate gun use is in part dependent on the legality of gun ownership. Stolen guns become a threat because they are no longer “legal”. For example, the US Department of Justice (DOJ) encourages citizens to keep a record of their personal firearms, reasoning that if a gun is stolen, it is more easily recovered when characteristics such as model, manufacturer, and serial number are known. The DOJ has therefore distributed a document that gun owners can voluntarily use to keep track of their firearms, because “a stolen gun threatens everyone” (US Department of Justice, 2013). Although guns are both widely available and subject to decreasing regulation, this gesture illustrates that the authorities are concerned about illegal gun ownership, which in their view is a direct threat to public safety.

In short, my socio-legal approach shifts our attention towards the everyday experience and articulation of the laws and policies that frame private gun ownership and use. Research on private gun ownership advances our understanding of citizens’ acts and experiences, in particular by showing how the law becomes meaningful in practice.

## FROM GUN RIGHT TO GUN DUTY

The Second Amendment protects private gun ownership at the national scale, but within the parameters set by the Constitution, individual states can introduce specific legislation and regulation that applies to their geographical territories. Florida has relatively lax gun regulations. Any official resident of the state who is over 21 years old can legally purchase a handgun after completing a standard criminal history check and a 72-hour waiting period. With this basic permit, it is legal to carry a gun inside a home, and also – when the gun is “securely encased” – in a private vehicle. Although I heard different interpretations of what “securely encased” entails in practice, the general consensus seemed to be that the gun should not be easily accessible, with its encasement preventing anyone from grabbing and using the weapon quickly. An additional “concealed carry” license, however, allows residents to move through public space while carrying a weapon. Their gun should be concealed, so not directly visible to others, and certain spaces (mostly public agencies) are excluded. Many who carry their weapons in public attach a small holster to their belt and conceal the gun with a large shirt.

In Florida, the many gun stores and shows suggest that guns are in many ways similar to other consumer products that can be bought, traded, used, and lost. In their analysis of the consumption of security products, Benjamin Goold et al. (2010) discuss the competing social meanings attached to commodities such as alarms, access control and CCTV. While understandings of citizens as consumers suggest that buying and owning security products would feel liberating, the authors found that this was not the case with many security products, which often involved begrudging purchases: “Far from being an arena in which individuals create and re-create themselves, security consumption is experienced as an irritant, a hassle, even as a de facto form of taxation” (2010: 11). However, the authors examine the purchase of mostly non-violent security products. Guns might be different than these products because they are more embedded in cultural notions of masculinity. Unlike, for example, a tailor-made alarm system, buying a gun may entail a sense of power and pride that differentiates it from other security products available on the private market.

Olaf had bought his shotgun some years earlier in a shop on the outskirts of Wynwood. I visited the store a couple of times, and eventually became acquainted with Alex, the gun store manager. In addition to chatting with Alex, I would talk to police officers and customers in the store about recent shootings, crime and security in Miami, and of course private gun ownership. During one visit, Alex explained to me why gun owners were

so important for public safety. Using the analogy of dogs, wolves, sheep, and sheepdogs, the manager differentiated between individual roles in society. Dogs were the police officers who tried to stop the wolves, i.e. the criminals. These wolves targeted innocent sheep: peaceful but ignorant Miamians. According to Alex, sheep lived their lives blind to the crime happening around them. Confronted with crime or violence, they were always surprised to hear of such practices to begin with. Sheep were not necessarily bad in his view, but relatively useless to society as they did nothing to prevent illegal behavior from occurring, contributing nothing to actually improving the safety of the larger community. Sometimes, Alex told me, it was even because of the sheep’s ignorance that criminals got away with crimes unpunished.

