

**JOYCE LEE MALCOLM
PROFESSOR OF LEGAL HISTORY
GEORGE MASON UNIVERSITY SCHOOL OF LAW**

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DEGREES

Ph.D., M.A., Brandeis University, Comparative History
B.A. Barnard College, Distinction in History
FRHS Fellow, Royal Historical Society

ACADEMIC AND RESEARCH POSTS

George Mason University School of Law
Professor of Legal History, 2006-present

National Endowment for the Humanities
Director, Division of Research Programs, 2005-2006

Princeton University
Visiting Professor, Politics Department, 2003-2004
Fellow, James Madison Program in American Ideals and Institutions, 2003-2004

Massachusetts Institute of Technology
Senior Advisor, Security Studies Program, Center for International Studies, 1997-present

Bentley College
Professor of History, 1992-present; Associate Professor, 1988-1992
Chair, Department of History, 1992-1994

Massachusetts Center for Renaissance Studies
Visiting Scholar, 1999-2001

Bye Fellow, Robinson College, Cambridge University
1989-present

Founder and Director, New England Heritage Center,
1986-2001

National Park Service, Consultant

Early American Legal and Social History, 1982-1983

Boston University

Assistant Professor of History, 1978-1979

Northeastern University

Assistant Professor of History, part-time

Cambridge University

Teaching and Supervising Candidates in the Modern History Tripos,

PROFESSIONAL AFFILIATIONS

Fellow, James Madison Program, Princeton University

The Historical Society, Board of Directors

MIT Security Studies Program, Senior Advisor

Fellow, Royal Historical Society

Northeast Conference on British Studies, Vice President

Robinson College, Cambridge University, Bye-Fellow

TEACHING INTERESTS

Major Fields of Specialization: Constitutional and Legal History, The Individual and the State, especially the development of individual rights in Great Britain and America; War and Society; Crime, Violence and Public Policy; comparative government

Additional Fields: Early Modern Britain, Irish History, Early Modern Europe

PUBLICATIONS

BOOKS

Stepchild of the Revolution: A Slave Child in Revolutionary America, Yale University Press, forthcoming.

Null and Void: The Origins of American Judicial Review work in progress.

Guns and Violence: The English Experience, Harvard University Press, May, 2002, paperback September 2004. This book examines the relationship between armed citizens and violent crime by analyzing the English experience from the late Middle Ages to the present. A Portuguese language edition will be published in Brazil 2004. The book was reviewed in the *Wall Street Journal* and Fox News online and widely discussed both here and abroad.

The Struggle for Sovereignty: Seventeenth-Century English Political Tracts, 2 vols., Liberty Classics, May, 1999. I edited, introduced and compiled this collection. The tracts deal with key constitutional debates and issues basic to modern American and British political philosophy and practice.

To Keep and Bear Arms: The Origins of an Anglo-American Right, Harvard University Press, 1994, paperback, 1996. First full-scale study by a professional historian of the origins of a significant and controversial liberty, the right to be armed. Three printings in its first 6 months.

***Cited with approval Supreme Court opinion, *Jay Printz, et. Al.*, June 1997.

***Singled out by Supreme Court Justice Antonin Scalia as an “excellent study”, *A Matter of Interpretation: Federal Court and the Law* (Princeton, 1997). Widely cited in court opinions and scholarly literature, most recently by the Supreme Court of Oregon in *State of Oregon v. Mark Lee Hirsch, June 23, 2005*.

Caesar’s Due: Loyalty and King Charles, 1642-1646, Royal Historical Society Monograph Series (London, 1984), Humanities Press (USA, 1984). This is an analysis of public opinion and loyalty during the English Civil War.

The Scene of the Battle, 1775, Department of the Interior (Fall, 1985). Original investigation of the people and setting of the battle of Lexington and Concord. It has been used in both historical writing, and as a guide for restoration of the Minute Man National Historical Park.

CHAPTERS IN EDITED BOOKS

“A King in Search of Soldiers: Charles I in 1642,” in *The English Civil War*, International Library of Essays in Military History (forthcoming, June 2007).

“Moral Strangers: Royalist Loyalty, Charles II and the Scots Invasion of 1651,” in book of essays on royalists (forthcoming, Cambridge University Press).

