

A Brief History of Bills of Rights

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Questions to keep in mind:

- what is the purpose of a Bill of Rights?
- what are some of the most important historical examples of Bills of Rights?
- who creates them? why are they created?
- do Bills of Rights work as intended?
- how do you think existing Bills of Rights might be improved?

Some Historical Examples of Bills of Rights

- Charters of the Medieval Communes - Magdeburg
- Magna Carta (1215)
- The Petition of Right (1628)
- The English Bill of Rights (1689)
- The Virginia Declaration of Rights (1776)
- The Declaration of Independence (1776)
- The Declaration of the Rights of Man and of the Citizen (1789)
- Olympe de Gouges, "Declaration of the Rights of Woman and Citizen" (1791)
- Amendments to the Constitution (Bill of Rights) (1791)
- Lucretia Mott and Elizabeth Cady Stanton, "Declaration of Sentiments" and "Resolutions" adopted by the Seneca Falls Convention of July 1848

Some Keys Points about Bills of Rights

They are claims of "right" (or privilege) by one group of people who feel aggrieved by the actions of another person or group of people.

The rights claimed are for the benefit of a particular group and are usually not to be applied universally.

BoR are often the result of a violent struggle (war, revolution, civil disturbance) between the group claiming that their rights be recognized.

As time has passed previously excluded groups have gradually been included in the group claiming rights (slaves, propertyless, women).

There are two main historical traditions in the development of Bills of Rights: the Anglo-American and the French tradition (Civil Code).

Webliography: Online Editions of Bills of Rights

The Online Library of Liberty - <http://oll.libertyfund.org>

- Key Documents - http://oll.libertyfund.org/index.php?option=com_content&task=blogcategory&id=41&Itemid=264
- Reading Lists/Key Documents of Liberty (Law) - <http://oll.libertyfund.org/readinglists/list>

The Founders' Constitution [A Joint venture of the University of Chicago Press and Liberty Fund, Inc.] - <http://press-pubs.uchicago.edu/founders/>

- Bills of Rights - http://press-pubs.uchicago.edu/founders/tocs/bill_of_rights.htm
- Amendments to the Constitution, 1791-1804 - http://press-pubs.uchicago.edu/founders/documents/bill_of_rightss13.html

The Avalon Project at Yale Law School: Documents in Law, History and Diplomacy - <http://www.yale.edu/lawweb/avalon/avalon.htm>

- The American Constitution: A Documentary Record - <http://www.yale.edu/lawweb/avalon/constpap.htm>

Bibliography

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Olympe de Gouges, "Declaration of the Rights of Woman and Citizen" (1791) in *Women, the Family, and Freedom: The Debate in Documents, vol. One, 1750-1880*, ed. Susan Groag Bell and Karen M. Offen (Stanford University Press, 1983).

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Georg Jellinek, *The Declaration of the Rights of Man and of the Citizen. A Contribution to Modern Constitutional History*, trans. M. Ferrand (Henry Holt, 1901).

Carl Lotus Becker, *The Declaration of Independence: A Study on the History of Political Ideas* (New York: Harcourt, Brace and Co., 1922).