Alex explained that guns transformed individuals from ignorant civilians into security providers that actually contributed to the safety of the communities around them. A main characteristic of sheep was that they did not own a gun, or were for various reasons incapable of using one. Guns were the key difference between sheep and sheepdogs, the term he used to describe private gun owners. According to Alex, legal private gun owners could assist police officers unable to be everywhere at the same time. Sheepdogs could therefore respond before the actual dogs arrived, to protect the sheep from the wolves. Alex said that he was much more relaxed knowing that his wife, who was out shopping, was protected by people with guns who could intervene if she found herself in trouble. “Although we look like sheep,” Alex said, “we can still fight like dogs.”

After he had finished his story, Alex walked away to help a customer and I read the back of his polo shirt: “guns for the good guys.” Echoing the message on his shirt, politicians and supporters of the right to bear arms use explanations and analogies very similar to Alex’s story of dogs, wolves, sheep, and sheepdogs, in order to explain why and how private gun ownership is important for public safety. As responses to many recent mass shootings and violence in the US indicate, this seems like the go-to argument for anyone who thinks that more guns is the answer. According to this perspective, the only solution to the bad guys with guns is to arm more good guys with guns.

This story illustrates a phenomenon I encountered in Miami, where everyday narratives described private gun ownership not only as a right, but also as a responsibility, sometimes even a troubling and burdensome duty. The right to bear arms has become entangled with idealized notions of citizenship, in particular the vigilant type: private gun ownership is valued, and people who own guns are perceived as contributing more to the

(political) communities of which they are a part. Current laws make the use of a lethal weapon for the protection of persons or property legal, and in combination with the certain normative frameworks even encourage such behavior. Alex and other customers told me stories of people they knew who had defended themselves against intruders, and showed me videos of shootings. For these and other Miamians, private gun ownership was also related to other aspects associated with good citizenship, such as homeownership. One police officer who frequented the gun store proudly showed me a picture of his thirteen-year-old daughter practicing with a shotgun. He glowed with pride as he showed me the image of his daughter shooting. To him and others, it was indicative of good fatherhood. Other gun store customers told me that they had bought a handgun exactly because they had gone from being a tenant to a homeowner. They saw this status as involving additional responsibilities, and some figured that a gun would allow them to protect their investment.

It is, however, too much of a stretch to argue that such normative ideals by themselves force Miamians either to buy a gun, or to live with the stigma of being a sheep. There are many who escape this binary, for example by living comfortably without a gun, or by actively opposing gun legislation as part of a collectivity with a shared interest in restricting gun ownership. The point here is therefore not to argue that there is no way of escaping the glorification of private gun ownership in everyday life, but to suggest that these dominant narratives inform concrete acts and experiences of citizenship. Through their purchase of a gun, Miamians may understand themselves as claiming a legal citizenship right. This illustrates how a specific legal imaginary of the legal-right-as-duty is materialized, and how notions of “good citizenship” are framed in relation to this constitutional right. The Second Amendment shapes how Miamians can enact and experience their citizenship in the context of everyday security provision.

While the perceptions and practices of the Wynwood gun store’s employees and customers illustrate the relationship between guns and citizenship explicitly, other Miamians’ experiences underlined the same point in different ways. One of Olaf and my neighbors, Caitlyn, had founded our neighborhood’s crime watch group. As the group’s captain, Caitlyn organized several monthly meetings, during which police officers and local residents exchanged information, expressed concerns, and discussed possible solutions to security issues. After attending several of these meetings, I talked to her about how and why she had set up the group, and especially how it had affected her relationship with other residents and police officers living and working in the neighborhood.

I asked her how the police initially responded to her initiative to start a crime watch in the neighborhood. She began to explain:

I had a little fender bender and the cops arrived in two minutes. I could not even get anyone here during a shooting. I could not even get anyone here during a shooting! I work in the juridical system, I asked them: “Where are the technicians to take evidence? My neighbors’ tires have been blown out, all the shell cases on the ground, where are the technicians, where are the officers? Where is the investigation?” You know what he told me, the cop? “Do you have a gun?” That’s what he asked me: “Do you have a gun?” And I am looking at him, saying “What do I need a gun for? You are here.” He goes, “Well, you should have a gun. You should move to the other side [of the city].” And the lady officer that was with him said, “Yeah, I moved to Pembroke Pines. You should do the same. You want to get out of here.”



