

Handout C: Negative and Positive Rights

Directions: Read the definitions of negative and positive rights below, then list examples of each type of right and answer the questions that follow.

Negative Rights: Rights that ensure the individual's natural freedom to act while not requiring anyone to act on behalf of another.*

Examples of Negative Rights:

Positive Rights: Rights which require others to perform a duty or act in a certain way.

Examples of Positive Rights:

Critical Thinking Questions

1. Does the Bill of Rights list negative or positive rights? Explain your answer.
2. Does Roosevelt's "Second Bill of Rights" list negative or positive rights? Explain your answer.
3. Do you agree with Roosevelt's statement that, "As our Nation has grown in size and stature, however—as our industrial economy expanded—these political rights proved inadequate to assure us equality in the pursuit of happiness"? Explain your answer.

* A notable exception to this general rule is the Sixth Amendment's guarantee, under certain circumstances, of trial by jury. This implies a positive right to a jury trial for defendants and therefore an obligation among citizens to sit on juries and cooperate in other elements of a fair trial, for example providing testimony on behalf of the accused.