



RIGHT TO KEEP AND BEAR ARMS

The right to keep and bear arms is an assertion that a free people have a right to possess arms for their defense, which stretches back to antiquity and is noted in the philosophical writings of Aristotle, Cicero, and others.

This is keeping with the natural right of self-defense, which can only be realized by allowing people to possess the practical means of achieving this end. Thus RKBA cannot be divorced from the right of self-defense.

Charter of Liberties – 1100

The first legally ratified document in the Anglosphere to contain a declaration of the rights of English subjects (nobles, church officials and individuals) was the Charter of Liberties, declared by Henry I upon his accession to the throne in 1100. It contained an implied right of subjects (knights) to possess arms so they could provide military service (declaration 11).

Magna Carta – 1215

The Magna Carta Libertatum (Great Charter of Liberties) of 1215 was largely a reaffirmation of the Charter of Liberties during a conflict between King John and rebel barons. The original was soon repealed, but a later version was ratified by successive monarchs. Three clauses remain in force.

Bill of Rights – 1689

It was not until the 1689 Bill of Rights that a right to keep and bear arms (for Protestants) was formally declared in England and Wales, though some subjects had been required (an imposed duty) to possess arms for militia use before and after this document.

The Bill of Rights stemmed from the heavy handed and frequently oppressive rule of two English kings—Charles II and James II—who attempted to disarm many subjects whom they did not consider trustworthy, due to their political or religious beliefs.

Second

Amendment – 1791

The American Revolution of 1776 led to the creation of the US Constitution which contains the Second Amendment, which enshrined RKBA therein in keeping with the example of the 1689 Bill of Rights (the later merely an assertion of rights by the Convention Parliament which lacked the authority to make laws).

It recognized an individual right of free Americans to possess arms suited to their individual defense and the collective defense of the American Republic. The primary purpose being to permit Congress to draw a [well armed] militia from the whole body of the people, thus ensuring that a standing army would not be the sole defense of the nation.

This would serve to deter tyranny by preventing a standing army having a monopoly of deadly force that could be

used to overthrow the Republic due to a government gone bad or a charismatic and wealthy general seeking to make himself a dictator (as had Julius Caesar) or king.

The militia could support their government against a military coup or assist a standing army against domestic and foreign enemies, as well as serve as first responders in remote areas where there were few if any professional soldiers present.



“The right of the citizens to keep and bear arms has justly been considered, as the palladium of the liberties of a republic; since it offers a strong moral check against the usurpation and arbitrary power of rulers; and will generally, even if these are successful in the first instance, enable the people to resist and triumph over them.”

– Joseph Story

Democratic safeguard

RKBA in the English and American contexts is primarily about the power relationship between the People and the State and ensuring a government cannot use a standing army to overpower the People; thus is primarily intended to facilitate the creation of a democratic safeguard against tyranny in the form of a well armed citizenry.

KEY FACTS

- Origin: Antiquity.
- Purpose: Validation of the natural right of free citizens to possess the practical means of defending themselves, their dependants, their community, and their property which they need to support themselves and their dependents.
- Key supporters: Libertarians, classical liberals and social democrats.
- Key opponents: People who distrust ordinary citizens, racists who want to disarm minorities they distrust, fear or despise, authoritarian statists of the left and right (red fascists and black fascists), religious extremists, and pacifists who prefer dead victims to armed victims. Such people typically attempt to stigmatize the private ownership of arms for defensive use by characterizing it as a form or barbarism, and invent arcane arguments why ordinary people should not possess them; the effect of which is to give governments a monopoly of deadly force.

PRIMARY SOURCES

The Founders' Second Amendment: Origins of the Right to Bear Arms, Stephen P. Halbrook, Ivan R. Dee / Independent Institute, 2008.

To Keep and Bear Arms: The Origins of an Anglo-American Right, Joyce Lee Malcolm, Harvard University Press, 1996.