Figure 3.2. Crime Watch meeting organized by Caitlyn, May 2015.

Caitlyn had moved to the neighborhood a couple of years before Olaf and his girlfriend. She told me that she had received multiple threats from other residents after she decided to set up the crime watch group. According to her, criminal neighbors had felt threatened by her presence and the activities she organized, such as the crime watch meeting (see Figure 3.2). Caitlyn told me that she found that the authorities were



unresponsive to the threats she received and her concerns about general safety in the neighborhood. At least, not until she managed to acquire the attention of higher ranking officials in the MPD. Eventually, the police began to consider Caitlyn's initiative and determination as a good example for other neighborhoods without a crime watch group. Many city officials – including the district commissioner – came out to celebrate the crime watch group's successes and to congratulate Caitlyn on her efforts, which they saw as beneficial to the whole community.

The interaction with the police officers that Caitlyn described to me underlines how understandings of private gun ownership – as a legal possibility or even necessity for self-defense – affect everyday security provision in Miami. Gun ownership is encouraged through articulations of rights and responsibilities, which translate to concrete expectations and recommendations. Caitlyn explained to me that she did not want to have a gun, as she was afraid that children might find it and hurt themselves or others, or that someone would steal it and use it against her or others. The police officer, however, expected Caitlyn to have a gun, and recommended that she buy a weapon on hearing that she did not have one. This illustrates how the legal right to own a gun or to use it in self-defense can translate to a normative duty – supported by police officers – in the context of everyday security provision. The ideal type of the vigilant citizen is reinforced through everyday encounters in which gun ownership is presented as the main legal and legitimate solution to feelings of insecurity. In the above example, in the eyes of the public security providers, a gun is the only viable alternative to actually moving to a different neighborhood.

The expectations and duties related to gun ownership, however, do not apply universally to all Miamians. As mentioned in the previous section, Miamians with a registered felony cannot legally own a gun. Yet the people I met who were unable to own a gun legally, or who were involved in a lawsuit, also worried about their personal safety. In a context where guns were strongly connected to personal safety, how could they protect themselves and their families if they were not allowed to own one?

### **D I F F E R E N T I A T E D   G U N   O W N E R S H I P**

On one of my visits to the gun store in Wynwood, I read the sign on the front door more carefully. It explained the kind of potential customers who were welcome in the store, and those who were not. As Figure 3.3 shows, potential customers who wore their pants so low so that their underwear was visible were told not to come in. I asked Alex about the sign, and he told me that he preferred that anyone entering the store maintain certain



Figure 3.3. Sign on the front door of a gun store in Wynwood, March 2015.

appearance. In his words, this was no more than a matter of respect and courtesy. The sign suggested that people who show no “decency” for others – by showing their underwear – were perhaps also not the ideal type of gun owner. Although Alex had a different explanation, to me this dress code was clearly addressed at young African-Americans, suggesting vividly how private gun ownership is used to exclude certain population groups on the basis of racialized stereotypes (Gulasekaram, 2010).

A couple of blocks south of the Wynwood gun store was the Overtown barbershop I often visited, where Marcus walked around the chair that his customers sat in, his jeans hung loosely around his upper legs, his colorful underwear clearly showing underneath his white t-shirt. Marcus told me how much he valued his right to own and carry a gun, because it enabled him to protect himself, his wife and child, and even me sitting inside his barbershop. While the gun store sign did not make it illegal or impossible for Marcus to purchase and own a gun, it suggested that at least some people questioned whether and how his gun contributed to public safety. It indicated that there was a difference between Marcus' gun and Olaf's gun.