”Abridged: The Second Amendment,” in *You Decide: Current Debates in American Politics* (2 editions, third edition forthcoming).

“The Novelty of James Madison’s Constitutionalism,” in *James Madison and the Future of Limited Government* (Washington, D.C., 2002).

“The Right of the People to Keep and Bear Arms: The Common Law Tradition,” *Hastings Constitutional Law Quarterly*, vol. 10, no. 2 (Winter,1983) reprinted in *The Bill of Rights and American Legal History*, ed. Paul L. Murphy, Garland Press (1991); in *Controversies in Constitutional Law, Gun Control and the Constitution*, vol. III, Garland Press (1993); in *Gun Control and the Constitution: Sources and Explorations on the Second Amendment* (Garland Press, 1994).

ARTICLES:

Clive Emsley, *Hard Men: Violence in England since 1750*, review, *English Historical Review*, forthcoming.

“The UN’s Global Campaign to Disarm Civilians: Wisdom or Folly?” *Breakthroughs*, vol. XIV, no. 1, Massachusetts Institute of Technology, Spring, 2005, pp. 22-30.

“Firearms (non-military),” essay for *Encyclopedia of the New American Nation*, Scribers, in press.

Regular contributor to website of Social Affairs Unit, UK (socialaffairsunit.org.uk). The Social Affairs Unit is a British foundation that publishes “intelligent comment and serious articles and reviews on culture high and low” contributed by a roster of distinguished British scholars. See published essays below.

“Time for the Police to Be Armed and for Home Owners to Have the Right to Protect Themselves,” December 8, 2005.

“9/11, 7/7 and Hurricane Katrina: The Benefits of the Disaster Blame Game,” September 21, 2005.

“The London Bombings: Britain’s Pearl Harbor?” August 25, 2005.

“A Tale of Two Documents: The EU Constitution vs. the US Constitution” July 4, 2005.

“The Cost of Playing ‘Let’s Pretend’: an American Perspective on the Demise of the Irish Moderates,” June 1, 2005.

“Civil Liberties Cannot Be Defended Selectively,” March 30, 2005.

“The People vs Super-Nanny: The Options for Hunters and Householders,” February, 18, 2005.

“Why Parliament will not restore the householder’s right to self-defence,” January 12, 2005.

“Bashing Burglars: The Right to Self-Defence,” December, 2004.

“That Dog Don’t Hunt: Hunting and Politics in America and Britain,” November, 2004.

“A Rescue Effort to Save Diplomatic and Military History,” *Historically Speaking*, July/August, 2004, pp. 40-41.

“Self-Defense: An Endangered Right,” cover essay, *Cato Policy Report*, Cato Institute, vol. XXVI, no. 2, March-April, 2004.

“Lessons of History: Firearms Regulation and the Reduction of Crime,” *Texas Review of Law and Politics*, vol. 8, no. 1, Fall, 2003, pp. 175-187.

H. Jefferson Powell, *A Community Built on Words: The Constitution in History and Politics*, book review, *American Historical Review*, April, 2004, pp. 517-518.

“Gun Control in England: The Tarnished Gold Standard,” *Firearms and Public Policy*, vol. 16, Fall 2004, pp. 123-134.

“Terror in Renaissance Europe: A Sampler,” *Massachusetts Center for Renaissance Studies Journal*, Spring 2004.

“Gun Laws and Policies: A Dialogue,” *Focus on Law Studies*, American Bar Association, vol. XVIII, no. 2 (Spring, 2003).

“Infringement,” *Common Place*, vol. 2, no. 4, July, 2002. This was a special issue with roundtables on controversial aspects of the Constitution. This essay was reprinted in John T. Rourke, ed., *You Decide*, Longman’s Publishers (White Plains, 2003) and will appear in the 2nd edition in press.

Akhil Amar, *The Bill of Rights: Creation and Reconstruction*, book review, *American Historical Review*, vol. 107, no. 1 (February, 2002), pp. 177-178.

Don Kates and Gary Kleck, *Armed: New Perspectives on Gun Control*, review, *Ideas on Liberty*, December, 2002, 246-247.

Michael Mendle, ed., *The Putney Debates of 1647: The Army, the Levellers, and the English State*, book review, *Journal of Interdisciplinary History*, January, 2003.

