Comparing the English Bill of Rights, American Bill of Rights, and the Declaration of the Rights of Man and Citizen

The Scientific Revolution and the Enlightenment drove many changes around the world in the seventeenth and eighteenth centuries. The Glorious Revolution in England brought about the English Bill of Rights, which acknowledged Parliament’s right to make laws and to limit royal interference. The Enlightenment also played a role in the American Revolution that led to the U.S. Constitution and Bill of Rights. The Age of Reason (The Enlightenment) also inspired the French Revolution and the Declaration of the Rights of Man & Citizen. Many natural rights put forth by seventeenth- and eighteenth-century French and English philosophers are reflected in these documents.

Primary Source:

The English Bill of Rights (1689)

Whereas the said late King James II having abdicated the government, and the throne being thereby vacant, his Highness the prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the lords spiritual and temporal, and diverse principal persons of the Commons) caused letters to be written to the lords spiritual and temporal, being Protestants… to meet and sit at Westminster upon the two and twentieth day of January, in this year 1689, in order to such an establishment as that their religion, laws and liberties might not again be in danger of being subverted; upon which letters elections have been accordingly made.

The Subject’s Rights

And thereupon the said lords spiritual and temporal and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representation of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done), for the vindication and assertion for their ancient rights and liberties, declare:

1. That the pretended power of suspending laws, or the execution of laws, by regal authority, without consent of parliament is illegal. That levying money for or to the use of the crown by pretense of prerogative, without grant of parliament, for longer time or in other manner than the same is or shall be granted, is illegal.

2. That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal.

3. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of parliament, is against law.

4. That the subjects which are Protestants may have arms for their defense suitable to their conditions, and as allowed by law.

5. That election of members of parliament ought to be free.

6. That the freedom of speech, and debates or proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament.

7. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted….

8. And that for redress for all grievances and for the amending, strengthening, and preserving of the laws, parliament ought to be held frequently. And they do claim, demand, and insist upon all and singular the premises, as their undoubted right and liberties….

NOTE: The numbers of these items from the English Bill of Rights have been altered for ease of student understanding.
Primary Source:

The U.S. Bill of Rights (1791)

The U.S. Bill of Rights, written in 1791, contains the first 10 amendments to the U.S. Constitution. The excerpt below includes the introduction and three amendments.

“THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

Amendment I. Religious and Political Freedom

Congress must not interfere with freedom of religion, speech or press, assembly, and petition. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II. Right to Bear Arms

The people may bear arms. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms [i.e., for military purposes] shall not be infringed.

Amendment III. Quartering of Troops

Soldiers may not be arbitrarily quartered on the people. No soldier 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.

Amendment IV. Searches and Seizures

Unreasonable searches are forbidden. The right of the people to be secure in their persons, houses, papers, effects, against unreasonable searches and seizures, shall not be violated, and no [search] warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V. Right to Life, Liberty, and Property

The individual is guaranteed certain rights when on trial and the right to life, liberty, and property. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment [formal charge] or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use [i.e., by eminent domain] without just compensation.

Amendment VIII. Bail and Punishments

Excessive fines and unusual punishments are forbidden. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
Primary Source:

Declaration of the Rights of Man and of the Citizen (1789)

(often abbreviated to “The Rights of Man”)

The representative of the French people, organized as a National Assembly, believing that the ignorance, neglect, or contempt of the rights of man are the sole cause of public calamities and of the corruption of government, have determined to set forth in a solemn declaration the natural, unalienable, and sacred rights of continually of their rights and duties; in order that the acts of the legislative power, as well as those of the executive power, may be compared at any moment with the objects and purposes of all political institutions and may thus be more respected, and, lastly, in order that the grievances of the citizens, based hereafter upon simple and incontestable principles, shall tend to the maintenance of the constitution and redound to the happiness of all. Therefore the National Assembly recognizes and proclaims, in the presence and under the auspices of the Supreme Being, the following rights of man and of the citizen:

**Articles**

1. Men are born and remain free and equal in rights. Social distinctions may be founded only upon the general good.

2. The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.

3. The principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation.

4. Liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights. These limits can only be determined by law.

5. Law is the expression of the general will. Every citizen has a right to participate personally, or through his representative, in its foundation. It must be the same for all, whether it protects or punishes. All citizens, being equal in the eyes of the law, are equally eligible to all the dignities and to all the public positions and occupations, according to their abilities, and without distinction except that of their virtues and talents.

6. No person shall be accused, arrested, or imprisoned except in the cases and according to the forms prescribed by law. Any one soliciting, transmitting, executing, or causing to be executed, any arbitrary order, shall be punished. But any citizen summoned or arrested in virtue of the law shall submit without delay, as resistance constitutes an offense.

7. The law shall provide for such punishments only as are strictly and obviously necessary, and no one shall suffer punishment except it be legally inflicted in virtue of a law passed and promulgated before the commission of the offense.

8. As all persons are held innocent until they shall have been declared guilty, if arrest shall be deemed indispensable, all harshness not essential to the securing of the prisoner’s person shall be severely repressed by law.

9. No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law.

10. The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law.

11. All the citizens have a right to decided, either personally or by their representatives, as to the necessity of the public contribution; to grant this freely; to know to what uses it is put; and to fix the proportion, the mode of assessment and of collection and the duration of the taxes.
Discuss how John Locke’s ideas about human rights are reflected in each of the three documents. Remember to give evidence.

Compare & contrast the multiple perspectives on the treatment of freedom of speech in the three historical documents. Be sure to back up statements with textual evidence.

Give at least one piece of history and evidence from each document.

Put these documents in the context of their time. Why historical reasons do the excerpts provide for the creation of the laws/rights?

List three specific ways these documents restricted the power of the their governments.