

Why the right to bear arms remains entrenched in American culture and politics

Adopted more than 230 years ago, the Second Amendment of the American Bill of Rights remains fundamental to the nation, despite repeated shootings.

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A new shooting broke out in the United States on Wednesday, February 14, in Kansas City, on the sidelines of the Super Bowl celebration. The initial toll was one dead and 21 wounded by gunfire. Reacting to the tragedy, US President Joe Biden once again pointed the finger of blame at guns: "Jill and I pray for those killed and injured today in Kansas City, and for our country to find the resolve to end this senseless epidemic of gun violence tearing us at the seams."

The shooting rekindles the debate on the Second Amendment to the Bill of Rights, which has allowed American citizens to "keep and arms" and form a "well-organized militia" since 1791. Still today, this historic right remains paramount for Americans, even as guns – and their victims – become more numerous in the country every year.

What are the origins of the Second Amendment?

Following the Declaration of Independence (1776) and the drafting of the Constitution (1787), in 1791 the United States added a Bill of Rights to the Constitution to limit the powers of the federal government. There were 14 states when the text was adopted.

Before the adoption of the Bill of Rights, which includes the Second Amendment, the US was in a rather peculiar situation. Despite the victory in the War of Independence in 1783, the British threat remained. The police and military forces of the nascent nation were still limited, and fear of a tyrannical power at the head of the federal state persisted in the minds of the founding fathers.

James Madison, drafter of the Bill of Rights, therefore felt it necessary to offer American citizens the possibility of arming themselves and forming a "militia" to provide security. "At the time, federalists and anti-federalists were at loggerheads," recalled US political scientist Didier Combeau. "This amendment provided for each federated state to have a conscript army. It was a way for them to maintain their power in the face of the federal state."

The slaveholding southern states were also reluctant to join forces with the north, but they eventually ratified the Constitution and Bill of Rights thanks to the opportunity offered by the Second Amendment: forming an armed group to keep control of the slave population, which outnumbered free men by up to four to one at the time.

Firearms definitively entered American culture in the 19th century, with the conquest of the West. They were first idealized by "gun manufacturers like Samuel Colt," who constructed a fantasized narrative about "the role of guns in building the US," said Combeau. Then, in the following century, they were mythologized by American filmmakers who gave them pride of place, particularly in westerns.

Can the current federal government modify the Second Amendment?

The federal government does not have the power to repeal or amend the right to bear arms. According to the Tenth Amendment to the Bill of Rights, powers not given to the federal government by the Constitution belong to the states. However, there are means to circumvent this 1791 amendment, said Combeau, author of the 2002

article "Les Américains et Leurs Armes" ("Americans and their Guns"): "The federal government can give subsidies to the federated states to encourage them to regulate more on the question of weapons. It can also legislate on the [arms] trade between federated states."

Several provisions have already been put in place to partially regulate this Second Amendment throughout the US, such as:

- the National Firearms Act (1934), taxing the manufacture and transfer of certain firearms;
- the Gun Control Act (1968), devised after the assassination of President John Fitzgerald Kennedy in 1963, restricting access to guns for certain categories of the population, such as criminals;
- the Gun-Free School Zones Act (1990), prohibiting certain people from carrying firearms in school zones ;
- the Brady Act (1993, named in memory of press secretary James Brady, severely wounded during the attempted assassination of President Ronald Reagan), requiring background checks for people wishing to buy a firearm;
- the Bipartisan Safer Communities Act (2022), passed after the Uvalde massacre (21 dead, including 19 children), strengthening background checks for gun buyers aged 18 to 21, better controlling illegal gun sales and funding programs dedicated to mental health.

The numerous mass killings of recent years have strengthened engagement on this subject by American presidents from the Democratic camp. Regulating the right to bear arms was one of Barack Obama's priorities during his two presidential terms (2009-2017). But these attempts at reform ended in failure because of Senate opposition. Elected in 2022, Biden has achieved more success, with the passage of the Bipartisan Safer Communities Act and the establishment of the federal Office of Gun Violence Prevention in September 2023.

Can states go further than the Second Amendment?

Under the Tenth Amendment to the Bill of Rights, the 50 states have the political power to toughen or loosen gun laws. They have the power to require a permit to carry or purchase a weapon, to conduct background checks on purchasers and to ban certain types of firearms.