In order to understand how private gun ownership creates and perpetu-

ates differentiated citizenship, it is useful to distinguish between “hard” and “soft” laws (von Benda-Beckmann et al., 2009). Hard laws refer to the actual written laws used in a court of law. These laws, for example, determine the necessary conditions for private gun ownership to be legal, and thus differentiate between citizens who are eligible to own a gun and those who are not. Citizens who are able to pass the background check performed by a gun salesman can therefore buy a gun at a store. Although soft laws cannot define a particular form of private gun ownership as illegal, they do reflect more broader interpretations of how and when guns actually contribute to public safety. More specifically, soft laws refer to “governance through peer review, consultation, peer pressure, shaming and the creation of non-binding guidelines and recommendations” (von Benda-Beckmann et al., 2009: 9). Although hard laws dictate that Miamians who meet the legal criteria are eligible to buy and own a gun, soft laws tell a different story: some guns contribute to public safety, and others do not; some gun owners are legitimate sheepdogs, others are more likely to be wolves.

Racialized understandings of how guns contribute to public safety also exist on a larger scale, when they are institutionalized through public policy and state practices. For example, Miami police departments and city officials have organized numerous gun buyback programs that take place several times throughout the year. These programs are not necessarily controversial; scholars such as Nancy Scheper-Hughes (2014: 8) also recommend gun buyback programs as a way of curbing gun violence and mass shootings in the US, and as a response to the “militarization of everyday life in countries accustomed to war,” in which “war crimes gradually seep into civilian life”.

In March 2016, a gun buyback event took place at a missionary church in Liberty City, a neighborhood with a reputation for having a high crime rate, similar to Overtown. NBC Miami reporters were present during the event and claimed it to have been a huge success: “more than a hundred guns now off the streets and out of the hands of anyone who could be dangerous”, the anchorman summarized (NBC Miami, 2016). In return for their guns, Miamians received gift cards of \$50 to \$200, depending on the kind of weapon they had handed in. The program did not require anyone to officially register or show identification: guns could be handed in anonymously and no police officer would ask any questions. Thomas Regalado, the mayor of Miami at the time, was present during the Liberty City gun buyback, and asserted that the bottom line of the event was that the parties involved had managed to get more than one hundred guns off the city’s streets.

The gun buyback programs that took place during my fieldwork were,

however, primarily organized in neighborhoods known for their high crime rate. State agencies did not define private gun ownership per se to be problematic and dangerous, but did consider stolen, illegal, and unwanted guns to be a threat to public safety. The organizers of the gun buyback programs reasoned that these guns were primarily in the hands of Latino and African-American residents living in infamous Miami neighborhoods. Similarly, and as I discuss in Chapter Four, stakeholders also used the program to “build relationships”. According to activists and police officers, these relationships were necessary in order to convince residents to “speak up”, claiming that there “was no such thing as snitching” when it came to gun violence (NBC Miami, 2016).

The gun buyback programs that I observed not only suggested a selective and racialized understanding of the dangers of private gun ownership, they were also indicative of how responsibility for public safety is distributed in larger society. In Florida at the time of my research, private gun ownership was legal and relatively unregulated. Technically speaking, if the goal was to reduce “unwanted guns”, state agencies could also have imposed stricter gun laws. Yet they relied on soft laws, such as non-binding guidelines and recommendations, in order to make Miamians responsible for bringing in the guns themselves. Since the NRA lobby made it difficult, if not impossible for politicians to pass stricter gun laws, local police departments saw few alternative strategies.<sup>1</sup> Similarly, buyback programs for toy guns across the US offered children non-violent toys in return for their pistols and rifles. These programs are illustrative of the extent to which consumers of security products and violent toys are held responsible for public safety, rather than the state regulating the market for such objects. Instead of changing private gun laws, state agencies ask certain Miamians, such as those in Liberty City and Overtown, to give up their right to self-defense, a right that has become central to acts and experiences of citizenship, legal or illegal.

## LEGAL GUN VIOLENCE AND INDIVIDUAL RESPONSIBILITY

So far in this chapter, I have examined what guns mean for the experience and enactment of citizenship through the legal framework of private gun

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<sup>1</sup> *The problem of the NRA lobby and stricter gun laws in the US once again became a national debate following the mass-shooting in a Pittsburgh synagogue in October 2018 (New York Times, 2018a).*

ownership. This framework has legalized self-defense and other forms of gun violence. In this section, I focus more specifically on how Miamians interpret responsibility in individual terms, in the context of the use of guns in everyday security provision.

