

The Constitutional Inversion, Part I

How the Changing Balance Between Government and People Reshapes Constitutional Rights — The Second Amendment as Case Study

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There is a way Americans talk about the Constitution that feels almost ritualistic. We refer to it as if it were a living guardian, hovering above history, protecting the people from power. We speak of it like an independent actor with agency: *the Constitution says, the Constitution forbids, the Constitution protects*. That language is comforting. It suggests permanence. It suggests that the document itself is the sovereign.

But that is not what the Constitution is. The Constitution is not a being. It is not a force of nature. It is a tool—an instrument embedded between two actual forces: **the People** and **the Government**. And like any instrument placed between forces, its role changes when the forces change.

My central claim is simple and disturbing: The American system has undergone a long inversion.

The Government began in a defensive position and has gradually moved to the offensive. The People began in an offensive position and have gradually moved to the defensive. And the Constitution—originally designed as a restraint—has increasingly become a framework through which power operates, a legitimizing membrane rather than a protective barrier.

This isn't a complaint about one policy or one party or one Supreme Court decision. This is a structural argument. It is about posture—offense and defense—and about what happens to a republic when the posture flips but the mythology does not.

In this essay, the Second Amendment is used not as the subject itself, but as an illustration of a broader structural shift. The argument is not about firearms policy. It is about how constitutional mechanisms change meaning as the balance of power between Government and People evolves over time. The Second Amendment serves here as a particularly clear example because its original counterbalancing function was explicit and easily understood. In a follow-up essay, this same analytical lens will be applied to other amendments, asking whether constitutional protections more generally change function as underlying conditions change. This approach reflects the broader philosophy of the *Uncompressed Thinking* channel: examining systems structurally rather than politically, and focusing on how institutional relationships transform as power and scale evolve.

I. Three Entities, One System

To see the inversion, you must stop treating the Constitution as the system. The system is a triangle.

1. **The People:** the ultimate source of legitimacy—at least in theory.
2. **The Government:** the organized machinery of coercion and administration.
3. **The Constitution:** the interface language between them—rules for how power is granted, restrained, and interpreted.

In the early American imagination, this triangle was stable because the People were not merely voters. They were not a symbolic “sovereign.” They were a real power in the physical sense: organized locally, armed in large part, economically independent enough to resist, socially cohesive enough to disobey, and politically suspicious enough to demand limits.

The Government, by contrast, was an experiment. New. Fragile. Potentially illegitimate. A structure that needed to justify itself, and—most importantly—needed to prevent collapse into chaos or disunion.

This asymmetry at the founding is not incidental. It explains everything that follows.

II. The Constitution Was Not Born as a Shield for the People

Here is a sentence that irritates people because it sounds backward: The Constitution was created at a time when the Government was weak and the People were strong—to maintain order and protect the governmental structure from disorder, fragmentation, and failure.

Many Americans have internalized a children's-book version of the founding: noble leaders drafting a charter to protect the people from tyranny. There is truth in that, but it is incomplete. The original Constitution was also a solution to practical weakness: confederation dysfunction, debt, trade chaos, interstate friction, inability to act as one nation.

If you want a pure “guards protecting the people from the government” document, you don’t find it in the original Constitution. You find it in what came next.

Because here is the crucial point—one of the most important facts in American political psychology: The Bill of Rights was not originally in the Constitution.

It was forced onto the federal government as a condition of trust.

That matters. It means many of the protections Americans treat as sacred were not the government’s initial offering. They were the People’s demand—politically driven by Anti-Federalist pressure and formalized through Madison and Congress as the price of legitimacy.

So the early Constitution-plus-amendments system had a particular posture:

- Government: **defensive**, constrained, watched.
- People: **offensive**, suspicious, armed with practical leverage.
- Constitution: **a restraint**, a leash, a warning label on power.

This arrangement is what Americans still *believe* they live under. The problem is that the physical and institutional conditions that made it true have eroded.

III. The Second Amendment as the Original Counterbalance Mechanism

The Second Amendment is where the structure becomes explicit. Not because it is the only right, but because it reveals the founding assumption in plain form: **the People must retain some capacity to resist power.**

Whatever else one believes about guns—sport, self-defense, culture—there is a deeper structural role that was at least part of the original logic:

The right to bear arms was a counterweight.

Not a hobby. Not a lifestyle. A counterweight.

In the eighteenth century, this was not fantasy. The technological and organizational gap between citizens and the state was not infinite. The state did not possess a planet-scale intelligence apparatus. It did not have drones. It did not have armored divisions. It did not have a professionalized monopoly on violence backed by an industrial economy and a permanent bureaucracy.

The Second Amendment made sense inside the founding equilibrium: a weak state, strong local society, and a fear—rational, fresh, and historical—that states drift toward coercion.

