



**Looking for Rights in All the Wrong Places: Why  
State Constitutions Contain America's Positive  
Rights (Princeton Studies in American Politics:  
Historical, International, and Comparative  
Perspectives)**

*Emily Zackin*

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# Looking for Rights in All the Wrong Places: Why State Constitutions Contain America's Positive Rights (Princeton Studies in American Politics: Historical, International, and Comparative Perspectives)

Emily Zackin

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Unlike many national constitutions, which contain explicit positive rights to such things as education, a living wage, and a healthful environment, the U.S. Bill of Rights appears to contain only a long list of prohibitions on government. American constitutional rights, we are often told, protect people only from an overbearing government, but give no explicit guarantees of governmental help. *Looking for Rights in All the Wrong Places* argues that we have fundamentally misunderstood the American rights tradition. The United States actually has a long history of enshrining positive rights in its constitutional law, but these rights have been overlooked simply because they are not in the federal Constitution.

Emily Zackin shows how they instead have been included in America's state constitutions, in large part because state governments, not the federal government, have long been primarily responsible for crafting American social policy. Although state constitutions, seemingly mired in trivial detail, can look like pale imitations of their federal counterpart, they have been sites of serious debate, reflect national concerns, and enshrine choices about fundamental values. Zackin looks in depth at the history of education, labor, and environmental reform, explaining why America's activists targeted state constitutions in their struggles for government protection from the hazards of life under capitalism.

Shedding much-needed light on the variety of reasons that activists pursued the creation of new state-level rights, *Looking for Rights in All the Wrong Places* challenges us to rethink our most basic assumptions about the American constitutional tradition.

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