Although US and state laws legalize self-defense, the conditions that justify firing a gun remain subject to judicial interpretation. Legal professionals and state agencies that suggest that there is a fine line between murder and self-defense reinforce this ambiguity. For example, the gun store in Wynwood distributed information from US LawShield, a national organization that aims to educate its “members in self-defense law; empower them to handle critical, life-threatening situations with confidence; and protect them from potential injustices in the legal system after acts of self-defense” (US LawShield, 2018).

Shared understandings of the law shape how guns are used in practice, often more than ethical and social concerns regarding whether, how and when private gun ownership actually contributes to public safety. As the booklets displayed in Figure 3.4 suggest, gun owners need to have a thorough understanding of the self-defense legislation in order to justify their use of a gun. While the organizations that distribute these booklets emphasize these uncertainties in order to sell the services they offer, it is indicative of a broader understanding that knowledge of the law and access to legal services are crucial to prevent being sued by other parties. The first

page in the document on the right in Figure 3.4 had a space reserved for the emergency phone number of a lawyer. The legal imaginary built around private gun ownership focuses on navigating legal accountability and justifying self-defense in court, and on the notion that knowledge of the law is the best way to prevent murder. Murder as a legal classification that is, not necessarily as a death might be framed in the experience of ordinary people.

This legal imaginary, with its emphasis on legal liability, is key to how Miamians read the threat of violence and danger, which in turn informs how and where Miamians aim and shoot. The understanding that lethal force is legal for those defending themselves from a direct threat of grave bodily harm or death can lead to a seemingly warped, but broadly shared logic of gun use. Police officers, private security guards, and private gun owners told me that where you shot an attacker would be read as legal evidence of the measure of threat you were facing. An MPD police instructor told me that if he did not aim and fire at the torso of someone posing a threat, he would render himself liable to prosecution. “Shooting at the arms or legs could be a reason for the victim to sue me for illegal dismemberment”, the instructor explained. After all, he reasoned, if there were truly an imminent threat, why would you aim for the limbs to begin with? A judge and jury might make the same assessment. Similarly, Sarah and Darius, who both owned and sometimes carried a gun (described in more detail in Chapter Five), also imagined that if ever they were to pull out their gun, they would be sure to fire it. Otherwise they would need to explain why they had threatened someone with a gun in the first place, while in their eyes shooting would provide a legal justification – it was self-defense. In other words, such shared understandings of the law – whether fully accurate or misreadings of jurisprudence – can make it more likely that guns will actually be used lethally in practice.

Who Miamians hold responsible or culpable for gun violence is more diffuse, with legal and moral accountability at times blurred, yet consistently individualized. One morning in May 2015, I received a call from Marcus. Someone had been shot close to the barbershop and the whole area was swarming with police – he thought it would be interesting for my research. After a short detour on my bike to avoid the police blockades, broadcasting vans, and yellow tape, I arrived at the barbershop, where both Fenix and Marcus were watching the news on a television screen. Directly in front of the shop was a police car with its lights on, guarding the perimeter. Watching the news on the television inside the barbershop, we learned that a middle-aged Black man had been shot close to the library in Culmer Park, one of Overtown’s more popular parks. Marcus had heard the shots, which



Figure 3.4. Legal information regarding private gun ownership. Source: US LawShield.

had been the outcome of a deadly encounter between a police officer and a homeless man who frequently camped out in the park with his belongings. The interaction had escalated to the point where the police officer had used his gun and had shot and killed the man. Rodolfo Llanes, the MPD Chief of Police, appeared on the news, and Fenix wondered what kind of excuse this “double L nigger” was going to come up with this time. Llanes told the journalists that the investigation was still ongoing, and that there was not much he could say at that time. Marcus and Fenix both blamed the police officer, turned off the news channel, increased the volume of the music, and returned to work.