But an amendment's function depends on conditions. When conditions change enough, an amendment can remain textually present while becoming structurally irrelevant.

That is the key idea that will extend beyond the Second.

IV. The Inflection Point: Rights Begin to Require Power

The Civil War and Reconstruction mark the first great transformation of the triangle.

The Reconstruction Amendments—especially the Fourteenth—expanded rights. But they did so by shifting power. They implicitly established a new principle:

Rights are not merely protections *from* government.

Rights become guarantees *through* government.

This is a profound and permanent change in posture. The federal government is no longer merely the entity to be restrained. It becomes the entity expected to enforce justice against states, against local majorities, against entrenched social power.

That enforcement requires tools: jurisdiction, courts, federal authority, national supremacy. In other words: power.

The Fourteenth Amendment is the hinge. It is the gate through which modern America walks. It nationalizes the meaning of rights. It makes the federal government the final referee. It turns the Constitution into something like an engine: a device that can be used to intervene.

This is not a moral critique. It is a structural observation. And it matters because once you accept that rights require federal enforcement, you have accepted that power will grow.

And power, once grown, does not return to its earlier size voluntarily.

V. The Administrative Century: Government Leaves the Defensive Posture

Then comes the twentieth century, and something happens that Americans still haven't metabolized intellectually.

The state becomes permanent. Not just permanent in time, but permanent in scale.

The Sixteenth Amendment—income taxation—should be treated as a historical earthquake. It is not merely a technical budget mechanism. It is a constitutional authorization for a new kind of government: a government with sustained fiscal capacity to expand indefinitely.

After that, the government is no longer a modest apparatus funded mainly by tariffs and limited revenues. It becomes a continuously fueled machine. This is what I mean when I say *power*, not merely *capacity*.

Add to this the emergence of a permanent standing military, no longer a temporary force raised in moments of crisis but a continuous institutional presence, technologically advanced and organizationally unmatched by anything that existed at the founding. Alongside it grew a professionalized law enforcement structure, operating at multiple levels and increasingly coordinated, capable of projecting authority not only through force but through procedure and regulation. Over time, this was joined by a sprawling administrative bureaucracy, an apparatus designed not merely to govern but to manage—producing rules, interpretations, and compliance systems that extend far beyond what earlier generations would have recognized as government.

At the same time, technological surveillance transformed the relationship between citizen and state, not through overt intrusion but through the quiet accumulation of data, allowing observation without confrontation and knowledge without announcement. Regulatory authority expanded into economic life, shaping incentives, constraining choices, and defining the practical boundaries within which individuals and institutions operate. And perhaps most consequentially, modern systems created a form of dependence that is rarely acknowledged directly: participation in economic, financial, medical, and digital infrastructure became unavoidable, binding citizens to structures they cannot realistically exit without withdrawing from modern life itself.

These developments did not arrive as a single decision or design. They accumulated gradually, each justified in isolation, until the scale and reach of government power became something qualitatively different from what the constitutional balance originally assumed.

The People still vote. The People still speak. The People still protest. But those actions increasingly occur inside a framework whose boundaries are set by institutions far larger than any citizen can meaningfully oppose.

This is the point where offense and defense begin to swap sides.

VI. The Second Amendment as Modern Fiction

Here is the claim that triggers emotional reaction, which is precisely why it must be said plainly:

The Second Amendment—under modern conditions—cannot function as a counterbalance between People and Government.

It cannot, because the underlying assumption of contestability is gone. The government's armed infrastructure is not merely larger than the People's; it is categorically different. The gap is no longer quantitative. It is qualitative.

A population with firearms does not constitute a meaningful check on a modern state whose power rests not only in weapons but in systems—integrated intelligence networks, pervasive electronic monitoring, coordinated logistics, armored mobility, centralized command structures, and, perhaps most decisively, legal and institutional control over financial life itself. The imbalance is no longer merely one of scale but of organization, information, and infrastructure, creating an asymmetry in which contest is not realistically between citizens and government, but between individuals and an

interconnected system that operates far beyond the level at which physical force alone can serve as counterbalance.

Even if one imagines an extreme scenario, the contest is not “people vs. government.” It becomes “some people vs. the rest of society plus the state.” The state’s modern strength is not only its weapons. It is its organizational advantage and its ability to control systems citizens depend on.

So the Second Amendment persists as **symbol**, not mechanism. It becomes a kind of constitutional dream: a story people tell themselves about balance, long after balance is no longer structurally real.

And here is the darker twist:

When an institution becomes too powerful to be checked, it can afford to “tolerate” symbolic constraints while eroding their practical meaning.

That erosion can happen in many ways—legal reinterpretation, regulatory narrowing, cultural reframing, selective enforcement, administrative friction. The government does not need to abolish the text. It only needs the text to be inert.

