

With the Law or against the Law? A Qualitative Analysis of the Development and Outcomes of Legal Consciousness among Law-Abiding Firearms Owners

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This article explores the legal consciousness of legal gun owners in upstate New York using a qualitative, grounded theory approach. Respondents' accounts reveal that their experiences cause them to respect and support the law in certain contexts but feel oppressed by it in other contexts. These perceptions stem from engagement with law, and especially the passage of the New York Secure Ammunition and Firearms Enforcement Act of 2013, in which they see legal actors behaving in ways that violate their beliefs about how law is supposed to operate. Respondents believe themselves to be at a legal disadvantage due to distinctive features of New York politics, particularly the belief that New York City residents have an outsized role in statewide politics. These findings offer insights into how gun owners engage with the law and, more generally, into the conditions under which groups feel engaged with—or disconnected from—legal and political processes.

INTRODUCTION

Many Americans were shocked at the January 6, 2021 insurrection, for a variety of reasons. Primary among them was the willingness of a significant subset of individuals and groups to attempt to subvert the law by interrupting the constitutionally prescribed transfer of power following an election. While trials will tease out the various motivations behind the rioters' actions, at base, criminal acts committed by the insurrectionists can be understood to represent an unlawful response to a perceived crisis in legal legitimacy. And while insurrectionist action is undoubtedly extreme—especially in the absence of convincing evidence of deviations from legal conduct—it nevertheless exists along a spectrum of potential responses to such concerns. Clearly, additional scrutiny of our social world is needed to map out what factors influence the patterns we see in terms of both normative and extreme responses to questions of legal legitimacy.

Using the framework of Ewick and Silbey's concept of legal consciousness, this article examines the issue of legal legitimacy as it relates to the passage of the New York

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Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013, a gun control law that further tightened New York State's already restrictive laws around gun ownership. Specifically, it uses qualitative interview data to explore gun owners' attitudes about, and responses to, this legislation. This particular case is beneficial to expanding our understanding of legal consciousness because it allows us to explore the experiences of gun owners living in a state where—due to political and geographic realities—new gun control legislation is perceived as always being on the horizon, combined with the specific experience of the passage of a restrictive law using methods that were perceived by some as illegitimate. The implications of this research relate to how our society has traditionally maintained the legitimacy of various aspects of the law, what factors can lead to perceptions of illegitimacy, and what types of responses—potentially including illegal behavior—can be expected given those perceptions. This research is especially important in our increasingly charged political environment where issues of voter restriction, gerrymandering, and the overturning of long-upheld Supreme Court precedents cut to the heart of the processes that structure legal legitimacy. Additionally, the implications of this research may be of interest to those looking to craft future legislation in ways that minimize crises of legitimacy and facilitate smooth transitions to new legal states.

BACKGROUND

The debate over guns and gun control in the United States is often a wedge issue in American life (Cohn 2013) and political candidates' views on the subject are widely viewed as a political litmus test for being seen as truly liberal or conservative. Debate rages, on both the state and federal level, about background checks, ownership of assault weapons, magazine size, safe storage of firearms in the home, carry of firearms on college campuses and in government buildings, disallowing firearms ownership for those convicted of certain crimes, and many other gun-related issues (Birkeland 2021; DeFusco 2021; Thrush and Bogel-Burroughs 2021; White House 2021).

However, given the amount of media coverage and political debate about guns in the United States, our academic understanding of firearms ownership and use remains narrow. One reason for this is that laws prevent the federal government from gathering certain types of information about gun owners or funding those who would study them in certain ways (Luo 2011; Vizzard 2014). These restrictions have narrowed scholars' ability to study firearms as a multifaceted sociolegal issue rather than simply as a criminal issue (Carlson and James 2022). Even for basic demographics and attitudes of firearms owners, we rely primarily on a series of research projects conducted by academics (see generally Smith and Uchida 1988; Cook and Ludwig 1997; Smith 2001; Braman and Kahan 2003; Hepburn et al. 2007; Mencken and Froese 2019), and partial information obtained via Freedom of Information Act requests (Shapira, Jensen, and Lin 2018) or other available data (McDowall and Loftin 1983). These efforts lack standardization, leading to issues such as two research efforts called the "National Firearms Survey" both being conducted in 2021, each using different questions. Intermittency is also an issue, as administration of the Survey has had wide gaps, taking place in 1999, 2004, and 2015, thereby making it difficult to identify and track trends. Even though such

data-gathering efforts are becoming more frequent, researchers and the public are still left with questions about who owns guns and why.

One area where research has continued largely unabated—due to its connection to crime control—is in studies of criminal gun use. However, research on issues related to this topic tend to be controversial, and debates often drag on for years (Kleck and Wang 2009; Braga et al. 2012; Cook et al. 2015)—or even decades (Lott (1998) 2010; Ayres and Donohue 2003; Mooney 2003; Martin and Legault 2005; Aneja, Donohue, and Zhang 2014)—without the central issues appearing to be resolved. Additionally, some areas of research remain hotbeds of debate, especially when the results of major studies in those areas are equivocal—such as in the case of the effectiveness of programs intended to prosecute gun criminals at the federal level (Fahey et al. 1999; Virginia Department of Criminal Justice Services 2003; Raphael and Ludwig 2003; Rosenfeld, Fornango, and Baumer 2005; Berk 2005)—or where statistical or practical limitations do not allow definitive conclusions to be drawn, such as in evaluations of the US Assault Weapons Ban (Koper, Woods, and Roth 2004) and the Australian National Firearms Agreement (Leigh and Neill 2010). This can unfortunately give the impression to the public that academic work contributes little to public understanding of these important issues, or that no well-supported consensus ever emerges from it.

In addition to the research that has focused on criminal use, there has been a limited, but important, push to explore aspects of legal firearms ownership as well. Scholars have given us important descriptions of topics such as how firearms remain powerfully connected to masculinity (Stroud 2012; Kellner 2013), while also exploring key experiences of female (Kelley 2021) and LGBTQ+ gun owners (Combs 2022). Other research explores topics such as gun carrying and self-protection (Carlson 2014, 2015), and American values (Kohn 2000; Albers 2003; Taylor 2008; Anderson and Taylor 2010), and suggest the deeply conflicted nature of American public opinion about gun control (McCarthy 2014; Swift 2014; Parker et al. 2017; Metzl 2019). Furthermore, valuable new research explores how firearms ownership overlaps with Whiteness, masculinity, and conservatism (see, for example, Stroud 2015; Metzl 2019; Carlson 2020). And all of this research is even more crucial given that it takes place during a time when gun owners, and nonowners, are ever more physically removed from one another, meaning that it is less likely that personal, face-to-face interactions between the two groups could inform ongoing academic debates (Hobbs and Stoops 2002, 9; Hepburn et al. 2007, 17).

These findings describe the complexity of the day-to-day experiences of being a gun owner. However, one area of gun ownership that continues to be underresearched is the perception and experience of gun owners regarding the nature, role, and power of the law, and it is in this area specifically where the current project aims to contribute. My data and analyses show how legal gun owners experience the law while pursuing their gun enthusiasm, and how these experiences affect their perceptions of the legal system and the legislative process, especially as these relate to gun control policies. With these findings, academics can better understand this area of social life, and activists and legislators can better understand the ways in which legal gun owners approach different aspects of the law, and can craft legislation, and public messaging, about these issues appropriately—strategies that are increasingly important during a time of strong political division.

