

“Well Regulated” Doesn’t Mean What Most People Think It Does

Denton Bramwell, Aug 6, 2007

What does “well-regulated” mean? Or, more to the point, what did it mean at the time that the constitution of the United States was being written? Fortunately, many old writings have been digitized, and are available on-line, making it possible to research that question.

Practically all modern references to the term “well-regulated” refer to activities that are regulated by law, such as the airline industry, the fur industry, or the gambling “industry”.

The contrast with writings from the 19th century was quite pronounced. Practically all the earlier references I could find had quite a different meaning, inconsistent with that interpretation. The clear meaning of the term in earlier texts was closer to “properly operating” or “in its ideal state”.

This is not too surprising, given that the emphasis of the earlier era was on individual responsibility, industry, and proper behavior being the foundation of a prosperous and orderly society, vs. our present indulgence in government regulation as a source of social good.

In Item 1, Anne Newport Royall commented in 1822 that Huntsville, Alabama was becoming quite civilized and prosperous, with a “fine fire engine” and a “well regulated company”. I suppose one could make the case that the firefighters were especially subject to rules and laws, but the passage is more coherent if read, “They have a very fine fire engine, and a properly operating company.”

William Thackary’s 1848 novel (item 4) uses the term “well-regulated person”. The story is that of Major Dobbin, who had been remiss in visiting his family. Thackary’s comment is to the effect that any well-regulated person would blame the major for this. Clearly, in this context, well-regulated has nothing to do with government rules and laws. It can only be interpreted as “properly operating” or “ideal state”.

In 1861, author George Curtis (item 5), has one of his characters, apparently a money-hungry person, praising his son for being sensible, and carefully considering money in making his marriage plans. He states that “every well-regulated person considers the matter from a pecuniary point of view.” Again, this cannot logically be interpreted as a person especially subject to government control. It can only be read as “properly operating”.

Edmund Yates certainly has to be accepted as an articulate and educated writer, quite capable of properly expressing his meaning. In 1884 (item 6), he references a person who was apparently not “strictly well-regulated”. The context makes any reading other than “properly operating” or “in his ideal state” impossible.

One of the most telling items is from 1834, Blackwood’s Edinburgh Magazine (item 8). Here we have a discussion of people who rose up against “encroachments of the Crown”,

i.e., active rebellion, while maintaining or restoring their “well-regulated organization.” Clearly, these were people who were actively shaking off government encroachment, not people in subjection to the rule of law. Yet they had, and maintained, a “well-regulated organization.” Again, the “subject to government laws and rules” interpretation is impossible. The passage must be read as “properly functioning” or “in its ideal state”.

In reviewing older writings, I have made no effort to select those that favor the “properly functioning” or “ideal state” interpretation. As nearly as I can tell, the items I have listed are a good representation of the old use of the term. They stand in sharp contrast to our modern use.

1.

http://findarticles.com/p/articles/mi_qa3880/is_200104/ai_n8951482/pg_1

Anne Newport Royall 1822, regarding Huntsville, Alabama:

They have a very fine fire engine, and a well regulated company.

2.

History of British Commerce and of the Economic Progress of the British Nation, 1763-1878 by Leone Levi, 1872, pages 238-239

http://books.google.com/books?id=ASR5pJUQRNEC&pg=PA239&lpg=PA239&dq=%22well+regulated+company%22&source=web&ots=UwH9-sbm3Y&sig=xF6w2gVMlrEsyLVMWAp_mjC1JGs#PPA238,M1

Regarding The East India Company, which had a monopoly on trade with China:

And it was assumed that, under such circumstances, the action of a well-regulated company, acting with honour and prudence, calculated to inspire confidence and encourage intimacy of relations, was of great benefit. But such allegations did not agree with the evidence that the Chinese have always been keen to engage in trade; whilst, as to the advantage of a well-regulated company over private traders, it was greatly neutralized by the fact that the Company had ceased practically to be a purely commercial company, and had acquired all the character of a military power.

