A Christian Worldview Appraisal of Gun Control and the Second Amendment

Steve Cable examines the Second Amendment from a biblical perspective.

In today's America, the Second Amendment invokes intense arguments regarding its meaning and application. Events like the Newton school, the Aurora movie theater, and the Tucson shopping center shootings bring sorrow to our minds and prayers to our lips. Some say the way to prevent these tragedies is to remove the right for individuals to own and carry firearms. Others argue that firearms carried by responsible individuals could have prevented much, if not all, the carnage of these mass shootings.



Any discussion of the Second Amendment should begin by making sure we are familiar with the wording and the original meaning of this part of our Bill of Rights. The Second Amendment states: "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Although we can reasonably assume the authors of the Bill of Rights and the people of that day felt that this was an unambiguous statement, it is not the case today.

Some believe that the phrase "the right of the people to keep and bear Arms" creates an individual constitutional right. This view is referred to as the "individual right theory,"{1} that legislative bodies are precluded from prohibiting firearm possession. Others argue that the phrase "a well-regulated Militia" means that it was only intended to restrict Congress from legislating away a state's right of self-defense. This

view is called the “collective rights theory.”{2}

In all likelihood, the authors intentionally combined these two thoughts. The states could not muster a militia of their people unless the people were allowed to keep arms. This view is supported by people involved in crafting and/or approving the Bill of Rights. Samuel Adams wrote, “The said Constitution be never construed to authorize Congress to . . . prevent the people of the United States, who are peaceable citizens, from keeping their own arms.”{3} Similarly, Noah Webster wrote, “Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom in Europe. The supreme power in American cannot enforce unjust laws by the sword; because the whole body of the people are armed, and constitute a force superior to any band of regular troops that can be on any pretense, raised in the United States.”{4}

Does a Christian worldview provide guidance for our views on the Second Amendment? The Bible does not talk about guns, but does it provide instruction on this issue? In 1 Peter, we learn that governments bear the sword to implement justice. Under our Constitution, we, the people, are ultimately the ones who bear the sword to ensure justice.

The Second Amendment: Why Was It Added?

As discussed above, those responsible for the Second Amendment intended to ensure individuals could bear firearms legally. What concerns led to this original amendment to our constitution?

To understand, we should review the context for the introduction of the Bill of Rights. When the Constitution was sent to the states for ratification in 1787, two groups formed around adding a bill of rights to the Constitution, the Federalists and the Anti-Federalists. The Federalists supported the Constitution as written, believing that any attempt to list certain rights as remaining with individuals

or states would be interpreted as making other rights subject to the federal government. The Anti-Federalists believed it was important to clearly state key fundamental rights over which the federal government would have no jurisdiction. Neither group was arguing against any of the Bill of Rights, but rather whether it was more effective to be silent or to list them explicitly.

The Federalists, who had the majority of delegates to the convention, were wrong in assuming that most people would agree with their hands-off approach. This situation led to many of the states ratifying the Constitution with the stipulation that a bill of rights be added. The right to bear arms was a common component of these stipulations. As James Madison wrote in the Federalist Papers, "The advantage of being armed, which the Americans possess over the people of almost every other nation . . . forms a barrier against the enterprises of ambition . . . The several kingdoms of Europe . . . are afraid to trust the people with arms."{5}

When the first Congress met, James Madison presented a bill of rights before the members of the House. The first Congress converted these into twelve amendments which were sent back to the states for ratification in September of 1789. The language which would become the Second Amendment was essentially unchanged from that offered by Madison. On March 1, 1792, Thomas Jefferson announced the ratification of the United States Bill of Rights.

In Romans, Paul wrote, "But if you do what is evil, be afraid; for (governing authorities) do not bear the sword for nothing; for it is a minister of God, an avenger who brings wrath on the one who practices evil."{6} However, if government officials hold all power, those who would control us will seek that power by taking over the government. In our constitutional system, the people are the ultimate governing authorities and thus are given the right to bear arms to protect the nation against those who would take over

for the practice of evil.

The Second Amendment: How Is It Applied Today?

As noted previously, two different thoughts arose in interpreting the Second Amendment, namely the “individual rights theory” and the “collective rights theory.” Which view is supported by the Supreme Court?

In the most recent ruling of 2008, the court ruled the amendment confers an individual right to possess a firearm for traditionally lawful purposes such as self-defense. It also determined that the clause concerning a well-regulated militia does not limit the part which clearly states an individual’s right to keep and bear arms. Thus, the Court affirmed the “individual rights theory” of interpretation.