Review essay, *Arming America: The Origin of a Gun Culture* by Michael Bellesiles, *University of Texas Law Review*, vol. 79, no. 6 (May, 2001) pp. 1657-1676. (this law review is one of the 5 most widely read).

“The Missing Mob, or Why Charles I Was Not Rescued,” *North American Society for Court Studies*, Spring, 2000.

Stephen P. Halbrook, *Freedmen, the Fourteenth Amendment, and the Right to Bear Arms, 1866-1876*, book review, *American Historical Review*, June 2000, pp. 931-932.

“Doing No Wrong: Law, Liberty and the Constraint of Kings,” *Journal of British Studies*, vol. 38, no. 2 (April, 1999), pp. 161-186.

“The Vanishing Right of Self-Defence in England,” *Breakthroughs*, MIT Security Studies Program, vol. VIII, no. 1, spring, 1999.

“The Second Amendment and the Individual’s Right to Be Armed,” Statement to the US Senate Committee on the Constitution, expert witness, September 23, 1998.

“The Origins and Intent of the Second Amendment,” Statement to the US House of Representatives Judiciary Committee Subcommittee on Crime, expert witness, April 5, 1995.

“Gun Control and the Constitution: Sources and Explorations of the Second Amendment,” review essay, *University of Tennessee Law Review*, vol. 62, no. 3 (Spring, 1995), pp. 813-821.

“The Creation of a ‘True, Ancient, and Indubitable’ Right: The English Bill of Rights and the Right to Be Armed,” *Journal of British Studies*, 32 (July, 1993), pp. 226-49.

“The Role of the Militia in the Development of the Englishman’s Right to Be Armed: Clarifying the Legacy,” *Journal of Firearms and Public Policy*, vol. 5, no. 1 (Fall, 1993), pp. 139-152.

“Charles II and the Restoration of Royal Power,” *The Historical Journal*, 35, 2 (1992), pp. 307-330. (*The Historical Journal* is published by Cambridge University).

“That Every Man Be Armed: The Evolution of a Constitutional Right,” review essay, *The George Washington Law Review*, vol. 54, nos. 2 & 3 (January & March, 1986), pp. 452-464. This was a special issue on civil right and civil liberties. My essay was reprinted in *Controversies in Constitutional Law, Gun Control and the Constitution*, vol. II, Garland Press (1993).

“The Right of the People to Keep and Bear Arms: The Common Law Tradition,” *Hastings Constitutional Law Quarterly*, vol. 10, no. 2 (Winter, 1983), pp. 285-314. This article has been widely cited in books, court decisions and law review articles and reprinted in major collections, for example, *The Bill of Rights and American Legal History*, ed. Paul L. Murphy, Garland Press (1991); *Controversies in Constitutional Law*, ed. Paul Finkelman, *Gun Control and the Constitution*, vol. III, Garland Press (1993); and Robert Cottrol, ed., *Gun Control and the Constitution: Sources and Explorations on the Second Amendment* (Garland Press, 1994).

SELECTED ESSAYS AND JOURNALISM

“Mad Dogs and Englishmen,” Op-Ed essay, *Wall Street Journal*, June 17, 2006.

“Where I come from, our homes are still our castles,” opinion piece, *British Sunday Telegraph*, October 31, 2004. The *Sunday Telegraph* has the second largest circulation among Sunday papers nationally. Also online at www.telegraph.co.uk. Reprinted in *First Freedom*, January issue.

“The Case for Self Protection,” *The American Legion Magazine*, October, 2004, pp. 40-44. 2.7 million subscribers, over 4 million readers. This essay has been reprinted in six different journals.

“Disarming History: How *Arming America* Was Exposed as a Fraud,” *Reason Magazine*, March, 2003, pp. 22-29.

“Gun Control in Great Britain: A Failed Policy,” BBC News Online feature essay, January 14-15, 2003. The BBC News online is second in size only to CNN news online and gets 12 million hits a day.

“Gun Control’s Twisted Outcome,” *Reason Magazine*, November, 2002, pp. 20-25.

“Trigger Unhappy,” cover essay, *Financial Times Weekend Edition*, June 22, 2002.

“Guns & Violence,” opinion piece, *Times Higher Education Supplement*, June 21, 2002.

