

The Declaration of Independence: Happiness and Natural Rights

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Almost everyone has been told that the phrase “life, liberty, and the pursuit of happiness” was derived from or patterned after John Locke’s phrase of “life, liberty, and property.” This opinion may have some validity, but the origin is a bit more complicated than that.<sup>1</sup> Thomas Jefferson was not the first to use “life,” “liberty,” and “happiness” together in the same sentence. Article 1 of A Declaration of Rights in the Virginia Bill of Rights adopted June 12, 1776 says:

That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

The phrase in the Declaration of Independence is certainly more succinct; and though it leaves out the terms “property” and “safety,” the point is exactly the same as the passage above. It was likely George Mason, and not Jefferson, who gave Virginia the words just cited. Furthermore, Locke himself put happiness together with liberty in a section of his *Essay* entitled “The necessity of pursuing true happiness, the foundation of liberty.”<sup>2</sup> Moreover, it is fair to say that happiness was

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<sup>1</sup> We thank Hans Eicholz for pointing us to this history of the phrase.

<sup>2</sup> John Locke, *An Essay Concerning Human Understanding* (Dover, 1959), II.21.51.

in the air in that era. Not only do Locke, George Mason, and Jefferson speak of its importance, but “happiness” can be found in sermons of the era; *Cato’s Letters*; and the writings of Benjamin Franklin; Henry Home, Lord Kames; and Adam Smith, almost always in connection to liberty and property.

The term happiness may seem mundane to us today, but back then it signified quite a different outlook on life than had previously been the case. As Smith points out,<sup>3</sup> happiness as an object of our actions stands in stark contrast to the penance and mortification required by the church to reach heaven. Instead, happiness gets paired with, in Smith’s terms, “the liberal, generous, and spirited conduct of a man” in this life. With the secularization of the ends of action being happiness, we see also the importance of Jefferson’s use of “pursuit” and its presence in the Virginia Declaration cited above. It is our own happiness, and the happiness of those around us, that we seek. But the act of seeking it is and must be a self-directed process. That is precisely why the notion of happiness necessitates liberty. Happiness requires the freedom to self-direct.

Our happiness does not just crop up in isolation from others. It is pursued both with and among others. That happiness is a pursuit that takes place among others means that a context must be set for that pursuit. This is where rights come in. They are fundamental in the pursuit of happiness in a social and political context, a fact the Founding Fathers clearly understood. It is because of this fundamentality that Jefferson begins his Declaration with reference to them. We would agree, so let us parse out what these rights are and their role in a social-political order.

### **1. Natural Rights: The Basis of the Declaration**

The rights articulated in the Declaration of Independence are understood as natural rights. This remains true regardless of whether one believes that the natural order is fundamentally ultimate or views it as the creation of a divine being. The foundation of these rights lies in the

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<sup>3</sup> Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776; repr., Liberty Fund, 1982), V.I.f.30.

very nature of human beings rather than in the authority of a monarch, a legislative body, a social contract, or even a deity.

## **2. The Role of Natural Rights**

Among the natural rights inherent to all humans are the rights to “life, liberty, and the pursuit of happiness.” These rights are best understood as basic, negative rights. That is, they require individuals to refrain from initiating or threatening to initiate physical force against others in its various forms. Moreover, they establish the moral purpose of the state or, more broadly, the political and legal order of society. The protection and enforcement of these rights are the ultimate goal of positive law. When a political or legal system fails to protect these rights, the people possess the right to abolish it and form a new order. Thus, these rights not only define the purpose of law but also justify the possibility of revolution if the rights are being violated or disregarded.

## **3. A Philosophical Defense of the Rights in the Declaration**

The Declaration of Independence does not attempt to defend the truths it proclaims as self-evident. Instead, it expresses the beliefs that justify the colonies’ pursuit of independence from Great Britain. It serves as a radical, revolutionary statement rather than a treatise in ethical or political philosophy. So, while the Declaration itself does not justify its claims, we believe a philosophical defense of its rights is possible. Such a defense can be summarized as follows.

### ***a. Natural Rights as Expressions of Natural Moral Law***

Natural rights are manifestations of natural moral law. “Law” in this context refers to a standard by which human actions are ethically evaluated. The nature of human beings is such a standard. It sets the purpose of human living: human happiness. In contemporary terms, these rights exemplify a form of ethical naturalism. Therefore, substantiating the claims of the Declaration depends on establishing a robust account of ethical naturalism, one in which certain types of facts are valuable.

### ***b. The Pursuit of Happiness***

As noted above, “happiness” signifies self-directed engagement in activities that realize and enjoy basic human goods. This process

occurs through the exercise of practical wisdom, especially in community with others. Practical wisdom stands as the chief human virtue, involving personal determination of how to achieve happiness through proper conduct. Happiness, therefore, is a self-directed, individualized, and social activity. It is neither passive nor isolated.

***c. Rights as Ethical Metanorms***

The natural rights to life, liberty, and the pursuit of happiness are not typical ethical norms that guide individuals toward happiness, virtue, or avoidance of evil. Rather, they serve as foundational norms for the legal structure of society, ensuring that individuals can, in principle, pursue happiness compatibly with one another. These rights bridge the ethical norms that guide personal and social life with the norms that shape political and legal institutions. In this sense, they are ethical metanorms. They establish the framework within which the pursuit of happiness is possible, without prescribing the means to achieve it.

***d. Misconceptions about the Declaration***

It is a mistake to interpret the Declaration as a blueprint for human happiness or as a statement of human needs for the state to fulfill. Instead, it serves to define a context for a certain type of social-political order, namely, a regime of liberty as understood in terms of basic, negative, natural rights. The Declaration lists the ways liberty was being undermined in its time, and this, in turn, reminds us to recognize how our liberty is being threatened today. It is essential to avoid misunderstanding the purpose of the Declaration, as one's interpretation of the Declaration directly shapes how the United States Constitution is understood and applied, particularly with respect to the implementation and protection of the rights articulated in the Declaration of Independence.

**4. Closing Thought**

As we celebrate the 250th anniversary of the Declaration of Independence, we must never forget that it provides the foundation for what makes the United States of America a creedal nation. We are not defined by ancestry, ethnicity, religion, or even lifestyles. The truths of the Declaration define what we are about as a nation, and they remain the last best hope of humanity.