

Handout C: Negative and Positive Rights Answer Key

Examples of Negative Rights: right to free speech; right to free press; right to free exercise of religion; right to peaceably assemble; right to petition the government; right to due process of law; etc.

Examples of Positive Rights: right to a job; right to make a decent living; right to education; right to adequate food and clothing; right to adequate medical care; etc.

1. The Bill of Rights lists negative rights. They are rights that ensure the individual's natural freedom to act while not requiring anyone to act on behalf of another. 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.
2. The "Second Bill of Rights" lists positive rights. They are rights which require others to perform a duty or act in a certain way.
3. Accept reasoned answers. In a follow-up discussion, address what the Founders meant by "pursuit of happiness" and its relevance in this context.