This is not unique to the Second. It is a template.

VII. Applying the Same Lens to Other Amendments

Once you see amendments as counterbalance mechanisms, you can ask a new set of questions.

Not: “What does the amendment say?”

But: “What did the amendment *do* in its historical context?”

And then: “Can it still do that now?”

The First Amendment

The First Amendment was conceived in an era when suppression looked like obvious censorship: a state jailing dissenters, shutting down newspapers, punishing speech directly.

But modern suppression rarely needs direct censorship. It can operate through:

- institutional gating (who gets platforms, funding, employment),
- social enforcement and reputational destruction,
- bureaucratic pressure,
- and—most importantly—through private intermediaries whose incentives align with centralized power.

When the public sphere is functionally mediated by large systems, “freedom of speech” becomes legally intact but practically conditional. The amendment is still there, but the battlefield has moved.

The Fourth Amendment

The Fourth Amendment was written for doors, drawers, and papers. It assumes a world where search requires physical intrusion.

Modern reality is built on permanent data trails. The search occurs not by breaking into your house but by retrieving what you continuously emitted: location, purchases, communications metadata, behavioral patterns.

The Fourth Amendment can survive in text while becoming irrelevant in the face of systems designed around voluntary surveillance—surveillance you cannot realistically avoid without exiting modern life.

The Tenth Amendment

The Tenth Amendment reserves powers to the states and the people. Yet fiscal dominance transforms the structure. When the federal government funds large portions of state systems, “state autonomy” becomes partially theatrical. Authority follows the money.

The theme repeats: the words persist; the leverage dissolves.

The Fourteenth Amendment

Here is where the argument becomes more complex. The Fourteenth both protects and empowers. It is a rights shield, and it is a federal power instrument. It marks the constitutional transition from “limiting government” to “using government as the enforcement vehicle.”

And once you accept that vehicle, you must accept the risk: the same engine that can enforce rights can also enforce conformity. The same mechanism that can intervene against injustice can intervene in realms the Founders never imagined being subject to national arbitration.

The Constitution becomes less a barrier and more a software layer enabling centralized action.

VIII. The Present Condition: Government No Longer Needs the Constitution in Its Original Role

This brings me to the line that, once said, cannot be un-said:

A government that becomes overwhelmingly powerful no longer needs the Constitution as a restraint for its own survival.

It needs the Constitution for something else: legitimacy, continuity, social coherence, procedural stability. It needs the Constitution as a stabilizer—like a skin that holds the organism together—not as a leash that prevents movement.

This changes the role of the document. The Constitution becomes a mechanism for controlled evolution of power, not necessarily for limitation of power.

And in this state, the chipping away of protections becomes almost natural. Not always dramatic. Often incremental. Often justified. Often even demanded by a population trained to equate security with control.

“Easy to justify,” as I put it. Exactly.

IX. A Path Back to Health: Restoring Counterbalance in a World That No Longer Supports It

If all I do is diagnose the inversion, then this essay becomes another piece of clean despair. I don’t want that. I want an attempt—however imperfect—at restoration.

But here is the first hard truth:

We cannot restore the original balance by nostalgia.

The world that produced the original balance does not exist.

So the question becomes: can we create *new* counterbalances that accomplish the same structural purpose under modern conditions?

I think there is a path. I also doubt our willingness to walk it. Both feelings are real in me: hope in concept, doubt in implementation.

1) Restore the People's Leverage Through Institutional Decentralization

Counterbalance requires leverage. Today, leverage concentrates because systems concentrate: finance, communication, healthcare, education, data.

A healthy counterbalance would require deliberate decentralization—structural, not rhetorical:

- Devolving more operational authority back to states and localities in domains that do not require national uniformity.
- Reducing dependence on federal funding mechanisms that turn state governments into administrative contractors.
- Building redundancy into governance so that “one center” cannot determine the shape of all life.

This is not “small government” as a slogan. It is *distributed power* as a survival architecture.

2) Rebuild the Separation of Powers as a Functional Reality, Not a Ceremony

The American design assumes internal counterweights: branches checking branches.

In practice, modern governance often operates as a fused system: executive agencies make rules; courts defer; Congress performs theater.

Restoration would require:

- forcing Congress back into real lawmaking rather than delegating to agencies,
- limiting the scope of administrative rule-making that functions like legislation,
- strengthening oversight mechanisms that are not performative,
- and making “emergency powers” genuinely temporary with hard expiration.

If this sounds technical, that’s because the real levers are technical. Tyranny rarely arrives wearing a crown; it arrives as procedure.

3) Make Surveillance Power Constitutionally Visible

The Constitution is weakest where it is blind. It cannot restrain what it does not acknowledge.

We need something like a modern “Fourth Amendment restoration,” not by repeating the old text, but by explicitly constitutionalizing limits on:

- mass data collection,
- indefinite retention,
- warrantless bulk access,
- and opaque algorithmic governance.

