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Why the Bill of Rights?

From "The Federalist Papers".

Alexander Hamilton: "If everything which is not given [to the federal government] is reserved [to the people], what propriety is there in these exceptions?"

Brutus: "But rulers have the same propensities as other men; they are as likely to use the power with which they are vested for private purposes and to the injury and oppression of those over whom they are placed...It is therefore as proper that bounds shall be set to their authority."

Further, "Those who have governed have been found in all ages ever active to enlarge their power and abridge the public liberty. This has induced the people in all countries, where any sense of freedom remained, to fix barriers against the encroachment of their rulers."

Brutus therefore rejected Hamilton's conclusion in favor of "this grand security of the rights of the people."

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Other points for discussion

1. "All mankind... being all equal and independent, no one ought to harm another in his life, health, liberty or possessions. – John Locke, Second Treatise of Civil Government, chapter 2.

2. From the Japanese Constitution 1. 第十三条 すべて国民は、個人として尊重される。生命、自由及び幸福追求に対する国民の権利については、公共の福祉に反しない限り、立法その他の国政の上で、最大の尊重を必要とする。 **Article 13.** All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.