Remember, the framers of the Second Amendment were aware that guns held by individuals could be used for criminal activity. They felt that protecting individual liberty was more important than trying to create a perfectly safe environment. However, it should not be interpreted that everyone should have equal access to firearms. The Court has supported laws which 1) restrict those with mental problems or a criminal background in acquiring guns and 2) limit general access to specific types of weapons for mass destruction.

The difficult question is, when does the government cross the line into the realm of interfering with a person’s rights? First, what is meant by arms; does it include tanks, RPGs, etc.? Second, what could legally preclude a person’s right to bear arms? What type of personality or personality disorder makes it dangerous to others for you to carry a gun?

On the first question, the answer is not defined by what is needed for hunting or protection from thieves. From the perspective of the Founding Fathers, it needs to be weapons

such that if a sufficient number of people possess them, the government is unable through the force of an army to impose any unconstitutional burdens upon the people. The Court's position is that rifles and handguns are sufficient and that the government has the right to control other types of weapons.

The second question is equally difficult: how does one determine who is sane enough to have the right to bear arms? The Court has allowed this to be defined in terms of mental deficiencies, mental problems and a criminal background.

In 1 Timothy 2:1-2, we are told to pray for those in authority, that we may lead a quiet and peaceful life with all godliness and dignity. Our Constitution indicates that we are to take up arms as necessary to protect a government supporting godliness and dignity. It is reasonable to preclude those without a sane concept of a quiet and peaceful life from accessing firearms, which would always be a small minority of the populace.

The Second Amendment: Should It Be Ignored?

To this point, we have laid out the history and the status of our right to bear arms. We have three possible responses: 1) accept and obey this law, 2) ignore it as counter to God's greater law, or 3) work to repeal the law. Let us first consider the question, "Is this a law that we should ignore?"

As spelled out in Romans 13 and 1 Peter 2, Christians are to uphold the laws of our land. Although no specific governmental system is promoted in the New Testament, we appreciate a system that protects our ability to worship God consistent with 1 Timothy 2:1-2. We support protecting the individual religious freedom offered by this country. At the same time, we want to limit robbery, murder and mayhem. How do

these potentially conflicting desires relate to our view of the Second Amendment?

Remember, its underlying purpose is to ensure that our freedoms as individuals and as states are never trampled on by the federal government or others. The framers of the Constitution were worried about the tendency of large governments to attempt to consolidate their power at the expense of freedom. As Christians, we should desire to live in a society where we are free to worship God and share our faith with others.

In 1 Timothy 2:1-4, we see that we should pray for such a society because "This is good, and it is pleasing in the sight of God our Savior, who desires all people to be saved and to come to the knowledge of the truth." As citizens of this nation, the Second Amendment makes it clear that we have a responsibility to protect our rights from those who would attempt to abuse their position, to maintain our freedoms including our freedom to live godly lives and share Christ freely.

In 2 Peter 2:13-14, we are to submit "for the Lord's sake to every human institution," whether to a king or his representatives. Within our structure of government, we submit to our Constitution and its principles. The Second Amendment calls for us (if needed) to be armed and ready as individuals to participate in a state militia or, in the absence of a militia, to act as individuals to protect our liberty. In 2008, the Supreme Court ruled that this also confers an individual right to possess a firearm for traditionally lawful purposes.

Clearly, the right to bear arms as defined in our Constitution and explained by Supreme Court rulings is not counter to biblical teaching. Therefore, we are to act in accordance with this amendment to our Constitution. Whether we should try to repeal this law is discussed below.

The Second Amendment: Should It Be Repealed?

If the Second Amendment creates more harm than good, we can support repealing it. The main argument for this position is that guns are used by some to harm the innocent. If guns are freely available to the citizenry, does the harm done outweigh the value envisioned by the Second Amendment?

Many innocent people have been killed by deranged individuals and criminals with guns; at the same time, we cannot remember a time when American citizens were called to the streets to protect our Constitution. Have we reached a point where the nature of today's weapons and our society make the Second Amendment a detriment?

One group argues that if private ownership was illegal and strictly enforced, it would severely limit gun violence. An opposing view believes the problem is actually worsened by the lack of gun ownership by the public. If more law abiding citizens were armed and prepared to respond, the number of people killed would drop due to the deterrent effect.