The state’s greatest power today is not its guns. It is its ability to know, predict, and control without appearing to coerce.

A free people cannot remain free while living inside an invisible monitoring machine.

4) Rebuild Civic Cohesion So the People Can Act as a People

This may be the hardest point.

The People can only be “offensive” in the structural sense when they are capable of collective action, mutual trust, and shared standards of legitimacy. A fragmented population becomes individually loud but collectively weak. It becomes easy to manage.

Restoration requires:

- re-legitimizing disagreement without moral extermination,
- rebuilding local civic organizations and non-government institutions,
- reducing the degree to which every conflict becomes national and existential.

If every political dispute is treated as apocalyptic, the People will beg the Government to resolve it, and the Government will happily oblige.

5) The Second Amendment: Reframe It Honestly

If the Second Amendment cannot practically counterbalance the modern state, then the debate must stop pretending it can—because that pretense becomes a psychological trap.

The only honest modern roles for the Second are:

- self-defense in limited contexts,
- cultural identity,
- and symbolic resistance.

The original counterbalance function is not recoverable through firearms alone, because counterbalance today is informational, financial, institutional, and technological.

If one insists that guns are the check, one is clinging to a relic while losing the real battlefield.

6) Build a “Constitutional Fitness” Culture

This is the cultural counterpart to institutional reform.

Just as physical health requires habits, constitutional health requires habits:

- skepticism toward concentrated power,
- resistance to “temporary” expansions,
- insistence on procedural limits even when outcomes are tempting.

A society that treats constitutional restraint as an inconvenience will get exactly what it deserves: a powerful government that treats restraint as optional.

X. Conclusion: Hope, Doubt, and the Quiet Question of Irreversibility

So where does this leave me?

I see a clear structural story: a long inversion where government moved from defensive to offensive and people moved from offensive to defensive, while the Constitution shifted from restraint to operational framework.

The Second Amendment examined here is not unique. It is simply the clearest example of a broader structural question running beneath this essay: whether constitutional protections themselves change

function as the balance of power between Government and People evolves. That question does not end here. It extends across other amendments and other protections, suggesting that what we are observing may not be the erosion of individual provisions, but a deeper transformation in the role the Constitution itself plays between the governed and those who govern.

I see why it happened. Much of it was not conspiracy. It was complexity. Modern life requires coordination; coordination requires administration; administration requires power; power accumulates.

I also see the danger: when the Government becomes too powerful, the Constitution can persist as text while losing its original function. The people can retain formal rights while losing practical leverage. And the system can remain superficially “constitutional” while the relationship underneath it decomposes.

Here is my mix of hope and doubt.

My hope is conceptual: the path to restoration exists. It is not mystical. It is structural: decentralize power, re-limit administrative government, constitutionalize surveillance constraints, rebuild civic cohesion, stop clinging to symbolic checks, and relearn constitutional discipline as a habit.

My doubt is human: we may not want to do it. Because restoration is harder than expansion. It requires restraint. It requires giving up conveniences. It requires refusing to weaponize government against opponents. It requires a public that values limits more than victories.

And that is where the inversion becomes almost self-feeding: a weakened people, fragmented and anxious, will demand more government intervention, which strengthens government further, which weakens the people further.

The founding equilibrium depended on a kind of citizen—independent, locally rooted, difficult to manage, hard to intimidate, and deeply skeptical. The modern state depends on a different kind of citizen—digitally mediated, economically dependent, politically tribal, and trained to outsource responsibility upward.

So the final question is not legal. It is civilizational:

Can a people raised inside a powerful administrative system summon the maturity to limit it—not because they lost an election, but because they understand what unlimited power becomes, even when it claims to be benevolent?

If the answer is yes, the Constitution can regain something like its original role—not by returning to the eighteenth century, but by engineering new counterbalances suitable for the twenty-first.

If the answer is no, then the Constitution will remain as a revered artifact—quoted, litigated, celebrated—while its function quietly changes into something else: not a shield between people and power, but a procedure for managing power’s evolution.

And that is the decomposition I am watching with a calm mind and an uneasy stomach: the slow conversion of a restraint into a wrapper, the slow conversion of citizens into clients, and the slow conversion of constitutional government into government that merely tolerates the Constitution.

Not abolished. Not overthrown. Just... outgrown.

And in that quiet “outgrowing” lies the most American form of loss: legal continuity with structural surrender.

If this analysis is correct, then what appears here through the Second Amendment may be only the most visible example of a broader phenomenon: constitutional mechanisms persisting while their original counterbalancing function gradually erodes. The next step is to examine other amendments through the same lens—not to weaken them, but to understand whether their function has shifted as profoundly as the balance of power itself.