

Handout B: Natural Rights and Positive Rights in History

Guiding Question:

To what extent did modern liberalism adhere to the principle of a limited government protecting natural/inalienable rights?

Warm-up:

Define the following in your own words. Add to your definitions, based on class discussion.

1. Limited government:
2. Natural/inalienable rights:
3. Positive rights:
4. Classical liberalism:
5. Modern liberalism:

Exploration:

Read each primary source and consider whether the right(s) the author discussed are positive rights or natural/inalienable rights. Use Handout C: Natural Rights and Positive Rights in History Graphic Organizer to fill in your answers. Select quotes from each passage to support whether they believe positive or negative rights are being discussed. Then answer the Historical Reasoning Questions.

Document 1: “Declaration of Independence” by Thomas Jefferson, July 4, 1776

Introduction:

The Declaration of Independence was released during the Revolutionary War to assert American independence and establish the purposes of government.

Text

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

Document 2: “Property” by James Madison, March 29, 1792

Introduction:

While serving in Congress, James Madison wrote an essay for publication in the *National Gazette* newspaper in which he argued that property did not just encompass material goods but also rights, intellect, and conscience.

Text
This term [property] in its particular application means “that dominion which one man claims and exercises over the external things of the world, in exclusion of every other individual.”
In its larger and juster meaning, it embraces every thing to which a man may attach a value and have a right; and which leaves to every one else the like advantage.
In the former sense, a man’s land, or merchandize, or money is called his property.
In the latter sense, a man has property in his opinions and the free communication of them.
He has a property of peculiar value in his religious opinions, and in the profession and practice dictated by them.
He has a property very dear to him in the safety and liberty of his person.
He has an equal property in the free use of his faculties and free choice of the objects on which to employ them.
In a word, as a man is said to have a right to his property, he may be equally said to have a property in his rights.
Where an excess of power prevails, property of no sort is duly respected. No man is safe in his opinions, his person, his faculties, or his possessions.
Where there is an excess of liberty, the effect is the same, tho’ from an opposite cause.
Government is instituted to protect property of every sort; as well that which lies in various rights of individuals, as that which the term particularly expresses. This being the end of government, that alone is a just government, which impartially secures to every man, whatever is his.

Document 3: The Bill of Rights by James Madison, ratified December 15, 1791

Introduction:

The Bill of Rights were added to the Constitution to reduce the concerns of Anti-Federalists that an oppressive government might violate certain rights.

Fourth Amendment
The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Sixth Amendment
In all criminal prosecutions, the accused shall . . . have the assistance of counsel for his defense.

Document 4: “The Economic Bill of Rights” by Franklin Delano Roosevelt, January 11, 1944

Introduction:

After the United States experienced the Great Depression and World War II, some policy makers believed the role of government needed to expand to protect the economic well-being of Americans. President Franklin Roosevelt’s Economic Bill of Rights was designed to continue to grow the welfare programs established during the New Deal and was one of the first substantial policies proposed designed to pursue the goals of modern liberalism after World War II.

Text
We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. “Necessitous men are not free men.” People who are hungry and out of a job are the stuff of which dictatorships are made.
In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed.
Among these are:
<ul style="list-style-type: none">• The right to a useful and remunerative job in the industries or shops or farms or mines of the nation;
<ul style="list-style-type: none">• The right to earn enough to provide adequate food and clothing and recreation;
<ul style="list-style-type: none">• The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;
<ul style="list-style-type: none">• The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;
<ul style="list-style-type: none">• The right of every family to a decent home;
<ul style="list-style-type: none">• The right to adequate medical care and the opportunity to achieve and enjoy good health;
<ul style="list-style-type: none">• The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment;
<ul style="list-style-type: none">• The right to a good education.