What is the problem with repealing the Second Amendment? To have no guns among the citizenry, the government must be very proactive in removing guns from society as a whole. Guns must be removed from those not inclined to obey— a very difficult task as evidenced by the prevalence of alcohol during Prohibition. If accomplished, the government must assume unprecedented powers which may be fine as long as the Constitutional is not usurped. But if a future government decides to do so, there will be nothing to stop it.

Swords were used to kill people in Jesus' day. Did Jesus rail against the presence of swords and demand that no one but soldiers should carry them? No, in fact, he told His disciples that he who had no sword should buy one because of the troubled days ahead.{7} Peter was carrying his sword in the

garden when Jesus was arrested.{8} While Jesus kept Peter from interfering with His arrest, Jesus did not use that situation to initiate a "sword control" campaign.

Perhaps a more sensible way to control gun violence would be to encourage law-abiding citizens to carry weapons, particularly in public areas. This approach creates a deterrent against the insane, the criminal, and a future government gone amok.

According to Isaiah 2:4 and Micah 4:3, in the last days, swords will be beaten into plowshares and nations will no longer lift up the sword against other nations. We are clearly not in those last days now. Keeping the Second Amendment in place highlights our commitment to a government "of the people, by the people and for the people," while we wait for Christ's bodily return.

Notes

1. *Second Amendment*, Legal Information Institute, Cornell University Law School, www.law.cornell.edu/wex/second_amendment
2. Ibid.
3. Philip Mulivor, *Proclaiming Liberty: What Patriots and Heroes Really Said about the Right to Keep and Bear Arms*, Brightman Press, New York, 2011 quoting Samuel Adams, Amendment introduced on 6 Feb. 1788 in the Massachusetts ratifying convention, qtd. *In Debates and Proceeding in the Cnvention of the Commonwealth of Massachusetts, Held in the Year 1788*
4. Ibid., Noah Webster, "An Examination of the Leading Principles of the Federal Constitution." *Pamphlets on the Constitution of the United States Published During Its Discussion by the People 1787-1788*.
5. Ibid., James Madison, "Paper 46," *The Federalist Papers*.
6. Romans 13:4
7. Luke 22:35-38

8. John 18:10

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The Bill of Rights

Introduction

The Bill of Rights is the first ten amendments to the Constitution. It establishes the basic civil liberties that the federal government cannot violate.

When the Constitution was drafted some were fearful that a federal government would usurp the rights and powers of the states and the people. Critics were fearful that the federal government would exceed its enumerated powers—a fear that in hindsight seems most reasonable. The Bill of Rights was designed to address those apprehensions. The states ratified the Bill of Rights in 1791, three years after the Constitution was ratified.

In this article we are going to provide a brief look at the ten amendments that comprise the Bill of Rights.

First Amendment

> *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

The First Amendment begins by preventing Congress from

establishing religion or prohibiting the free exercise of religion. Originally the religion clause of the First Amendment was intended to prevent the federal government from establishing a national church. Some New England states maintained established state-churches until the 1830s.

In the last century, the Supreme Court has extended the First Amendment to any religious activity by any governmental body. The establishment clause originally prohibited the establishment of a national church by Congress, but now has been broadened to prohibit anything that appears like a government endorsement of religious practice. The free exercise clause supposedly prohibits government from placing any burden on religious practice.

The second part of the First Amendment provides freedom of political participation. This includes freedom of speech, freedom of the press, and freedom of assembly with the right to petition the government for a redress of grievances. This quartet of freedoms allows citizens to be actively involved in electing representatives and influencing legislation.

Second Amendment

> *A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.*

The Second Amendment gives Americans the right to keep and bear arms. Although the amendment clearly provides such rights, proponents of limiting a citizen’s right to arms attempt to argue that the amendment only applies to a militia like the National Guard.

Before the drafting of the Constitution, citizen-militias existed to guarantee order and domestic security. The framers envisioned an armed citizenry that was separate from a federal military that could be controlled by government authorities.

They were well aware of the abuses that came when a King or Prime Minister could control a standing army. Armed citizens provided an important check and balance of power. The framers well understood the threat to freedom when gun ownership was a government monopoly.

Third Amendment

> *No Soldier shall, in time of peace, be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.*

The Third Amendment guarantees that no soldier may be quartered in any house without the consent of the owner. At its face, this would seem to be an obsolete amendment since the federal government has never placed soldiers in private homes.