3.

<http://www.constitution.org/cons/wellregu.htm>

The meaning of the phrase "well-regulated" in the 2nd amendment

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The following are taken from the *Oxford English Dictionary*, and bracket in time the writing of the 2nd amendment:

1709: "If a liberal Education has formed in us **well-regulated** Appetites and worthy Inclinations."

1714: "The practice of all **well-regulated** courts of justice in the world."

1812: "The equation of time ... is the adjustment of the difference of time as shown by a **well-regulated** clock and a true sun dial."

1848: "A remissness for which I am sure every **well-regulated** person will blame the Mayor." (other docs say "Major")

1862: "It appeared to her **well-regulated** mind, like a clandestine proceeding."

1894: "The newspaper, a never wanting adjunct to every **well-regulated** American embryo city."

The phrase "well-regulated" was in common use long before 1789, and remained so for a century thereafter. It referred to the property of something being in proper working order. Something that was well-regulated was calibrated correctly, functioning as expected. Establishing government oversight of the people's arms was not only not the intent in using the phrase in the 2nd amendment, it was precisely to render the government powerless to do so that the founders wrote it.

4.

<http://books.google.com/books?id=tQkoAAAAMAAJ&pg=PA283&lpg=PA283&dq=%22well+regulated+person%22&source=web&ots=OzDPmOZxMn&sig=9O03rArtrLY7yLg2BTrRGUUGK6U>

William Makepeace Thackeray

Vanity Fair, A Novel Without a Hero

1848

He did not like to own that he had not as yet been to see his parents and his dear sister Ann—a remissness for which I am sure every well-regulated person will blame the major. And presently he took his leave, leaving his address behind him for Jos, against the latter's arrival. And so the first day was over, and he had seen her.

When he got back to the Slaughter's, the roast fowl was of course cold, in which condition he ate it for supper.

Knowing what early hours his family kept, and that it would be needless to disturb their slumbers at so late an hour, it is on record, that Major Dobbin treated himself to half-price at the Haymarket Theater that evening, were let us hope he enjoyed himself.

5.

Trumps: A Novel, Geo. Wm. Curtis, 1861, page 146

<http://books.google.com/books?id=x5oiAAAAMAAJ&pg=PA146&lpg=PA146&dq=%22well+regulated+person%22&source=web&ots=fV2-YItNfu&sig=rmuw6javMY5U3UJrL-e0Tv6v-RU#PPR3,M1>

Marriage is a most important relation. Young men can not be too cautious in regard to it. It is not an affair of the feelings merely; but common sense dictates that when new relations are likely to arise, suitable provision should be made. Hence every well-regulated person considers the matter from a pecuniary point of view. The pecuniary point of view is indispensable. We can do without sentiment in this world, for sentiment is a luxury. We can not dispense with money, because money is a necessity. It gives me, therefore, great pleasure to hear that the choice of my son has evinced the good sense which, I may say without affection, I hope he has inherited, and has justified the pains and expense which I have been at in his education. My son, I congratulate you. Mrs. Dinks, I congratulate you.

6. Edmund Yates: His Recollections and Experiences, Edmund Yates, 1884, page 68

<http://books.google.com/books?id=Qq4LKE15GGQC&pg=PA68&lpg=PA68&dq=%22well+regulated+person%22&source=web&ots=9OaQzXmQqr&sig=I0G2eMg826HLfXFy3lZWPjtEvhY>

Some of his friends blamed him, and some pitied him; but to a few good and staunch and true who knew the man, his affectionate disposition, his warm generous heart, he was lovable to the last. By those his memory is still cherished in the full feeling that they could far more readily have spared a more strictly well-regulated person.

