



# Out of Range: Why the Constitution Can't End the Battle over Guns (Inalienable Rights)

*Mark V. Tushnet*

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Few constitutional disputes maintain as powerful a grip on the public mind as the battle over the Second Amendment. The National Rifle Association and gun-control groups struggle unceasingly over a piece of the political landscape that no candidate for the presidency--and few for Congress--can afford to ignore. But who's right? Will it ever be possible to settle the argument?

In *Out of Range*, one of the nation's leading legal scholars takes a calm, objective look at this bitter debate. Mark V. Tushnet brings to this book a deep expertise in the Constitution, the Supreme Court, and the role of the law in American life. He breaks down the different positions on the Second Amendment, showing that it is a mistake to stereotype them. Tushnet's exploration is honest and nuanced; he finds the constitutional arguments finely balanced, which is one reason the debate has raged for so long. Along the way, he examines various experiments in public policy, from both sides, and finds little clear evidence for the practical effectiveness of any approach to gun safety and prosecution. Of course, he notes, most advocates of the right to keep and bear arms agree that it should be subject to reasonable regulation. Ultimately, Tushnet argues, our view of the Second Amendment reflects our sense of ourselves as a people. The answer to the debate will not be found in any holy writ, but in our values and our vision of the nation.

This compact, incisive examination offers an honest and thoughtful guide to both sides of the argument, pointing the way to solutions that could calm, if not settle, this bitter dispute.

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