A couple of hours later and back outside, I spoke to one of Overtown’s most known activists, whom the media sometimes referred to as the “unofficial mayor” of the neighborhood. Indeed, as a community board member and long-term resident of Overtown, he was present at nearly all of the local meetings that I attended. I wondered if he could tell me more about the shooting, and he rushed to explain the situation to me as I started saying “There’s just been a shooting at the...”

At the park. Yes. That happened because the regular staff wasn’t there. The regular staff would have never called the police: the man was not a dangerous person! But you got these people working the library system that get moved here and there. And they called: “Oh he out there and he got an iron pipe, get the police!” And the police killed him when they got there. I want to go to the library and I want to know who was the one that set off the execution on the man. Because the chief said the caller pretended the man was so dangerous. Well to them, maybe so. But to the regular crew who live in the neighborhood, know all the people, know that he was not. Even the man [park manager, interviewed by the media] said the same thing. But you got some asshole in there that said: “Oh this man is dangerous, this is the ghetto, this is Overtown, he gon’ kill me, let me call the police and have them kill him!” All the children that go there know this man!

I asked the “Mayor” what he thought of the role of the officer. He asserted forcefully that the homeless man’s death was not to be blamed on the police:

They need to arrest the person that made the call. Because that person lied and caused this man’s life. The officer came with an attitude he would not have had if he did not get this bogus ass information. So I don’t hold anything against the officer.

According to the “unofficial mayor”, the new staff members at the library were the ones responsible for the death of the man in the park, and not the police officers, or even the man himself, who had been holding an iron pipe in his hands. In his view, the library staff members should have known that, if you called the emergency number and explained that you felt threatened, it was likely that a police officer would shoot the man.

What I found especially striking was the immediate and explicit framing of the violent encounter in terms of a responsibility and moral accountability that never contested the legality of gun violence. Instead of holding the police officer or even the victim himself responsible for the violence, the mayor blamed an individual for the shooting who was not even legally involved in the physical encounter that took place. It illustrates how responsibility may be interpreted, once (legal) police gun violence is considered a given. Although other residents did frame the encounter as an example of police violence, they were still primarily concerned with allocating individual responsibility and culpability: who had been at fault and might even be liable for prosecution? The police officer who shot an homeless man, the chief of police, the person who called the police, or even the homeless man himself?

## LEAVING THE LAWSCAPE

In an unlikely turn of events, Olaf actually found the stolen Mini Cooper the next morning in an empty parking lot close to our home. It was completely unscathed, with only a trace of marijuana in the trunk. Olaf had removed the key the night it had been stolen, and while the engine of the Mini could run without a key, it could not start without one – meaning that once the thieves had stopped the car, there was no way to start it again. I drove behind my roommate in his BMW as he returned the Mini to our home.

Olaf was happy he had found his girlfriend’s car, but from that moment on he no longer wanted to live in the neighborhood. Although they had lived there without any trouble for several years, his mother said that she was not surprised to hear about what had happened the night the Mini got stolen. Olaf made up his mind: he was going to leave the neighborhood and move back to the house his mother owned in Miami Beach. Olaf was Jewish, and he told me that he wanted to live amongst other Jewish people, and amidst neighbors who were more likely to feel involved should he become a victim of crime again. Fortunately, I was able to move with him and could thus continue to be part of the everyday life of a main protagonist of my dissertation research. In June 2015, just before we moved, I asked him a couple of questions, recording the conversation with his permission.

**Thijs:** Olaf, why do you want to leave?

**Olaf:** You're recording this bro? Alright. I'm tired of fucking coming home and having to look and turn my head twenty times. Scared to get out of my car and having to lock myself behind the gate. I'm tired of having random people walking down the street worrying who they are, because they're looking to fucking break in and I am an easy target. I'm tired of all this shit, hearing this shit [referring to news about crime]. I just want to come home and not have to think about – just chill, get out my car, take my sweet time, leave my shit open when I have groceries. Simple things like that get fucking annoying. I want to take my trash out whenever I want and not worry what time it is.