LEGAL CONSCIOUSNESS

Legal requirements affect most aspects of being a gun owner. Laws exist at every level of government dictating what firearms and ammunition may be purchased, who may purchase them, and where and how they can be used. These laws have been of interest to scholars for some time, yielding studies exploring topics such as what leads people to support or oppose firearms regulations (Braman and Kahan 2003), motivations for complying with the law (Fay 2022), and how treatment by law enforcement and related entities affects offenders' views on legal legitimacy (Barragan 2022), especially for those who live in neighborhoods where they are subject to a great deal of violent crime (Barragan et al. 2016). However, this article represents the first major study of the legal consciousness of firearms owners. This deficit in the literature is an important one to address because of the increasing salience of firearms in our daily lives, as well as the ever-shifting image of gun owners, and gun ownership, in the public's eyes. Thinking more broadly, gaining an academic understanding of the concept of legal legitimacy, and perceptions of the law, among various groups is especially important in a time of significant political polarization. And, as a secondary goal, if we are to be able to look forward and craft policies that are relevant, enforceable, and legislatively feasible, it is crucial that we understand, at minimum, the attitudes and experiences of those whose lives are being affected and how members of those groups perceive their relationship with the law.

In *The Common Place of Law* Ewick and Silbey (1998) define legal consciousness as “the various ways in which legality is understood and enacted in the daily lives of ordinary citizens” (xii), or “how Americans interpret and make sense of the law” (17). They define “legality” as “the meanings, sources of authority, and cultural practices that are commonly recognized as legal” (22), which is ultimately a “social structure actively and constantly produced in what people say and what they do” (223). Following Ewick and Silbey, I use “legality” to describe both situations where the law operates in its formal capacity (e.g., the passage of laws, litigation) as well as social processes surrounding the formal elements of law (e.g., how laws affect the lives of everyday people, and how individuals and groups understand what the law means). This is an especially important discussion in the context of firearms ownership since this topic has long been rife with misunderstandings between popular beliefs about the law and judicial interpretations of the Constitution (Blocher and Miller 2018, 3).

Ewick and Silbey developed a three-part typology of legal consciousness, which they identify as “before the law,” “with the law,” and “against the law.” These three general approaches are a useful basis from which to begin examining firearms owners' attitudes.

Individuals understand themselves as “before the law” when they see law as taking place in “a space outside of everyday life” (Ewick and Silbey 1998, 76). They see the law as representing a “formally ordered, rational, and hierarchical system of known rules and procedures” (47). Law “is not seen as omnipotent” (76) because its power exists only within its own boundaries where everyone is bound to follow the rules set out for that system, thus creating its “impartiality and objectivity” (76). One consequence of this perceived impartiality is that even though every aspect of the law is socially constructed, its historicity and contingent nature nevertheless often remain unseen (76). In this way,

the law is seen as neutral, fair, timeless, and as existing in a separate sphere from everyday life.

In contrast, people who see themselves as “with the law” see the law as something “both different from and yet coexistent with everyday life” (159). Like a game, they understand law as “a highly circumscribed and rule-bound arena of contest in which the players’ relative skill strongly determine the outcome” (128). The law is a place where participants begin from a nominally equal position and seek a victorious outcome for their side through skillfully negotiating within a set of rules. These rules may allow “some level of misrepresentation and manipulation” (141), but things like “corruption, immorality, and malfeasance” are proscribed (144). The legitimacy of a legal system, much like a game, can only be maintained if the outcome of the process is not preordained and if the rules “apply to all who play” (146).

Finally, those who perceive themselves as “against the law” see the law not as a game but as “a net in which they are trapped and within which they struggle for freedom” (184). Legality is not an arena where they are able to stand as equals with those who want different outcomes because they have “limited access to resources that might otherwise be converted into power within the situation” (185). Rather than perceiving law as something they can turn to their advantage, they see the “law as a giant, hobbled by its size and blinded by its formality.” Those who engage the giant are “as likely to be harmed by its clumsiness and myopia as by its rage” (196). The natural consequence of this outlook is that the law is “something to be avoided” and “condemned” (192).

There has been a good amount of research done on legal consciousness in the years since the publication of Ewick and Silbey’s book. Much of it has focused on situations where laws are being broken, such as cockfighting (Young 2014), illegal sex work (Boittin 2013), sexual harassment (Uggen and Blackstone 2004; Marshall 2005; Blackstone, Uggen, and McLaughlin 2009), and illegal immigration (Gleeson 2010; Abrego 2011; Provine, Rojas-Wiesner, and Velasco 2014), or areas that are legally precarious, such as the status of migrant workers (He, Wang, and Su 2013; Schwenken 2013). These research projects tend to consider individuals who are constantly under threat of the coercive power of the law, bringing to the surface their understanding of what aspects of the law they understand to be legitimate and illegitimate, as well as clarifying their place within the legal system. My study, however, offers a different perspective on legal consciousness because legal gun owners conspicuously operate within existing legal standards and often actively disapprove of those who operate outside of such a system.

One key idea from the legal consciousness literature has to do with how legal consciousness emerges, and is sustained, in a group. Ewick and Silbey focus the majority of their empirical efforts on mapping the nature of people’s attitudes toward the law and theorizing about how these ideas emerge, spread, and are sustained. These ideas of how legal understanding emerges are verified and expanded on in Hoffman’s (2003) qualitative study of two taxicab companies and the way in which company policies shape the legal consciousness of their workers. Her results indicate how only through repeated contact with a system of legality does any particular legal consciousness emerge and how the understanding of that system is shaped not only by individuals’ personal experiences but also by the experiences of those around them. So, even if a legal

structure exists, if groups have little or no interaction with those structures then they may have little or no concept of legality as it relates to them. Conversely, if groups have frequent contact with particular legal structures and develop ideas of what is culturally appropriate based on that contact (as gun owners do), then the nature of those structures shapes their present and future experiences with the law, especially if those around them validate those legal consciousness ideals.

Another important point for my study comes when Wilson (2011) highlights Nielsen's (2000) observation about how previous legal experiences can affect one's current views of the law. Wilson says that "legal consciousness is experientially rooted" and "new experiences can change one's consciousness" (Wilson 2011, 479–80), but notes that "[t]he degree to which it can change, and under what specific conditions . . . remains to be seen" (480). Nielsen expands on this by noting that "legal consciousness affects not only how people think about invoking the law or the general utility of the law, but also how people interpret events in their everyday lives" (2000, 1087). In addition to one's own personal experiences, individuals are certainly also aware of the experiences of family and friends, important historical events affecting groups of which they are a part, and the ways in which such experiences are framed by media. These concepts are very relevant to my respondents' data, especially as they discuss how their views of the law shift under varying circumstances.

