

# Northern States Supported the Right to Defend Yourself

Evil things happen. Bad men want to do bad things to innocent people. Is that not why we have a military to protect us from hostile foreign states and peoples?

The tradition in America has been that the individual also has the natural right to defend himself against other individuals and even a hostile domestic government, hence the right to bear arms.

Recently, there's been an [article](#) from *The Atlantic* making the rounds that argues that the "right to bear arms" is a legacy of the antebellum South's aristocracy. Here's how the piece opens:

"Gun-rights advocates have waged a relentless battle to gut what remains of America's lax and inadequate gun regulations. In the name of the Second Amendment, they are challenging the constitutionality of state and municipal 'may issue' regulations that restrict the right to carry weapons in public to persons who can show a compelling need to be armed. A few courts are starting to take these challenges seriously. But what the advocates do not acknowledge—and some courts seem not to understand—is that their arguments are grounded in precedent unique to the violent world of the slaveholding South."

Here's where the piece is more pointed:

"Public-carry advocates like to cite historical court opinions to support their constitutional vision, but those opinions are, to put it mildly, highly problematic. The supportive precedent they rely on comes from the antebellum South and represented less a national consensus than a regional exception rooted in the unique culture of

slavery and honor. By focusing only on sympathetic precedent, and ignoring the national picture, gun-rights advocates find themselves venerating a moment at which slavery, honor, violence, and the public carrying of weapons were intertwined.”

But is it true that the national picture of antebellum America was one in which Northern states were anti-gun rights and only Southern states were pro-gun rights?

Perhaps one of the best reflections of a culture is the laws that it passes. Therefore, it’s worth reading what state constitutions, not just the 2nd Amendment of the U.S. Constitution, had to say on the matter.

You will recall that each state has its own constitution. The reasons for doing so are multiple, but primarily under the idea of federalism, the U.S. government was held to the rules provided in the U.S. Constitution, though some of those laws applied to the states. Prior to the 14<sup>th</sup> Amendment (1868), states could have their own laws that varied wildly in the rights of individuals. An easy example of how it worked is that some states could have slavery and others did not.

So what did constitutions of the North look like before the Civil War, which started in 1861? Remarkably in favor of the right to bear arms. Take a look:

#### [Michigan’s Constitution of 1835](#)

Right to bear arms.

13. Every person has a right to bear arms for the defense of himself and the state.

#### [Ohio’s Constitution of 1851](#)

§ 1.04 Bearing arms; standing armies; military powers (1851)

The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are

dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.

#### [Indiana's Constitution of 1851](#)

Section 32. The people shall have a right to bear arms, for the defense of themselves and the State.

#### [Vermont's Constitution of 1777](#)

XV. That the people have a right to bear arms for the defence of themselves and the State; and, as standing armies, in the time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

#### [Vermont's Constitution of 1786](#)

XVIII. That the people have a right to bear arms, for the defence of themselves and the State: and as standing armies, in the time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by the civil power.

#### [Pennsylvania Constitution of 1776](#)

XIII. That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination to, and governed by, the civil power.

#### [Kansas Constitution of 1861](#)

Individual right to bear arms; armies.

A person has the right to keep and bear arms for the defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purpose; but standing armies, in time of peace, are

dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power

While not all Northern states had a right to bear arms in their state constitutions, it's dishonest to argue that the idea of bearing arms for self-defense originated with Southern, slave-holding aristocrats. The constitutions of various Northern states serve as very strong evidence that there was a "national consensus" around the right to bear arms for self-defense.