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*The Mythic Meanings of the Second Amendment  
Taming Political Violence in a Constitutional Republic*  
By David C. Williams

(New Haven: Yale University Press, 2003. Pp. x, 397. Notes, index. \$45.00.)

Almost thirty years ago, in *The Gun in America* (1975), Lee Kennett and James Anderson concluded that "time works against the gun" (p. 255). Yet, since this prediction, debates over the Second Amendment have only continued, heating with time. Now enters David Williams, John S. Hastings Professor of Law at Indiana University School of Law, Bloomington, who proposes to reduce the heat by constructing a new myth for these new times. An early participant in the most recent wave of polemical battles, Williams uses this book to solidify his arguments, while answering friends and critics—particularly Gary Wills, Saul Cornell, Robert Cover, and Sanford Levinson—and dismissing by silence those who composed the friendly brief in *U.S. v. Emerson* (2001).

The book is divided into three parts: the first is a foray into the period of the founding; the second, a survey of the complex present understandings of myths and political violence; the third, a proposed remedy for the current confusions over the meaning and significance of

the Second Amendment and, by implication, a prescription for judicial action. Here Williams concludes that as "disciplining violence is the first task of constitutional order, it is also the first duty of citizenship" (p. 313).

Williams's historical vision is inextricably intertwined with his idealism. His reading of the Second Amendment leads him to assert that "the right to bear arms belongs to the Body of the People, which is a *sui generis* element of eighteenth-century theory: the citizenry as a collectivity organized into a universal militia and unified by a common culture" (p. 70). Of course, such a vision of society did not survive the rapid growth and change of the nineteenth century, although the author includes little discussion of its erosion over time.

Williams states his thesis most clearly in the final section of the book. Here, he makes a plea for "restructuring" the Second Amendment by creating a new American unity built upon "the revival of a common life," and prescribes the construction of a new "myth" of "civic trust" (pp. 320,

322). The author's vision for this new unity rests upon a number of assumed historical constructs, most of which are debatable.

Many of Williams's readers will question whether the framers "gave" rights. This modern understanding of the state as a cornucopia of rights-giving is antithetical to much of the eighteenth-century literature regarding natural rights. Instead, the founding fathers spoke of the government of the self (which necessarily included a bundle of rights that was the birthright of all), a concept popularized in Thomas Paine's *Common Sense* and then formally asserted in the Declaration of Independence and codified in the constitutional imperative that "to secure these rights, governments are instituted among men."

Williams's treatment of the Second Amendment itself is equally problematic. He views the amendment as unique, even as he notes and discusses the significance of Article One, Section Eight, with its enumeration of the Congress's power to raise and arm a militia. In contrast, many historians have viewed the Second Amendment in the broader context of the entire Bill of Rights.

Finally, this work raises but does not entirely answer the question of the importance of federalism, both at the founding and since that time. Because Williams pays little attention to the Articles and argues against the "states' rights" defense of the Second Amendment, he overlooks a critical chapter in the history of American cit-

izenship. In contrast, James Kettner in *The Development of American Citizenship* (1978) emphasized state-based volitional allegiance as the original understanding of American citizenship, and an indispensable aspect of eighteenth-century theory of the government of the self.

Nagging details pile up throughout the book, subtracting from its presentation. Williams gives too little careful attention to *U.S. v. Miller* (1939) and the recent decisions of the U.S. Fifth and Ninth Circuit Courts. He inexplicably relies upon the discredited work of Michael Bellesiles while several documentary collections (among them, histories of ratification and of the first federal congress, including the 1991 collection *Creating the Bill of Rights*) go uncited and presumably unused. Herbert Storing's editorial and monographic work on the anti-federalists is nowhere to be seen. Finally, a careful reading of the book's notes raises questions as to the work of Williams's own editors. The inconsistencies of citation and other lapses (which include mention of James Madison introducing the Bill of Rights in 1792) suggest a carelessness that undermines the arguments of this book.

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