A legal consciousness framework proves particularly helpful in understanding firearms ownership for two reasons. First is the high level of legal scrutiny applied to gun ownership. Almost every legal gun owner—even those in places with very minimal legal restrictions—is at least theoretically subject to a variety of federal, state, and potentially local laws. The extent to which gun owners are scrutinized on a day-to-day basis as a result of these laws certainly varies state to state, but—due to the seriousness of legal violations related to firearms ownership—interactions with the law have a high degree of salience to firearms owners, meaning that their responses will likely reveal a great deal about how they understand their orientation toward the law. (This is especially true for gun owners in states like New York—where my research was carried out—where there *are* significant regulations on the state level that are at least moderately well enforced.)

Second, firearms owners inhabit a key legal arena where some aspects of firearms regulation have remained unchanged for decades, whereas others have changed swiftly and dramatically over short periods of time. Ewick and Silbey identified the times "when the routine and the mundane see[m] to break down" (28) as the best chance to learn about the intricacies of people's perspective on the law. Firearms ownership, therefore, presents a great opportunity to study law both in its routine aspects and in the aspects that are subject to rapid change.

These explorations and expansions of the concept of legal consciousness offer a valuable framework through which to view my respondents' discussions of the law.

METHODOLOGY

In carrying out this study, I used a qualitative methodology based on symbolic interactionism, with the intention of generating grounded theory. One reason why I

used a qualitative, grounded theory approach was to obtain rich data that are sufficiently detailed to produce meaningful conclusions through later analysis. This is especially important for the current project because, as Taylor (2008) and Yamane (2017) note, previous literature on firearms has tended to focus more narrowly on issues related to crime and violence, whereas gathering data face to face helps provide “[a]n understanding of the everyday, lived reality of gun owning behavior” (Taylor 2008, 183) separate from criminal accounts. Seeking rich data is also important in order to “afford views of human experience that etiquette, social conventions and inaccessibility hide in ordinary discourse” (Charmaz 1995, 338). This is especially important in the current research since much of what is presented in everyday discourse about firearms is strongly partisan and provides highly stereotypical information about what gun owners’ everyday lives are like.

Given the nature of grounded theory generation, Glaser and Strauss (1967) recommend that “the initial decisions for theoretical collection of data [should be] based only on a general sociological perspective and on a general subject or problem area” (45). Following a general survey of the academic literature in this area I discovered that one key area that could benefit from further exploration was how gun owners viewed their relationship with the law. And since Ewick and Silbey’s work is prominent in this area of study, I decided to use it as the perspective through which to examine the data that emerged from my interviews.

For this research I carried out thirty-seven in-depth face-to-face interviews, the first of which took place in late 2010 and the last of which took place in late 2013, with the vast majority of the interviews taking place from 2012 to 2013. Given the focus on the SAFE Act as a key piece of legislation affecting respondents, it is interesting to note that fourteen interviews took place prior to the passage of the SAFE Act and twenty-three took place afterward.¹

My sample was drawn from upstate New York, and while it was not intended to be a random sampling of gun owners—either in New York State or nationally—it is nevertheless informative to compare my respondents with gun owners more generally (based on statistics from the time the interviews were conducted). My sample consisted of thirty-seven individuals—thirty-four men and three women (see Table 1). At 8 percent of my sample, women are slightly underrepresented compared with national ownership levels of the time. Various national surveys suggest that rates of personal

1. Although this was not intended as a true comparative study—and did not have the sample size to test causality—I did use this opportunity to explore whether there were any differences between those interviewed before and after the passage of the law. However, outside of respondents using the SAFE Act as an example in their discussions of the law, there were no striking differences in terms of altering how they viewed the law. At first glance this might seem odd given the prominence and highly restrictive nature of the Act. However, there are several possible reasons why this was not the case. Most important among these is that the most intrusive aspects of the SAFE Act—namely, the seven-round magazine limit and the requirement to get a background check for ammunition sales as well as for firearm purchases—never actually went into effect, either being struck down by courts or withdrawn by the state. Furthermore, other aspects of the law—such as the requirement to register assault weapons—were widely ignored (Edelman 2015), or saw little emphasis on enforcement, leading some experts in the field to consider it merely “symbolic legislation” (Zimring, in Jacobs and Fuhr 2019, xi). So perhaps it is not surprising that the law did not fundamentally alter respondents’ views since it had such a small effect on their day-to-day lives.

TABLE 1.
Sample Demographics

| Respondent # | Age | Race | Sex |
|--------------|-----------|-----------|-----|
| 101 | 67 | White | M |
| 113 | 65 | White | M |
| 117 | 58 | White | F |
| 128 | 58 | No answer | M |
| 138 | 51 | White | M |
| 140 | 59 | White | M |
| 154 | 19 | White | M |
| 167 | 53 | White | M |
| 169 | 63 | White | M |
| 174 | 50 | White | M |
| 178 | 73 | White | M |
| 181 | 48 | White | M |
| 201 | 69 | White | F |
| 220 | 46 | White | M |
| 227 | 38 | White | M |
| 235 | 72 | White | M |
| 240 | 32 | White | M |
| 242 | 52 | White | M |
| 251 | 72 | White | M |
| 262 | 59 | White | M |
| 267 | 48 | White | M |
| 279 | 52 | White | M |
| 297 | 54 | White | M |
| 298 | 45 | White | M |
| 320 | 72 | White | M |
| 324 | 67 | White | M |
| 332 | No answer | No answer | M |
| 345 | 62 | White | M |
| 362 | 61 | White | M |
| 378 | 57 | White | M |
| 420 | 54 | White | M |
| 431 | 40 | White | M |
| 432 | 43 | White | M |
| 441 | 67 | White | F |
| 448 | 60 | White | M |
| 476 | 65 | White | M |
| 488 | 58 | White | M |

female gun ownership range from a low of 9 percent (Cook and Ludwig 1997) to a high of 11 percent (Hepburn et al. 2007).

The biggest departure from national statistics is that all of my respondents who provided a race were White, whereas estimated rates of African American gun ownership range from 16 percent (Cook and Ludwig 1997) to 21.6 percent (Smith 2001). However, research has shown that approximately 7 percent of upstate New York

residents are African American (Denton, Friedman, and D'Anna n.d.), compared with 13.6 percent nationally (U.S. Census Bureau 2023). Furthermore, the counties where most of my respondents lived—Oswego County and the smaller cities and towns in Onondaga County—tend to have relatively few African American residents. So, while it is not ideal to have such a racially homogeneous sample, it is not entirely unlikely given the racial makeup of the areas from which the sample was drawn and the gun-owning population in general.

The average age of my sample was 55.8 years old. Studies have indicated that the modal age category of gun owners is forty to forty-nine (Smith 2001), forty to sixty-four (Cook and Ludwig 1997), or forty-five to sixty-four (Hepburn et al. 2007). Younger people were underrepresented in my sample, with just three respondents under the age of forty. This likely reflects both the nature of the sample being sought (people who identify as gun enthusiasts may be older simply because they have had time to connect with the traditions, and develop a sense of self that revolves around gun ownership) and the ways in which it was obtained (statistics show that people in the fifty-five to sixty-four, sixty-five to seventy-four, and seventy-four+ age ranges have more free time than those in the younger ranges, suggesting that older individuals both have more time to attend gun-related functions in the first place and also have more time to participate in an interview (Bureau of Labor Statistics 2015)).