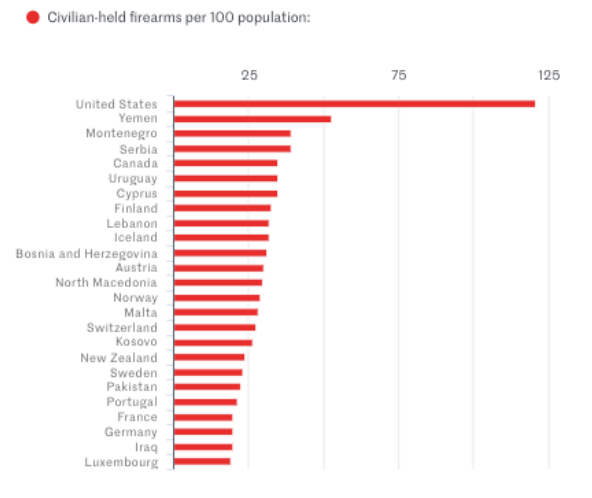
In the last two years, eight states (Georgia, Indiana, Louisiana, Ohio, Alabama, Florida, Nebraska and North Dakota) have decided not to require a license to own a firearm. In all, 27 states allow possession of firearms without a permit.

What are armament levels in the US?

The number of firearms in circulation exceeds the US population. According to the latest count by the Small Arms Survey observatory, there were 393 million firearms for 325 million US inhabitants in 2017. With such a ratio (120 firearms per 100 inhabitants), the US leads the world rankings, ahead of Yemen (52.8 weapons per 100 inhabitants) and Montenegro (39.1 weapons per 100 inhabitants).

The United States has over 120 civilian-held firearms per 100 people

Estimated numbers of firearms in civilian possession per 100 persons, in the 20 countries with the highest rates, as of 2017.

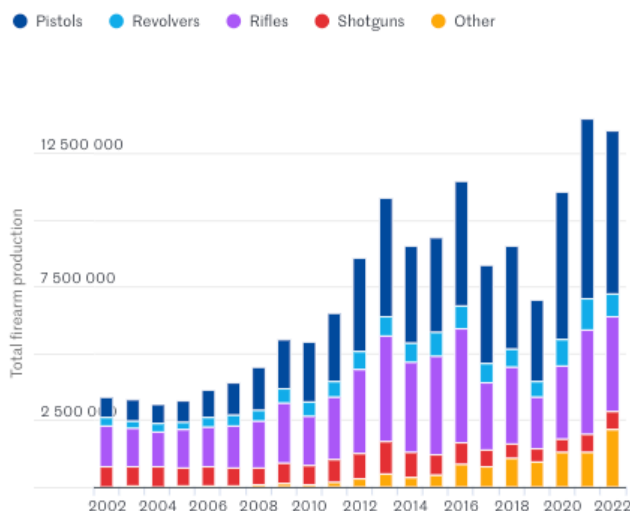


Source : [Small Arms Survey](#)

Production of pistols, revolvers, rifles, shotguns and all other firearms has risen sharply in the country over the past 20 years, from around 3.4 million firearms manufactured in 2002, to 13.4 million in 2022, according to figures from the [US Department of Justice](#).

Over the past 20 years, the number of firearms produced in the US has quadrupled

Firearm production in the US, by type, from 2002 to 2022.



Source : [US Bureau of Alcohol, Tobacco, Firearms, and Explosives \(ATF\)](#)

This trend has been accompanied by a rise in mortality in recent years. Over the past decade, more than 40,000 people have been killed each year, either by homicide or suicide, as a result of firearms, according to [Gun Violence Archive](#). This is a significantly higher level than other industrialized countries. By way of comparison, France "only" had 1,594 gun-related deaths in 2014, according to [latest available figures](#).

What is the state of American public opinion?

Two-thirds of Americans said they favored stricter regulation of the right to bear arms, according to a USA Today/Ipsos poll in 2021. Mass shootings seem to be a growing concern for some Americans. This is even though the vast majority "of people killed [by firearms] are killed in everyday brawls," pointed out Combeau, underlining that this poll result should not be over-interpreted. "Pro-regulation Americans want dangerous people to be prevented from having guns. They are not necessarily 'against' guns. In the US, the focus is on people. An honest citizen having a gun is not a danger in itself. In France, on the other hand, it's the weapons that are categorized."

Americans' attachment to firearms has been reinforced since the 1960s by the influence of pro-gun lobbies, such as the National Rifle Association (NRA) of America. This organization, founded in 1871, carries a great deal of political weight. It provides tens of millions of dollars in funding for election campaigns, such as Donald Trump's in 2016, and awards grades (from A to F) to politicians according to their stance on the right to bear guns.

However, the NRA is currently going through a troubled period. In 2020, New York State Attorney General Letitia James attempted to dissolve the association by filing a lawsuit for financial fraud. Its historic former vice-president, Wayne LaPierre, was also forced to resign in January 2023, before appearing in a personal-use embezzlement trial. Despite these setbacks, the NRA still boasts over four million members and remains a political compass for many Americans.