Unfortunately this amendment has been used to make the case for a right to privacy in the U.S. Constitution. The Supreme Court cited this amendment in 1965 in the case of *Griswold v. Connecticut* involving the issue of contraceptives. This case provided the foundation for the infamous abortion case of *Roe v. Wade* in 1973.

Many legal scholars question whether the Constitution has an implicit right to privacy. Obviously the Third Amendment provides homeowners with protection against unreasonable military intrusion. But it is quite a stretch to manipulate this amendment into a justification for a right to privacy with regard to contraception or abortion.

Fourth Amendment

> *The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or*

> *affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*

The Fourth Amendment requires that a specific warrant be obtained before a search is made of a person, their house, their papers, or personal effects. The framers wanted to ban the British practice of obtaining a general warrant which allowed the seizure of anything in the suspect's home. A search requires a specific warrant issued by a neutral magistrate.

In the last century, the Supreme Court has refined the amendment through what is called "the exclusionary rule." Evidence obtained outside the specific requirements of the warrant is inadmissible in a court of law. Cases in court often swing on whether evidence was obtained legally and whether the law enforcement officer acted in "good faith" in the securing of that evidence.

Fifth Amendment

> *No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*

The Fifth Amendment is best known for guaranteeing a citizen's right to refrain from answering a question that might be incriminating. Actually there is more to this amendment than "taking the fifth." The amendment also provides for due process, a grand jury, and freedom from double jeopardy.

Many citizens believe that the amendment guarantees your right to remain silent. Actually the amendment states that no person should be compelled to be a witness against himself. The right to remain silent comes from the so-called Miranda warnings read by a police officer before questioning. The Supreme Court mandated these phrases in an attempt to further protect the rights of the accused.

Sixth Amendment

> *In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.*

The Sixth Amendment provides additional rights in a criminal trial. These include the right to an attorney, the right to a trial by jury, and the right to confront one's accusers.

The right to an attorney implies the right to "competent" counsel. Appeal courts have had to decide what constitutes competent or incompetent counsel. Usually a guilty verdict is allowed to stand if it seems that an attorney's actions did not significantly affect the judicial outcome.

The right to confront your accusers was a deliberate attempt to prevent the possibility of the U.S. some day having a Star Chamber as occurred previously in England. Witnesses must testify in open court and thus are available for cross-examination. The only cases where this is not done are in child abuse cases where child-victim testimony is allowed by videotape.

Seventh Amendment

> *In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.*

The Seventh Amendment addresses civil cases. It provides for a jury trial (in cases involving more than $20) that involves suits at common law. Although this seems like a logical right that would already be assumed, it reflects the concerns of the framers that a federal judiciary would set aside jury verdicts and perhaps even eliminate juries altogether.

Eighth Amendment

> *Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*

The Eighth Amendment protects citizens against excessive actions. These include excessive bail, excessive fines, and cruel and unusual punishment. These were all provisions found in English law used to restrict the excesses of the English kings.

The Supreme Court on many occasions has been called upon to consider whether a particular punishment was proportional to the crime. This has also included a number of controversial rulings over the last few decades about whether long prison terms or capital punishment constitutes cruel and unusual punishment.

Ninth Amendment

> *The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the*

> *people.*

The Ninth Amendment prevents the courts from thinking that the rights listed in the first eight amendments are exclusive and exhaustive. In other words, just because the Constitution does not specifically list a right does not mean that right is not retained by the people.

Judicial activists have used this amendment to justify their expansion of additional rights. The Supreme Court reasoned in this way concerning the so-called right to privacy. The Court argued that the First, Third, Fourth, and Fifth Amendments all protect privacy in some way. Therefore, they argued that the right to privacy does exist and should be protected by the Constitution.

Tenth Amendment

> *The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*

The Tenth Amendment protects the structure of federalism. Those powers not specifically delegated to the federal government are reserved to the States or the people. The framers intended that the people and the states would decide how power was to be delegated to the other levels of government (cities, towns, counties, etc.).

The Tenth Amendment was written to provide additional protection for federalism since many citizens were concerned with giving a national government too much power. Although the Tenth Amendment did provide some protection, its impact was undercut by the Fourteenth Amendment that effectively made the federal government the ultimate protector of states rights and has lessened its importance. **For Further Reading**

David M. Wagner, *Freedom Forum: A Commentary on the Bill of Rights*, Washington, DC: Family Research Council, 2000.

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