Also relevant to my research are my own personal characteristics, as they influence everything from my ease in spaces associated with firearms ownership, to respondents' willingness to speak with me, to the nature and content of our interactions, etc. As a White male, my presence needed no explanation in spaces where those statuses are normative, and therefore I did not face barriers often faced by non-White researchers, and those who do not present as male, in this line of research (see, for example, Kohn 2004; Burbick 2006; Stroud 2015).

The only potentially problematic characteristic I had was my status as a researcher. As a group, researchers tend not to have the best reputation among gun owners. One well-known consequence of this is the 1996 NRA-led push to ban the federal government from funding research on gun control, but there have been smaller incidents as well, such as press releases sent out to NRA members urging them not to participate in studies carried out by researchers they consider to be biased (National Rifle Association 2011). For this reason, when presenting myself at public events, I would emphasize my gun ownership and pistol permit holder statuses, my membership in the NRA (which I maintained during the research primarily as a means of building credibility), and my local residence. I also highlighted my affiliation with SUNY Oswego—where I worked as an adjunct professor—more strongly than the institution where I was obtaining my PhD (the University at Albany) because it was closer to where most respondents lived, it was smaller and more rural, and it was therefore less likely to be seen as an elite—and, therefore, liberal and out of touch—institution. Like Kohn (2000), I would occasionally receive some questions about my university status, but nobody ever seemed to have any outright hostile responses to it. Indeed, if anything, this helped me to adopt a stance of “acceptable incompetence” (Lofland et al. 2006, 69) during interviews, making it acceptable for me to ask participants to provide more detail regarding topics of which they had insider knowledge.

Taken as a whole, respondents seemed perfectly willing to share information with me and generally responded well to my inquiries. Although I connected better with some individuals than others, there were no interviews where I felt that my self-presentation hindered my connection or kept me from getting the necessary information from my respondents.

My decision to focus my research on upstate New York was the product of logistical and financial constraints, as well as concerns about theory generation. The purpose of a qualitative project such as this one is to gather enough data to reach “saturation” of particular theoretical categories (Charmaz and Bryant 2011, 292, cited in Silverman 2011, 67). However, theoretical categories only emerge through “an iterative process that uses comparative methods” (292), and when the data that are gathered are actually comparable. This is an especially relevant challenge in this project because firearms laws can vary greatly from state to state, as well as within states. It would be difficult to try to reconcile the experiences of firearms owners who operate under completely different legal restrictions and who, as a result, may have developed significantly different sets of beliefs and values about those restrictions and the activities they regulate.

Given these concerns, then, I sampled only firearms owners who live outside of New York City, which has significantly different firearms laws than the rest of the state. The clearest example of this difference is that “[a] handgun license issued in one of the state’s sixty-two counties is valid in all other counties, *except* in New York City” (Jacobs and Fuhr 2019, 39, emphasis in original). Furthermore, data from interviews confirm that firearms owners consider upstate and downstate New York to be different in terms of residents’ attitudes about, and the legal ownership and usage of, firearms. These key differences, then, justify the choice to exclude gun owners who reside and/or primarily pursue their gun ownership in New York City.

Beyond the need for a location with a uniform set of laws, upstate New York is ideal for this kind of analysis due to its legal peculiarities. New York State is dominated—politically, and otherwise—by New York City. New York State has just under twenty million residents (U.S. Census Bureau 2021a), of whom 8.3 million live in the five counties that officially make up New York City. However, if one adds in the population totals from the adjacent Rockland and Westchester counties (parts of New York State that are traditionally included as part of the greater NYC metropolitan area), that total rises to 9.6 million (U.S. Census Bureau 2021b; U.S. Census Bureau 2021c). Unlike in NYC, though, upstate New York has many parts that are quite rural, and hunting is popular there, as are other shooting sports. Therefore, it is likely to be theoretically valuable to research upstate New York given the obvious tension that its geopolitical makeup has created in relation to gun laws. Gun owners there are especially likely to find their legal status to be routinely affected by those with different political views, leading to valuable insights into how such people view the law more generally.

In selecting interview subjects, I sought people who are regularly involved with any major aspect of firearms ownership and use, such as shooting sports, hunting, self-defense, gun collecting, and gun politics. Individuals also needed to exhibit some significant connection to the firearms community, such as the donation of money or time, involvement with firearms-related organizations or causes, advocacy about firearms, and/or choosing to inform themselves about, and become involved with, important community issues.

As is common with taking a grounded theoretical approach, I did not specify ahead of time a minimum or maximum number of people whom I planned to interview for this project. Using the sampling methods associated with grounded theory, I continued obtaining interviews with individuals until I felt that I had reached theoretical saturation on key issues of interest. In all, I conducted thirty-five interviews with thirty-seven individuals (two interviews were conducted with two interviewees each).

As previous researchers have noted (Albers 2003; Kohn 2004; Taylor 2008), firearms owners can be skeptical of the academic community, and so I tailored my sampling approach accordingly. I utilized different methods—including face-to-face recruitment, recruitment at gun-related events (e.g., getting permission to be put on the agenda during regular meetings at local gun clubs and regional gun associations), and snowball sampling—and throughout I emphasized my connections to respected individuals and organizations associated with the firearms ownership community. In doing so, I helped establish a reputation as a trusted outsider, and I experienced few problems of negative perceptions among respondents.

Elements of respondents' accounts that could identify them have been removed or altered to protect their identities, and the sufficiency of this anonymization process was verified with respondents through member checking. When presenting respondent data in this article, I identify respondents using a three-digit code number. In order to do this, I obtained a list of three-digit random numbers and replaced each sequential interview number with a random number instead. (One departure from this method is that I intentionally assigned sequential numbers when I interviewed two people at the same time, to indicate their connection to one another.)

ANALYSIS

The results of these interviews tended to coalesce around two broad themes: personal attitudes about gun ownership and the law, and perspectives on government restriction of gun ownership. Respondents' opinions varied greatly in terms of how they viewed the law in different situations, how they viewed their role in relation to the law, and how they viewed the authority of the government over the regulation of both firearms and their own actions with firearms. However, in all of these areas, utilizing Ewick and Silbey's framework provided a structure that helped organize their responses, though different modes of responses were evident in different situations.

Legal Gun Owners and the Law: Purpose of the Law/Respect for the Law

When asked "What is the role of the law?" the vast majority of respondents interpreted this very general, open-ended question to refer to the statutory criminal law. They saw a main role of the law to be protecting law-abiding citizens from crime and violence, and achieving physical security. Respondents described laws that provide protection for the people (R441) or help achieve "public safety" (R167); some described elements of the law specifically aimed at reducing violence (R174) or preventing people from committing violent acts (R101). And while generally promoting "public safety" is

related to the specific case of stopping violence, they are distinct in respondents' accounts—the former is broader and more conceptual in nature (respondents emphasize laws that are “designed to provide safety” (R128) or to “keep the peace” (R117) or “prevent disasters” (R345)), while the latter is more practical, and oriented specifically toward crime control (emphasizing laws that would result in “no more crime; no more murders” (R174) or those that “prevent or cause people to think about doing a crime more” (R332)). On the flip side of these idealized goals, respondents report disapproving of “ineffective” laws that are “not going to solve any problems whatsoever” or will “do nothing to create any safe environment for the private citizens of New York or anywhere else” (R432). Respondents criticized laws that do not actually achieve the goal of enhancing safety by preventing crime but merely create “a trail to figure out what happened after” (R174). They disliked “unenforceable” or “meaningless” (R441) laws because they “won't really give anybody any benefit” (R298). In this category respondents identified laws that reduce magazine capacity below ten rounds, laws that require background checks to purchase ammunition, and microstamping laws.

