**Law and Morality**

Founding Documents of the American Revolution

From: Sites of Encounter: Religion, 2013

**History Standards: 10.2**

1. List the principles of the Magna Carta, the English Bill of Rights (1689), the American Declaration of Independence (1776), the French Declaration of the Rights of Man and the Citizen (1789), and the U.S. Bill of Rights (1791).
2. Understand the unique character of the American Revolution, its spread to other parts of the world, and its continuing significance to other nations.

**CCSS Standards: Reading, Grade 9-10**

2. Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

4. Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social studies.

5. Analyze how a text uses structure to emphasize key points or advance an explanation or analysis.

**Guiding Question:**

How does the Bill of Rights reflect the values of early American society?

**Overview of Lesson:**

Teachers may wish to begin this lesson by examining the introductory paragraph below. They should remind students of the importance of morality in the colonies, particularly for Puritans. Students will then work in groups of four to decipher the meaning of the Bill of Rights. Once they have completed their formulations, they will choose one amendment that they feel best exemplifies the blurred lines between law and morality (i.e., where the law is mandating certain values). At the end of class, each group will present its findings. It may be useful to assign roles within each group – a leader/facilitator, a presenter, a recorder, and a timekeeper. Students should also be reminded that they must see the laws in the light of the times they were written – as an exercise, you may also wish to discuss how well these laws represent America’s current morals.

**Making Connections: Law and Morality**

“It is evident that both law and morality serve to channel our behavior. Law accomplishes this primarily through the threat of sanctions if we disobey legal rules. Morality too involves incentives: bad acts may result in guilt and disapprobation, and good acts may result in virtuous feelings and praise (Steven Shavell, Harvard Law)”

Throughout the early colonies, the incorporation of Natural (or "Divine") Law was prevalent.  The Fundamental Orders of Connecticut (the first constitution written in America), as well as similar documents in Rhode Island and New Haven, specifically mentioned that their civil law rested upon "the rule of the word of God," or "all those perfect and most absolute laws of His."

References to specific biblical texts, such as the Ten Commandments, can be found in the civil law of every original U.S. colony.  It is a fact of history that throughout our pre-Colonial, Colonial, and Revolutionary periods and beyond, America's lawmakers and laws were steeped in Natural Law.

Thus, we can conclude that from the beginning, our government has been "legislating morality."  All law is rooted in morality.  "Laws without morals are in vain," said Ben Franklin.  Not only that, but every debate we have is rooted in morality.”

***Directions:   
In groups of four, students will read through the American Bill of Rights and answer the essential question – HOW DO THE LAWS REFLECT THE VALUES AND MORALITY OF A SOCIETY?   
  
Once you have discussed each of the ten amendments, choose one amendment that your group feels is the best example of morality in law. Be ready to discuss with the class.***

***Sources:***[*http://www.fee.org/the\_freeman/detail/the-bill-of-rights-and-moral-philosophy*](http://www.fee.org/the_freeman/detail/the-bill-of-rights-and-moral-philosophy)

[*http://www.americanthinker.com/2013/03/the\_truth\_about\_legislating\_morality.html*](http://www.americanthinker.com/2013/03/the_truth_about_legislating_morality.html)[*http://teacher.scholastic.com/scholasticnews/indepth/constitution\_day/inside/index.asp?articl=billofrights*](http://teacher.scholastic.com/scholasticnews/indepth/constitution_day/inside/index.asp?articl=billofrights)

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| **Bill of Rights**  The United States Constitution has 27 Amendments. The first 10 Amendments to the Constitution are called the Bill of Rights, which was **ratified**, or approved, in 1791. It outlines the basic rights and freedoms of American citizens.  **Amendment 1** The First Amendment protects the rights of every American. It defines the freedoms of religion, speech, and press. Most Americans believe that the First Amendment guarantees their most important rights.  **Amendment 2** The Second Amendment guarantees Americans the right to bear arms, or own guns.  **Amendment 3** The Third Amendment prevents the government from forcing citizens to shelter soldiers in their homes.  **Amendment 4** The Fourth Amendment protects the privacy of American citizens. It **prohibits**, or prevents, unnecessary or unreasonable searches of a person's property.   **Amendment 5** In the Fifth Amendment, all Americans are guaranteed the right to a fair and legal trial. It also protects someone from testifying against him- or herself under oath.  **Amendment 6** A right to a speedy trial is guaranteed in the Sixth Amendment.  **Amendment 7** The Seventh Amendment guarantees the right to a trial by jury in **civil**, or private, legal cases where damages are more than $20. Civil cases solve disputes between citizens.  **Amendment 8** Unreasonable bail or fines and cruel and unusual punishment are prohibited in the Eighth Amendment.  **Amendment 9** The Ninth Amendment recognizes that Americans have rights that are not listed in the Constitution.  **Amendment 10** The Tenth Amendment says that the powers not given to the United States government by the Constitution belong to the states or to the people. |

***HOW DO THE LAWS (above) REFLECT THE VALUES AND MORALITY OF (early American) SOCIETY?***