

## Right to protection against infection? Do masks and stay-at-home orders violate the Constitution? Check out the Third Amendment

[P]rotesters have resisted [COVID] safety measures under the belief that they violate constitutionally guaranteed liberties... But a profound historical counter-vision to these ideas about “individual liberty” can be found in one of the most neglected and underappreciated corners of the Bill of Rights: the Third Amendment.

“No soldier,” the amendment [reads](#), “shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.”

...

The quartering of sick troops forced civilians to come into intimate contact with disease. Soldiers sometimes [paid](#) to stay in private homes instead of hospitals, but they weren’t always welcome.

Follow the latest news and policy debates on sustainable agriculture, biomedicine, and other ‘disruptive’ innovations. Subscribe to our newsletter.

[SIGN UP](#)

[I]f the Third Amendment may have something to do with a right to be free from infection, what exactly is that right? Construed most narrowly, the amendment might merely imply a right to be free from having a specific category of people who might carry diseases forcibly pushed into one’s house without consent. But broader interpretations are possible. The amendment could be interpreted to include other governmental actors, and house could be understood expansively. The broadest interpretation might recognize a general right to be free from being forced to come into close contact with diseases.

[Read the original post](#)