Respondents often spoke about their respect for the criminal law and the need to follow it. They described “law-abiding” as an important attribute of a good gun owner. According to one respondent, “good gun ownership is having the respect for the law, ensuring that you have the ability to use [a gun], and that if you're using it, understanding when you can use it properly” (R181). Respondents cited “stay[ing] legal” (R178) as an important component of being a good gun owner and hunter, and that knowing the laws in a given area is an important prerequisite to acting within those laws. Even in cases in which a legal gun owner accidentally broke a law, respondents tended to believe that it was that person's responsibility to be aware of the laws and so they deserved any resulting punishment. People who did not follow the law were described variously as “reckless” (R113), “irresponsible” (R235), and “undeserving” (R174) of their gun rights.

These kinds of statements demonstrate a “before the law” perspective. Respondents refer to the law as impartial and objective, and not subject to questioning, even by those who break it unintentionally. There is little talk of leniency or questioning why those rules exist; the focus is entirely on objective compliance.

These results are perhaps not surprising given the sample being discussed. As Silbey (2005) notes, the law is “a particular way of organizing meaning and force” (359), and one that tends to be “useful to the powerful” and “useful to hegemony” (361). As gun-owning Whites, my respondents are undoubtedly members of the hegemonic racial group and are those who stand to benefit most from interpreting the law as an ahistorical text that should be obeyed without question. This is also unsurprising since my respondents are also least likely to live in over-/underpoliced communities, which could lead to cynicism about the law rather than blanket acceptance (Barragan 2022).

Legal Gun Owners and the Law: Legal Restrictions/SAFE Act

In situations where legal changes threatened respondents with police attention and the criminalization of their day-to-day behaviors, they viewed the law with more a critical eye. This is part of what was at stake with the passage of the New York Secure

Ammunition and Firearms Enforcement Act of 2013 (commonly known as the NY SAFE Act). Enacted in response to the Sandy Hook shooting, the Act imposed new restrictions on New Yorkers' firearms ownership. Its most controversial elements expanded the definition of "assault weapon" and required owners to either sell or register firearms that met the new criteria; lowered the number of rounds required to define a magazine as a banned "high capacity" magazine; required background checks for those purchasing ammunition (such checks had previously only been required for the purchase of firearms); and required pistol permit holders to renew their permit every five years (some counties previously had issued lifetime permits).

Despite these expressed concerns about the threat of legal regulation, when asked if state law prevented them from being able to hunt, shoot, and defend themselves in the ways that they want to, most respondents reported feeling very little restriction (this was the case in interviews conducted both before and after the Act's passage). This may seem contrary to the same respondents' accounts reporting the belief that the Second Amendment is under attack. How can a group that experiences little regulation that affects them personally still maintain a sense that regulations are too strict? One reason is that gun owners find themselves enmeshed in a culture where new restrictive regulations always appear imminent. Every year there are hundreds of gun control bills proposed across the country (Law Center to Prevent Gun Violence 2016), each of which represents a new chance for the abridgment of their rights. And while these laws often do not pass, their mere existence—often highlighted by pro-gun organizations for fundraising purposes—creates an atmosphere of looming regulation.

Additionally, firearms owners do not form their opinions about the law based solely on their own experiences. Even though individual gun owners may feel no restriction, they might well know someone whose activities are restricted, or they might belong to an organization that strongly advocates a view of the law as improperly intrusive. These factors, combined with the reverence for the Second Amendment that many firearms owners expressed, can lead to ideological reactions even to laws that do not have a personal effect:

Personally . . . over the course of my lifetime, the laws would be restrictive as to the type of firearms I've owned and have liked to own. Right now, they don't affect my current ownership. But I'm strictly against . . . all these assault rifle laws, and the laws restricting the capacity in magazines, whether it's pistol or rifle or shotgun. (R378)

Research into beliefs about legal legitimacy indicates that "inclusion" (Barragan 2022, 14) is important for people to view laws as legitimate. In the context of the legislative process this would include things like being able to have input into legislation and having one's views reflected in what eventually becomes law. However, the largely unilateral manner in which the passage of the SAFE Act was realized represents a violation of some of the key components of the "with the law" perspective, which is one factor that produced gun owners' dissatisfaction with the law. (And, had the most objectionable portions of the law not been overturned by courts, or withdrawn by the state, this lack of legitimacy in the way the law was passed may well have translated into more widespread refusal to obey it.)

Gun owners were upset that the SAFE Act was passed using a parliamentary procedure known as a “message of necessity,” which allows the governor to waive the normal three-day period before a vote can be taken on a piece of legislation—a procedure designed for emergencies where an immediate need exists for government action. They often referred to the SAFE Act as having passed “in the middle of the night” (R167; R420) or “behind closed doors” (R101). These phrases also reference the perception of many respondents that the bill took shape so quickly that legislators did not know the contents of the bill and gun owners did not have time to mobilize against it.

Prior to passage of the SAFE Act, respondents felt the legal system allowed them to shape legal outcomes on a nominally equal footing with their ideological opponents. They believed that existing legal standards prevented them from being surprised by the contents of a law and that the power of their lobbying machinery would allow them to oppose or alter any legislation of which they disapproved. The SAFE Act challenged these expectations, as the governor’s office used an unexpected process to pass a law that was much stricter than previous gun laws. (For example, compared to past gun laws, this law included a far more limited grandfather clause for owners of firearms that had previously been legal but were now prohibited.) Firearms owners felt like the SAFE Act proponents had tilted the outcome of the legal process by limiting debate and dealt unfairly with the public by eschewing traditional legal procedures. Since the most basic requirement of the “with the law” perspective is that all parties compete on an equal footing, respondents felt as though they had been deprived of due process in this case.

Gun owners also criticized the SAFE Act for failing to meet basic requirements of equal application and impartiality. From the beginning, the effects of the SAFE Act—both short- and long-term—have been in flux on a number of levels. For example, a court struck down the seven-round magazine limit (Spector 2015) and the implementation of background checks to purchase ammunition was repeatedly postponed and ultimately shelved indefinitely (Weaver 2015b). These issues, among others, revealed the law to be alterable and caused it to be seen by many as incomplete, or temporary, and therefore lacking authority.

In some cases, firearms owners’ reactions to the SAFE Act even fell into the realm of “against the law.” Opponents of the SAFE Act engaged in “acts of defiance” (Ewick and Silbey 1998, 189) that are predicted to occur when people feel like they are victims caught within the power of the law. Primary among these are the efforts that have been undertaken to pass non-legally-binding legislation opposing the SAFE Act in city- and county-level legislative bodies. As of 2022, opponents managed to pass such resolutions in fifty-two of New York’s sixty-two counties (NY SAFE Resolutions *n.d.*). These are the actions of people who desire to resist the law and are attempting to regain “some control in situations in which little opportunity for control exists” (Ewick and Silbey 1998, 216).