“Targeting a Myth,” cover essay, Focus section, *Boston Sunday Globe*, May 26, 2002, pp. D 1-2. This article averaged the 2nd greatest number of online hits the entire week.

“Concealed Weapons,” *Reason Magazine*, vol. 32, no. 8, January 2001, pp. 46-49.

Opinion Piece, “English Are Becoming the Slaves of Ruffians,” *The Providence Journal*, December 1, 1998.

Opinion Piece, “Of Guns and Knitting Needles,” *The Washington Times*, January 14, 1999.

Guest Historian, *USA Today*, Op-Ed page, “Mistrust of government: Key to American History,” June 23, 1995. This piece was reprinted in *USA Today* European edition. I have also written a number of articles on constitutional issues carried by the Knight-Ridder wire service.

MEDIA

Interviewed on numerous radio and television talk shows including the following:
Gene Burns Program, KGO Radio San Francisco (ABC Radio’s #1 station for Northern California), September 22, 2006.

BBC Radio 5, Late Night Live with Phil Williams, December 19, 2005.

Michigan Public Radio, Ann Arbor, Michigan, Jack Losenberry Program, October 5, 2005

BBC Radio 5, Sunday Breakfast Program, March 13, 2005

BBC Radio 5, “Up all Night,” December, 2004.

Dan Pierce Program, largest radio network in New Hampshire, June 24, 2004.

Lee Rogers Program, KSFO-radio, San Francisco, July 7, 2003.

Alan Jones Programme, Radio 2GB Sydney, Australia, Jun 4, 2003.

Documentary film, "Michael and Me," March 29, 2003 on Michael Moore.
 BBC Radio 5, Matthew Bannister host, January 15, 2003.
 BBC Radio 5, "Up All Night," January 2, 2003.
 BBC World Service, "Talking Point," October 27, 2003.
 The Global Village, WLIB, National Public Radio, New York City, September 9, 2002.
 Glen Mitchell Show, National Public Radio, Dallas, August 23, 2002.
 Laura Ingraham Show from Washington, syndicated, AM840, August 16, 2002.
 WGBH (PBS TV), "Greater Boston with Emily Rooney," July 9, 2002. Also appeared
 on this program December, 1998.
 BBC Radio 4, "Women's Hour," July 4, 2002.
 Ron Smith Show, WBAL AM1090 Baltimore area, July 2, 2002.
 National Public Radio, KPCC Pasadena, "Talk of the City," June 5, 2002.
 Leherer News Hour, PBS, May 8, 2002.
 National Public Radio, "Talk of the Nation," July, 1998, February, 1996.
 Wisconsin Public Radio for documentary, aired March, 2001.
 Barbara Simpson Talk Show, Radio Station KSFX San Francisco, largest AM station in
 Bay area, September, 1999.
 Appeared in documentary "History of Women and Firearms," History Channel,
 November, 1998.

HONORS & FELLOWSHIPS

Outstanding Scholarly Contribution Award, Bentley College, 2005
 James Madison Program Fellow, Princeton University, 2003-2004
 Visiting Professor, Department of Politics, Princeton University, 2003-2004
 Earhart Foundation, Research Fellowship Grant, 2003-2004
 Innovation in Teaching Award, Bentley College, 2002
 Rauch Grant, 2002
 Summer Research Grants, Bentley College, 2005, 2004, 2001, 1999, 1995
 Faculty Affairs Committee Grant, 2001
 Visiting Scholar, Liberty Fund, January-June 2000
 Jasper and Marion Whiting Foundation Fellowship, 1996-1997
 Earhart Foundation, Research Fellowship Grant, 1996-1997
 Fletcher Jones Foundation Fellow, Huntington Library, San Marino, California, 1991
 Research Fellowship, Bentley Institute for Research, 1991-1992
 Bye-Fellow, Robinson College, Cambridge University, 1989-present
 Nominee, CASE Professor of the Year, Bentley College, 1987
 Excellence in Research Award, Bentley College, 1986
 Visiting Fellow, Harvard Law School, 1981-1982
 Fellowship in Legal History, American Bar Foundation, 1980-1981
 Mark DeWolfe Howe Research Grant, Harvard Law School, 1980-1981
 NEH Fellowship for Independent Research and Study, 1979-1980
 Fellowship, Radcliffe Institute, Harvard University, 1979-80