Document 5: “The Fair Deal” by Harry S. Truman, January 5, 1949

Introduction:

Franklin Roosevelt’s successor to the presidency, Harry Truman, implemented programs to achieve better economic equality for all Americans by harnessing the power of the federal government. In his State of the Union address in 1949, Truman outlined his reform plans, which he packaged as a “Fair Deal.”

Text
The American people have decided that poverty is just as wasteful and just as unnecessary as preventable disease. We have pledged our common resources to help one another in the hazards and struggles of individual life. We believe that no unfair prejudice or artificial distinction should bar any citizen of the United States of America from an education, or from good health, or from a job that he is capable of performing.
The attainment of this kind of society demands the best efforts of every citizen in every walk of life, and it imposes increasing responsibilities on the Government.
The Government must work with industry, labor, and the farmers in keeping our economy running at full speed. The Government must see that every American has a chance to obtain his fair share of our increasing abundance. These responsibilities go hand in hand.
We cannot maintain prosperity unless we have a fair distribution of opportunity and a widespread consumption of the products of our factories and farms.
Our Government has undertaken to meet these responsibilities.
We have made tremendous public investments in highways, hydroelectric power projects, soil conservation, and reclamation. We have established a system of social security. We have enacted laws protecting the rights and the welfare of our working people and the income of our farmers. These Federal policies have paid for themselves many times over. They have strengthened the material foundations of our democratic ideals. Without them, our present prosperity would be impossible.

Document 6: “Great Society” by Lyndon B. Johnson, May 22, 1964

Introduction:

President Lyndon Johnson attempted to fight a war against poverty and injustice at home and abroad in Vietnam during his time as president. In this speech to the graduating class of the University of Michigan, he outlined his domestic policy, known as the Great Society, which was designed to combat racial discrimination, poverty, and other social and economic issues.

Text
Your imagination, your initiative, and your indignation will determine whether we build a society where progress is the servant of our needs, or a society where old values and new visions are buried under unbridled growth. For in your time we have the opportunity to move not only toward the rich society and the powerful society, but upward to the Great Society.
The Great Society rests on abundance and liberty for all. It demands an end to poverty and racial injustice, to which we are totally committed in our time. But that is just the beginning.
The Great Society is a place where every child can find knowledge to enrich his mind and to enlarge his talents. It is a place where leisure is a welcome chance to build and reflect, not a feared cause of boredom and restlessness. It is a place where the city of man serves not only the needs of the body and the demands of commerce but the desire for beauty and the hunger for community. . . .
So I want to talk to you today about three places where we begin to build the Great Society—in our cities, in our countryside, and in our classrooms. . . .
These are three of the central issues of the Great Society. While our Government has many programs directed at those issues, I do not pretend that we have the full answer to those problems.
But I do promise this: We are going to assemble the best thought and broadest knowledge from all over the world to find those answers for America. I intend to establish working groups to prepare a series of White House conferences and meetings—on the cities, on natural beauty, on the quality of education, and on other emerging challenges. And from these meetings and from this inspiration and from these studies we will begin to set our course toward the Great Society.

Document 7: “Address Accepting the Democratic Nomination” by George McGovern, July 14, 1972

Introduction:

Senator George McGovern ran as the Democratic candidate against incumbent Richard Nixon in the 1972 presidential election. In his speech at the Democratic National Convention, McGovern outlined his key political platforms.

Text
The highest single domestic priority of the next administration will be to ensure that every American able to work has a job to.
That job guarantee will and must depend on a reinvigorated private economy, freed at last from the uncertainties and burdens of war, but it is our firm commitment that whatever employment the private sector does not provide, the Federal government will either stimulate or provide itself. . . .
Therefore, we intend to begin by putting millions back to work and after that is done, we will assure to those unable to work an income fully adequate to a decent life.
Now beyond this, a program to put America back to work demands that work be properly rewarded. That means the end of a system of economic controls in which labor is depressed, but prices and corporate profit run sky-high.
It means a system of national health insurance so that a worker can afford decent health care for himself and his family.