

Comparing the U.S. Bill of Rights and the English Bill of Rights

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 limit royal interference. The Enlightenment also played a role in the American Revolution that led to the U.S. Constitution and Bill of Rights. Many natural rights put forth by seventeenth- and eighteenth-century French and English philosophers are reflected in these documents.

The U.S. Bill of Rights

"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**¹ 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

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging**² 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**³ of grievances.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

—From the United States Bill of Rights, 1791.

¹ **misconstruction:** failure to understand; misinterpretation

² **abridging:** lessening or curtailing

³ **redress:** to correct or make right through compensation

⁴ **temporal (temporal):** relating to worldly affairs

⁵ **subvert:** to undermine or overturn something

⁶ **aforsaid:** said or mentioned before

⁷ **antient:** ancient

The English Bill of Rights

“And whereas the said late King James the Second havinge Abdicated the Government and the Throne being thereby Vacant His Hignesse the Prince of Orange (whome it hath pleased Almighty God to make the glorious Instrument of Delivering this Kingdome from Popery and Arbitrary Power) did (by the Advice of the Lords Spirituall and **Temporall**⁴ and diverse principall Persons of the Commons) cause Letters to be written to the Lords Spirituall and Temporall being Protestants and other Letters to the severall Countyes Cityes Universities Burroughs and Cinque Ports for the Choosing of such Persons to represent them as were of right to be sent to Parlyament to meete and sitt at Westminster upon the two and twentyeth day of January in this Yeare one thousand six hundred eighty and eight in order to such an Establishment as that their Religion Lawes and Liberties might not againe be in danger of being **Subverted**⁵, Upon which Letters Elections haveing beene accordingly made.

The Subject's Rights.

And thereupon the said Lords Spirituall and Temporall and Commons pursuant to their respective Letters and Elections being now assembled in a full and free Representative of this Nation takinge into their most serious Consideration the best meanes for attaining the Ends **aforsaid**⁶ Doe in the first place (as their Auncestors in like Case have usually done) for the Vindicating and Asserting their **auntient**⁷ Rights and Liberties, Declare

Right to petition.

That it is the Right of the Subjects to petition the King and all Commitments and Prosecutions for such Petitioning are Illegall.

Subjects' Arms.

That the Subjects which are Protestants may have Arms for their Defence suitable to their Conditions and as allowed by Law.

Freedom of Speech.

That the Freedome of Speech and Debates or Proceedings in Parlyament ought not to be impeached or questioned in any Court or Place out of Parlyament.

Excessive Bail.

That excessive Baile ought not to be required nor excessive Fines imposed nor cruell and unusuall Punishments inflicted.”

—From the English Bill of Rights, 1689. *The National Archives.*

DBQ Analyzing Historical Documents

- 1 Describing** What reasons do the excerpts provide for the creation of the U.S. Bill of Rights and the English Bill of Rights?
- 2 Comparing and Contrasting** Compare and contrast the treatment of freedom of speech and the right to petition in the English and U.S. Bill of Rights.
- 3 Identifying** What do the U.S. Bill of Rights and the English Bill of Rights state about excessive bail? Why do you think this concept is included in a listing of rights?
- 4 Making Connections** How do the U.S. Bill of Rights and the English Bill of Rights differ regarding the right to bear arms? What events in England's history might account for these differences? Why do you think the U.S. Bill of Rights differs in this respect?
- 5 Identifying** How do both documents treat the concept of cruel and unusual punishment?
- 6 Evaluating** What body or bodies does the U.S. Bill of Rights point to as the authority for issuing the Bill of Rights? What body or bodies does the English Bill of Rights mention? How do these two documents differ in the authorities they mention?