Whose Right to Bear Arms Did the Second Amendment Protect?

Readings Selected and Introduced by

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1. Did the Second Amendment protect an individual's right to own guns?  27

Robert E. Shalhope
The Armed Citizen in the Early Republic

"While late eighteenth-century Americans distinguished between the individual’s right to possess arms and the need for a militia in which to bear them, more often than not they considered these rights inseparable."
2. Was the Second Amendment intended to protect the people's right to maintain a well-regulated militia? 51

Lawrence Delbert Cress

_A Well-Regulated Militia: The Origins and Meaning of the Second Amendment, From The Bill of Rights: A Lively Heritage_

"Unlike provisions of the Bill of Rights that guaranteed such individual rights as freedom of speech, due process, and religious choice, the Second Amendment to the United States Constitution was not written to assure private citizens the prerogative of carrying weapons."

3. Does the Standard Model of the Second Amendment favored by some legal scholars distort the original understanding of the right to bear arms? 63

Garry Wills

_To Keep and Bear Arms, With Letters in Rebuttal from Sanford Levinson, David C. Williams, and Glenn Harlan Reynolds_

"The Standard Model finds, squirreled away in the Second Amendment, not only a private right to own guns for any purpose but a public right to oppose with arms the government of the United States."

4. Was the Second Amendment primarily about the struggle between Federalists and Antifederalists over the nature of federalism? 97

Don Higginbotham

_The Federalized Militia Debate: A Neglected Aspect of Second Amendment Scholarship_

"In all the discussions and debates, from the Revolution to the eve of the Civil War, there is precious little evidence that advocates of local control of militia showed an equal or even a secondary concern for gun ownership as a personal right."
5. How did the reality of the militia differ from the ideal of the militia in Revolutionary America? 123

Edmund S. Morgan

The People in Arms: The Invincible Yeoman, From Inventing the People: The Rise of Popular Sovereignty in England and America

"In teaching the yeoman his place in the social order the militia performed an undesigned but crucial function as well as a social function and performed both more successfully than its military function."

6. Was the Second Amendment an outgrowth of America's gun culture? 145

Michael A. Bellesiles

The Origins of Gun Culture in the United States, 1760–1865

"Before we accept an individual right to gun ownership in the Second Amendment, we must establish who were 'the people' who were allowed to 'keep and bear arms.' Did they in fact own guns? What was the popular attitude toward firearms? Did such perceptions change over time?"

Making Connections 181

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