

The Myth of 'Invincible Militia'

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Notwithstanding *District of Columbia v. Heller*, 554 U.S. 570 (2008), the original public understanding of the Second Amendment was to guarantee not the right of individual citizens to possess arms for self-defence but the collective right of the people to keep and bear arms to act as 'a well regulated Militia'. This understanding presupposes the idea that a militia composed of freeholders is militarily stronger than regular troops composed of poor peasants or foreign mercenaries; a militia composed of independent citizens is a republican government's best protection against its enemies. This paper describes the lineage of this idea traced back to Sir John Fortescue, which was conveyed through Machiavelli, Bacon, and Harrington, etc. to American colonists. The author then introduces Edmund Morgan's contention that this myth did not correspond to the political-social realities of England and America. It may be the case that this myth has influenced some interpretive doctrines on Article 9 of the Constitution of Japan.