One of the biggest reasons for gun owners’ disapproval of the SAFE Act is what they see as the obtrusiveness of its impact. One key component of the idea of legal consciousness is that “we rarely sense the presence or the operation of the law” (Ewick and Silbey 1998, 15). This is certainly true of gun owners, for whom existing restrictions—such as passing a federal background check when purchasing a gun—are rare, are relatively unobtrusive, and can be justified by their clear connection to crime

control or public safety. The same cannot be said for SAFE Act requirements to sell or register newly noncompliant firearms and to renew firearms licenses that had previously been valid for life, as well as the possibility of facing a background check for every ammunition purchase.

Legal Gun Owners and the Law: Legal Inconsistencies

To deepen the understanding of the effects of the SAFE Act, one must further consider the implications—racial and otherwise—of the enforcement of such a law. Silbey (2005) notes that “hegemony is sustained . . . by a dialectic embracing ahistorical, general accounts of law’s transcendent majesty alongside pragmatic instrumental engagement with its techniques” (360). As previously discussed, the SAFE Act could not reasonably be seen as ahistorical given not only its sudden appearance but also the significant differences between this particular form of gun control legislation and previous forms. Additionally, the hegemonic White gun owner could not simply pragmatically “engage with [the] techniques” of the SAFE Act because to do so would not only mean going along with a law they oppose, it would also be to endorse the requirement that they change behavior while those they have traditionally viewed as criminals have no such requirement.

One commonly cited example of legal inconsistency had to do with the way that the SAFE Act altered laws regarding ammunition magazine capacity. Prior to its passage in 2013, private citizens were generally limited to possessing ten-round magazines, which could legally be loaded to full capacity. However, the SAFE Act initially made it illegal (except at gun ranges) for gun owners to load a ten-round magazine with more than seven rounds of ammunition, and also gave firearms owners one year to sell, or dispose of, magazines with capacities larger than ten rounds. Although this portion of the Act was later struck down, respondents still saw it as arbitrary: “you can put ten rounds in a gun if you’re shooting on a range but if you’re defending yourself you can only have seven. [laughs] Does that kind of stuff make any sense?” (R128). Others jokingly asked whether lawmakers believe that the eighth, ninth, and tenth rounds were more dangerous than the first seven (R140; R362), or questioned how such a law could be enforced: “Are you going to stop me and count them? Are you going to come into my house and check to make sure every gun I have in the house, if it’s loaded, only has seven bullets in it? Really?” (R441). All of these types of concerns have the same root—that the passage of this type of law does little to enhance public safety and may create drawbacks ranging from inconvenience (such as having to reload more often while at the firing range), to legal consequences (via police searches uncovering firearms that violate the new laws), to a reduction in one’s personal safety (having fewer bullets in one’s own firearm than criminals have in theirs). In this sense, gun owners find that the actual outcomes of laws are inconsistent with their understanding of what laws should do. The specter of overpolicing and harassment—typically not a part of White gun owners’ daily lives—immediately raised the “legal cynicism” (Barragan 2022, 14) that characterizes those whose actions are most likely to be criminalized.

Much like Ewick and Silbey’s (1998) respondents, these gun owners expressed a range of views about what types of actions might be appropriate to respond to the law’s

failures. Some appeared to “believe that they are authorized to do violence by the law’s apparent refusal to act” (201), but—also in keeping with Ewick and Silbey’s approach—most of these objections took the form of “imagining or threatening violence” (201) rather than reports of actually taking the law into one’s own hands. Indeed, just two respondents reported intentionally breaking the law in the past because they felt that the current legal system did not sufficiently allow for self-protection: one reported regularly carrying a firearm with an illegal large-capacity magazine, and one reported a single incident, years earlier, of carrying a legal handgun in a location where it was illegal to do so, because he perceived that it would be dangerous to be there without it. These behaviors represent outcomes that could be consistent with attitudes similar to Ewick and Silbey’s “against the law” typology—perceiving the laws as “a net in which they are trapped and within which they struggle for freedom” (184), but not as a fundamentally unjust force, or one that protects a system that is internally corrupt (see Fritsvold 2009).

Apart from these rare illegal actions, some respondents proposed farfetched scenarios in which the government’s behavior would represent such a threat that they would be forced to respond with violence. A few respondents talked about how the time to act violently would be when the government was coming to “rip [guns] out of my hands” (R267), or when things became “extremely drastic” (R476). These types of responses are the closest that my respondents ever came to espousing a belief similar to that of Fritsvold’s (2009) “under the law,” where they could be interpreted as viewing the law as “a protector and defender of a social order that is fundamentally illegitimate” (799). While this outlook on the law might be common among militia members or others with extreme political views, it appears uncommon among mainstream gun owners.

More common than these pro-lawbreaking attitudes was a form of the “against the law” perspective emphasizing the ineffectiveness of the law to control crime in any meaningful way through its being “unable to enforce its own judgments” (Ewick and Silbey 1998, 199). An example of this perspective comes in the form of criticism of specific laws—“having the assault weapon ban, particularly in New York State when other states don’t have it . . . I don’t see where it’s done any good” (R140)—as well as the overall concept of state-by-state gun control:

I think [passing specific laws] doesn’t do any good because it just, to cross the border in the states from coming from PA or from Ohio or anyplace else, it just doesn’t matter. So, what are you going to do? You’re just going to create more legislation and more laws to be enforced that won’t really give anybody any benefit. (R298)

Overall, this apparently limited felt need to break the law demonstrates the privilege that my respondents have relative to those who—for instance—regularly feel the need to act illegally with firearms in order to be safe (Barragan 2022, 8). However, it also demonstrates that—regardless of data to support such a conclusion—firearms owners do not appear to trust existing laws and law enforcement to protect them. This might not be surprising, though, as Simon (2004) notes that lawmaking around the individual-rights view of gun ownership is traditionally “profoundly mistrustful of government

action” (356) and tends to be supportive of those who might be victims of gun crime, regardless of evidence.

In this way, firearms ownership as self-help represents not merely a commitment to abstract principles or a connection to previous generations of American gun owners, but a means of protecting oneself and one’s family and property. The perception that firearms offer a direct means of protection is a powerful motivator, and certainly one that promotes firearms ownership. It is also a perspective that has gained some high-profile support in recent years, with Antonin Scalia devoting the final section of the majority opinion in the *Heller* case to exploring the legal and social history of the lawful use of firearms for defense in the home. In the end he concludes that the Second Amendment “surely elevates above all other interests the right of law-abiding, responsible citizens to use arms in defense of hearth and home” (*District of Columbia v. Heller* 2008).

Government: Attitudes toward Politicians and the Political System

Where the “with the law” sentiment—particularly seeing legality as a rule-based system—exists as it relates to lawmaking is in the general belief that whichever political position had more support should prevail:

If you’re in a public office . . . you do what the people that elected you want you to do. If ten thousand of your constituents say, “vote against Bill A because we don’t like it,” and five thousand say “well, it’s really a good bill,” which way are you going? You’re going to go with whoever’s going to put bread on your table. (R320)

However, interviewees acknowledged that politicians sometimes do not vote based on their constituents’ wishes, but rather in order to further their political careers:

You want me to vote for your thing? You got to vote for my thing. You don’t vote for my thing? I’m not voting for your thing, and it ain’t going nowhere . . . unless you scratch somebody else’s back because that’s how it works. (R267)

This acknowledgment opens the door to the need to account for all factors influencing politicians’ votes.