**Thijs:** You're an easy target?

**Olaf:** There are people at night looking around for an easy target, and if you're not on point you get fucked. That's what happened to me the other night when I wasn't on point.

Olaf was tall, in his late twenties, and not particularly muscular or intimidating looking. Clearly informed by popular interpretations of victimization, Olaf reasoned that both he and his girlfriend were easy targets: he carried expensive musical equipment, and his girlfriend was fit and often came home in yoga pants, he explained. Interestingly enough, he also blamed himself for what had happened the night of the theft: he had not been “on point.” In his experience, since he could not count on the police or the neighbors, it was his own responsibility to prevent and respond to crime. Unlike Caitlyn, who felt much safer once her crime watch group became popular in the neighborhood, Olaf's solution to insecurity was to move to Miami Beach.

The shotgun, however, did not travel with us to the new house (nor did his girlfriend, but that is a different story). Following a trip to Spain for a couple of weeks, during which he gave me access to his room in order to use the shotgun to “scare off the neighbors”, Olaf brought the weapon to the music studio where he worked, located farther west. In his view, the studio was located “in the ghetto”, while our new house in Miami Beach was not. Olaf's decision not to take the gun to Miami Beach was partly informed by his understandings of the kind of environment in which it was necessary for him to be able to use lethal force. Friends and family members had told him that living in the old neighborhood was unsafe, especially compared to Miami Beach. It could be said that Olaf moved to a new “gunscape”, in which dominant interpretations of crime and insecurity informed how and when guns were owned and used. But more importantly, Olaf looked to leave

a specific lawscape in which his security practices were shaped by specific allocations of responsibility, violence, and legal accountability.

In this chapter, I have argued that guns have become primarily meaningful within enactments and experiences of citizenship through a specific legal imaginary, one in which understandings of what a court of law would consider legal and illegal shape how Miamians experience and enact political rights, responsibilities and belonging through private gun ownership. Examining guns through a socio-legal approach, I analyzed here how private gun ownership creates “first responders” and differentiated citizenship, and produces multiple interpretations of legal accountability. I read Olaf's decision not to bring his shotgun with him, as well as the other examples in this chapter, primarily in relation to this legal imaginary, rather than through interpretations of the gun itself as a cultural or material object. After his girlfriend's car was stolen, my roommate was confronted with the individual responsibility of preventing and responding to crime. Yet he was uncomfortable with using a gun, anxious about the prospect of potentially injuring or killing someone, and having to navigate legal accountability as well as the social and ethical norms surrounding such violent acts. The fact that he nevertheless still owned one was indicative of a dominant narrative in which private gun ownership is synonymous with empowerment and control over time and body: he could respond to a physical threat against his person immediately without needing to wait for others.

In practice, interpretations of legality perpetuate racialized interpretations of danger and insecurity, and often favor the shooter. In 2018, a White man and his family illegally parked their car in a disabled parking spot outside a Florida shopping mall. A local Black resident confronted them, pushing the White man, who fell to the ground. He turned around and shot the Black man in the chest, killing him. The whole event was captured by the mall's security cameras. Local authorities, backed by the NRA, stated that they would not prosecute the killer because his actions were protected by the Stand Your Ground law (New York Times, 2018b).

This and similar events have sparked national and local debates over private gun ownership, self-defense legislation, and racialized articulations of justice. In the US, because guns are not only a powerful object embedded in popular culture, but are also central to claiming citizenship rights and are intimately tied to private lives, it is difficult for groups to protest against private gun ownership or to advocate for tougher gun control. Without giving up on such ideals, Miamians have resorted to different ways of dealing with the injustices connected to private gun ownership in

everyday life. Miamians, like many others all over the world, increasingly use mobile cameras to capture and replay gun violence. In recording such violent encounters, both local residents and security professionals, use the technology to make gun violence more visible to others and use it in a court of law.