7. The Jew and Other Stories, Ivan Turgenev, Chapter 4, 1846

<http://etext.library.adelaide.edu.au/t/turgenev/ivan/jew/chapter4.html>

One autumn day there were five of us, ardent sportsmen, gathered together at Piotr Fedorovitch's. We had spent the whole morning out, had run down a couple of foxes and a number of hares, and had returned home in that supremely agreeable frame of mind which comes over every well-regulated person after a successful day's shooting. It grew dusk. The wind was frolicking over the dark fields and noisily swinging the bare tops of the birches and lime-trees round Lutchinov's house. We reached the house, got off our horses....

8. Blackwood's Edinburgh Magazine, 1834, page 71

<http://books.google.com/books?id=T3kAAAAAYAAJ&pg=PA71&lpg=PA71&dq=%22well+regulated+organization%22&source=web&ots=XqkmAomfDB&sig=PzKApjkhVbiOftQEIO0i2zwHsRE>

The English have, in every age, as Mr Burke observes, been remarkable for their love of freedom, but never till recently actuated by the passion for *equality*: they were extremely solicitous that the public liberties should be maintained, but they had no wish that the order of society should be subverted in the struggle, or the privates elevated to the rank of officers, in combating the common enemy. They went forth to resist the encroachments of the Crown, in the natural order of society, headed by their landlords, their magistrates, or their leading citizens, and when the victory was gained, fell back to the same state of established and well-regulated organization. Even during the democratic fervor of the great Rebellion, the same order was preserved...

9. The Writings of Harriet Beecher Stowe, Harriet Beecher Stowe, 1896, page 292

<http://books.google.com/books?id=519celhNQ20C&pg=PA292&lpg=PA292&dq=%22well+regulated+mind%22&source=web&ots=ViRKgH8XN-&sig=bNLVjDqfqnLPZa4GNmmQbx9Yjg>

"And there 's no sort of reason, Betsey, why you should n't exercise self-control and eat your supper," pursued Miss Dorcas authoritatively. "A well-regulated mind"---

"You need n't talk to me about a well-regulated mind, Dorcas," responded Mrs. Betsey in an exacerbated tone. "I have n't got a well-regulated mind and never had, and never shall have; and reading Mrs. Chapone and Dr. Watts on the Mind, and all the rest of them never did *me* any good. I'm one of that sort that when I'm anxious I *am* anxious; so it don't do any good to talk *that* way to me."

10. The Friends' Library: Comprising Journals, Doctrinal Treatises, and Other Writings of Members, William Evans and Thomas Evans, 1939, page 176

<http://books.google.com/books?id=ncMRAAAAIAAJ&pg=PA176&lpg=PA176&dq=%22well+regulated+industry%22&source=web&ots=LlzFNkYxT0&sig=1WIPZaiaDxj6n4F8Lf8H0aK6UjM>

There is yet another precious advantage results from bringing up children in habits of well-regulated industry and economy; little business will then be found sufficient to bring up a family reputably, when our wants are confined to real comforts and conveniencies, which Truth allows, as far as ever our circumstances will warrant them. It is those things which have nothing to recommend them but show, and an appearance of what the world calls gentility, that are opposed by the Truth in each of our minds, did we but attend to it more faithfully; for want of this attention, how many have become slaves to appearances! And where this well-regulated industry and economy are wanting, and idleness and fulness of bread prevail, how little is to be observed in the conduct of such, of reverential thankfulness for the bounties they are receiving from heaven.

11. The New Harmony Movement, George Browning Lockwood, Charles Allen Prosser, 1905, page 172 in the original, page 170 in the online version.

<http://books.google.com/books?id=7fEJAAAIAAJ&pg=PA170&1pg=PA170&dq=%22well+regulated+industry%22&source=web&ots=CDOEdWd1ot&sig=Sjpwrb4jx3E8FroZazr69KkPmgs#PPA170,M1>

You should have honesty of purpose; devotion to the success of each and all communities; confidence in one another and submission to majority rule; well-regulated industry and wise economy; to make provision for the schools should be an object of first importance.