One particularly thorny issue for my respondents was the role of money in politics. In some ways, money is a perfect example of a resource that can be used equally by both sides in the political game—post-Citizens United, people and groups are allowed to give essentially as much financial support as they want to political causes. In this way, money is a kind of proxy that helps powerful groups turn their superior resources into political victories, and groups that enjoy the most support will tend to be the ones that prevail (therefore, theoretically approaching the ideal of assuring a win for the political position with the most support).

In keeping with this general template, respondents tended to indicate that—when used properly—money is one part of the equation that can lead to influence in politics. As an example, they tended to equate the power of the NRA at least partially to its monetary resources:

Overall, I think [the NRA is] the strongest lobby for a reason I mean we're playing the game too in so far as—we have dollars. It's twenty dollars here, twenty dollars there, but if you got four million members or whatever, that's a vote. You're voting with your checkbook, right? . . . They wouldn't be as powerful as they are if people didn't really think that was needed. (R220)

However, respondents were not entirely comfortable with the power that money holds in our system. In almost the same breath, one respondent acknowledged the influence that money had as part of the political system, and then immediately lamented that influence: “I know the NRA is a big supporter. I mean, they contribute a lot of money to the political elections. Then again, so does PETA! [laughs] So what are you gonna do? Who has the most money wins, I guess, unfortunately” (R201).

At bottom, respondents are aware that they will not always get what they want from politicians. Others who play the game more effectively, or who have more resources, may succeed in winning a politician's support, or getting their legislative agenda passed. However, objections regarding politics largely arise when the gamelike nature of the political process—along with the “with the law”-type expectations of a moderately level playing field—is altered. When this happens, some respondents begin drifting further toward a position of “against the law.”

They are especially likely to support this perspective if they—as voters who believe they are supposed to have the power to influence legislation—instead perceive that they have decidedly “limited access to resources that might otherwise be converted into power within the situation” (Ewick and Silbey 1998, 185). This circumstance was evident in discussions related to the overall balance of political power in New York State, and particularly connected to the imbalance between upstate and downstate.

Government: Representation/Upstate vs. Downstate

As Hoffman (2003) noted, “the environment of an institution” (715) helps determine what kind of legal consciousness its members will have. That can also be true of individuals enmeshed within a given political structure—the qualities of the interactions they have with political actors (including politicians, as well as other voters, and politically active parties) will affect how they view their position within that structure.

My respondents often emphasized the political and cultural distinctions between upstate and downstate New York. Generally speaking, they believed that those who lived downstate had fewer opportunities to join and participate in gun culture, and that politicians from those areas were less likely to be knowledgeable about, or sympathetic to, firearms issues. They also recognized that the much larger number of citizens living downstate gave them outsized influence on statewide policies.

For some respondents, the solution to this situation is to return the political game to a more basic condition. The generic model of politics-as-game implies that the players in a given political sphere share key attributes (geographic location, types of needs, etc.), and argue over the same issues, creating a system where the groups that can gather the most support for their cause achieve victory. However, in the case of upstate and downstate, some respondents argue that there are such different needs when it comes to firearms that it is almost as if they are no longer playing the game on a level playing field. Instead, one side's sphere of influence is so much larger than the other's that—but for the times when checks and balances come into play—the victory of the more powerful side is a foregone conclusion. This runs directly counter to Ewick and Silbey's (1998) conception of a “with the law” orientation because the most important attribute of a game is that it is “designed with degrees of freedom around which outcomes are produced but not predetermined” (136). Some respondents feel so strongly that the game they are playing is rigged that they argue “New York City ought to be its own state because they have got their own way of doing things, and their own ideas” (R324). (Proposals to separate the state were largely in jest, but the sentiment is nevertheless revealing.)

The feeling of being outnumbered is, of course, more than purely numerical; the way in which this advantage manifests itself in New York State politics is through the interactions of the assembly and the senate. The New York State Assembly is a 150-seat proportionally representative body where—following the 2020 elections—Democrats held 105 seats, plus there were two additional assembly members who caucused with the Democrats. Democrats have held a majority in the assembly since 1975 (Gianaris 2006).

The New York State Senate, on the other hand, has sixty-three seats (New York State Senate n.d.) and is apportioned in such a way that the upstate counties have much greater representation than they do in the assembly. As a result, the makeup of this body is much more contested than that of the assembly, with each election—as well as changes in political power, such as resignations (Weaver 2015a), indictments (Greenblatt 2015), or changing political alignments (Peters and Hakim 2009)—potentially shifting which party will be in power. As of October 2017, Republicans held just thirty-one seats in the senate, but still controlled the body because various Democratic senators caucused with the Republicans (McKinley 2016). However, power shifted in the 2018 and 2020 elections to where Democrats now hold a supermajority of forty-three seats in the senate, indicating the extent to which the senate is a volatile political battleground where large swings of power can take place over a short period of time.

Regardless of the actual numbers of seats held after any particular election, most of the Republican caucus comes from upstate counties, along with a significant minority coming from Long Island. The bulk of the Democrats, on the other hand, are from New York City. This indicates that, at least in broad brushstrokes, respondents' perceptions of the nature of their elected representatives are accurate: most of the support for the pro-gun position comes from upstate representatives, and most of the pro-regulation sentiment comes from downstate representatives. (Though it should be noted that respondents described how some upstate Democrats have supported pro-gun bills in the past.)

As a result of this situation, as Hoffman (2003) suggested, respondents find their understanding of the legislative process being shaped by the repeated contact they have with the political system they are a part of. And, as per Nielsen (2000), since the nature of this repeated contact has remained substantially the same for decades, change is fairly unlikely. Respondent 279 describes how the political process has worked in recent years:

The New York State Senate is pro-gun enough that the senate is usually able to negate most of the stuff that the anti-gun assembly comes up with . . . with New York City metropolitan area having nine million people, and the rest of the state only having three or four million people, the state assembly has a lot of anti-gun people in it. But we keep working on that! [laughs] (R279)

This respondent describes a situation where it is unlikely for those with pro-gun attitudes to be able to succeed by proactively pushing their own agenda on the state level. Instead, the best they can do is try to defeat legislation with which they disagree. This tactic works moderately well most of the time, but with such a slim margin in the senate, it is still possible for high-profile legislation—such as the SAFE Act—to be enacted into law, as these respondents recount:

R432: . . . like you said, as the demographics swing to the cities, it'll become increasingly so that we're not represented.

R431: Every upstate—not *every*, but as far as like the senate, every upstate senator voted against the SAFE Act, but we're outnumbered.

R432: It went through anyhow.

Taking all of these governmental issues into consideration, the overall picture that emerges is complex, but one that fits well with our current understanding of legal consciousness, and that also allows us to enlarge it to encompass legal gun owners. This group—who tend to take the perspective of being “with the law”—find themselves in what they consider to be a permanently disadvantaged position in New York State. They feel they need to remain constantly vigilant against threats to their rights and use what influence they can muster within the senate to deflect undesirable legislation. However, this does not always work. Sometimes there are not enough pro-gun votes in the senate to defeat such bills, or sometimes social circumstances (such as the political climate after the Sandy Hook shootings), or political maneuvering (such as the use of the message of necessity in the passage of the SAFE Act), cause nominally pro-gun politicians to switch their votes and allow restrictive bills to pass. So, instead of being able to compete on an equal footing, a situation emerges where pro-gun politicians push for largely symbolic votes calling for the repeal of the SAFE Act, and engage in minor acts of pushback toward their ideological opponents, such as voting last minute to move a planned pro-gun-restriction demonstration from a public area of the capitol to an out-of-the-way hearing room (King 2015). These situations indicate how a group that has been pushed by circumstances away from being “with the law” can instead trend into the territory of being “against the law.”

More importantly, though, an exploration of gun owners' interviews shows how this type of legal consciousness shapes local political behavior. Just as the actions of Hoffman's (2003) taxi drivers were shaped by the types of conflict resolution that were offered by their company and utilized by coworkers, so too are the actions and attitudes of gun owners shaped by the types of interactions they have with politicians and the outcomes they see occurring as a result of those actions. Upstate pro-gun voters find themselves in a situation where they perceive that local legislators are the only ones who are on their side, and that higher-level politicians not only do not agree with their position but also might not even take their views into consideration when voting for or against bills. This leads gun owners to preferentially interact with their local politicians—with whom they share values, to whom they have access, and who generally vote the way they want them to on gun issues—leading to positive feelings about this group. However, nonlocal politicians tend to be both busier and more physically remote—as well as potentially more ideologically remote—leading to less personal accessibility and a perception that communication with these politicians will not lead to preferred voting outcomes. This creates a kind of feedback loop where many gun owners perceive that their actions cannot affect policy because the only politicians to whom they have access tend to already vote as they would like them to.

In an attempt to break out of this pattern, local gun groups support periodic pro-gun rallies in Albany where activists assemble to show their solidarity and attempt to meet face to face with all different types of politicians. However, outside of the group cohesion that these rallies promote (and the occasional instance of encountering a legislator who was unaware of, or undecided on, a particular firearms-related issue), they are largely symbolic given that they cannot fundamentally change the process by which political power is apportioned within New York State. (“Y’know, you can go to Albany, they have the marches on Albany. Does it do good? Yeah, sometimes it does good. But, other times, you’re just fightin’ a losing battle” (R448).) This situation is certainly one reason why many gun owners are placing their hopes for a repeal of the SAFE Act on the judicial branch rather than the legislative—they perceive that little legal change is possible via a state legislative system they see as stacked against them.

CONCLUSION

This article explores gun owners' attitudes about and experiences with the law. When asked about the law generally, gun owners' thoughts run immediately to the criminal law—an institution for which they report great respect. Specifically, they see the criminal law primarily as an institution meant to achieve public safety and security. In that role they see it as being impartial, and above questioning or criticism, and express a strong belief that the law should always be followed, especially by gun owners. Their attitude toward the criminal law fits within Ewick and Silbey's (1998) legal consciousness framework of “before the law.”

Outside the realm of criminal law, however, gun owners' attitudes more closely approximate different legal consciousness frameworks being “with the law” and, at times, “against the law.” They view politics as being gamelike and express a belief that the parties with the greatest resources and influence achieve their preferred ends, which

fits a “with the law” legal consciousness framework. In this aspect of the law, outcomes are distinctly more mutable and subject to political influence. Respondents saw as ideal the situations where politicians voted the way their constituents wanted and the will of the majority was realized. By the same token, they reported distaste for when politicians work only to maintain their own personal power or vote certain ways in order to “get along” in a corrupt political system.

Respondents’ attitudes about the legal process shift when their preferred mode of engaging “with the law” cannot be achieved, and the most obvious recent example of this occurred with the passage of the SAFE Act. They perceived the content and the means of passing this bill as violating their key values, and it caused a shift in their perception in the direction of being “against the law.” These attitudes were most evident when discussing the SAFE Act but were replicated when discussing state-level politics more generally. Gun owners perceived themselves as being in a situation where their own legislative political goals can rarely be realized proactively and they must instead typically plan to defend against the passage of their rivals’ agenda. This exacerbated preexisting perceptions of an upstate/downstate divide, which strongly shapes the kinds of interactions that pro-gun individuals have with the political establishment. Specifically, it leads them to preferring local politics—and strategies common to local political engagement—and deemphasizing engagement with higher-level politics.

My findings help explain why New York’s gun owners perceive themselves as politically disadvantaged and their values as constantly under attack, despite living in a region where their views are normative and being a part of a national political environment in which their interests are backed by a powerful pro-gun lobby. This way of thinking seems almost conspiratorial in the abstract, but becomes more explicable when the reality on the ground is examined.

My study will also be useful to those looking to study firearms owners in other locations. Further research will reveal whether my respondents’ understanding of the law is widely held among gun owners, or whether it is particular to a state with New York’s distinctive political, racial, and geographic divides. Such research will broaden our understanding not only of how gun owners feel about the law, but whether different subcultural conditions can bring about different types of legal consciousness.

However, these findings are applicable beyond issues related exclusively to firearms ownership and use. This is shown in Barragan’s (2022) call for research that “explicitly explore[s] how the implementation of gun-related policing programs or sentencing practices subsequently impact individual perceptions and behaviors,” citing “mounting research demonstrating that legal perceptions and encounters matter for the law’s (il) legitimacy, cooperation and compliance, and violence” (2). Indeed, the results of this research indicate that even groups with reverence for the criminal law can come to oppose elements of the law, and the legal process, that are created in ways they feel are illegitimate. This opposition can take the form of coordinated protests, legal action, and—in some cases—refusal to abide by the law. It seems reasonable to surmise that among groups with less reverence for the law—or for whom the perceived deviations from their preferred version of legality have more immediate implications than did those of the SAFE Act—responses could have been more numerous, more vigorous, and more disruptive. Additionally, in the case of the SAFE Act, many of the most objectionable

components of the law either were never implemented or were struck down by courts. However, if that had not occurred, it is reasonable to imagine that compliance with, say, the registration requirement of the law might have been much lower than it already was, or that other forms of resistance might have emerged as a result. These points, as well as others noted above in the analysis, will be key to test in future empirical studies in this area, especially those done with groups that are less mainstream—and therefore with fewer resources, cultural cachet, and political power—than legal gun owners.

These findings may also be useful from a policy perspective for those looking to enact future firearms legislation. Knowing the elements of the law about which firearms owners care the most, and the aspects of the legislative process that they view as most important, will be valuable to anyone looking to craft successful legislation. Without taking these elements into consideration, lawmakers risk a fight similar to that over the SAFE Act, where gun owners' cultural understanding of the law was not taken into consideration, touching off a lengthy legal and cultural battle, the upshot of which was that "[t]here is not much to be gained, and possibly much to be lost, by pressing unpopular implementation and enforcement measures on resistant gun owners" (Jacobs and Fuhr 2019, 26).

Finally, given the findings of a strong upstate/downstate divide over this issue, this research may also be useful to those who study other political or social movements where support is strongly patterned along rural/urban lines, or other important demographic or social attributes. Researchers in areas such as crime, education, and farming, for example, might find that New York gun owners' perspectives on the law provide an interesting contrasting case that could inform future work in those fields.

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