THE BROOKINGS INSTITUTION
***Democracy in Question* podcast**

"Life, Liberty, and Happiness: A guide for yesterday and today?"

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Guest:

Lindsay M. Chervinsky
Executive Director
George Washington Presidential Library

Host:

Kathryn Dunn Tenpas
Visiting Fellow, Governance Studies
Director, The Initiative on Improving Interbranch Relations and Government
The Brookings Institution

Episode Summary:

The words "Life, Liberty and the pursuit of Happiness" in the Declaration of Independence were specific enough to win over colonists in 1776, but vague enough to appeal to social movements since and today. In this episode of *Democracy in Question*, host Katie Dunn Tenpas asks Lindsay Chervinsky, executive director of the George Washington Presidential Library, about the origin of this phrase and why it still matters.

RONALD REAGAN: 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.

[music]

TENPAS: Hi, I'm Katie Dunn Tenpas, a visiting fellow in Governance Studies at the Brookings Institution and director of the Initiative on Improving Interbranch Relations and Government. And this is season three of *Democracy in Question*. This season, we're doing something a little unusual for a policy podcast. We're going back, 250 years back, to when a document was written that every American is familiar with, most can quote from, but very few have actually reckoned with seriously: the Declaration of Independence, the document that outlined exactly why the United States of America came to exist in the first place.

Over eight episodes we're exploring the Declaration of Independence phrase by phrase. I'll ask my guests what key lines meant in 1776, what history has done to them since, and most importantly, what they actually mean for how we practice democracy today.

On this episode, I'm excited to welcome the one and only Lindsay Chervinsky. Lindsay is the executive director of the George Washington Presidential Library at Mount Vernon and an accomplished presidential historian. She's the author of award-winning books, *Making the Presidency*, *The Cabinet*, and *Mourning the Presidents*. Lindsey, I'm so glad to have you on the podcast today, not only for one episode, but for two, to dissect the Declaration, and I couldn't think of a more fitting place than the president's home, Mount Vernon.

CHERVINSKY: Thank you. Well, thank you for coming out to Mount Vernon and the George Washington Presidential Library, and thank you for having me on the podcast.

[1:51] **TENPAS:** Yeah, great. So let's just start sort of way back, 250 years ago. It's the summer of 1776. The colonies are at war with Britain. The outcome is far from certain. And a group of men write this document to clarify exactly why they're willing to risk everything. Thomas Jefferson, with the help of John Adams, and John Adams with the help of Abigail Adams, with her "remember the ladies" letter, declares in the Declaration that they, "all men," " are endowed by their creator with certain unalienable rights. That among these are Life, Liberty, and the Pursuit of Happiness."

I think it's fair to say that 250 years later, Americans are still arguing about the meaning of this phrase. But I'm wondering if you could take us back to the mindset of Thomas Jefferson and John Adams. Jefferson famously borrowed from Enlightenment rhetoric, he borrowed from John Locke, who wrote "life, liberty, and property." So tell us a little bit about the switch behind "property" to "happiness."

[2:54]

CHERVINSKY: I love how you set this up because I think there are so many pieces about 1776 that people get wrong. They forget that the war was going on for over a

year at this point. They forget that the Declaration was really set up as a justification or as an explanation. And I think we'll dig into that a little bit more. But this phrase, "pursuit of happiness," is one that had been in the political lexicon for a little while. John Locke had actually used it in different parts of his publications, and Jefferson was a huge fan of Locke.

But I actually think the happiness piece can be, in some ways, attributed to Adams, and here's why. So as the states were getting ready to declare independence, all of the states, then colonies, were instructed to basically prepare their own proclamations to instruct their delegates to take this momentous step.

And John Adams crafted the proclamation for Massachusetts. And in that proclamation he wrote that the happiness of the people is the sole purpose of government. And so he was centering this concept. He later talks about property, but happiness is the sole purpose.

And it makes sense at a time when not all men did have property. You know, if you were an indentured servant or if you were poor, you probably didn't own a home, you didn't own much. Enslaved individuals were considered property. And then there were a lot of complex feelings about whether or not that was an appropriate concept, even in 1776.

And so property was much messier. Happiness is something that we can all aspire to. And so I think it was a more attainable concept.

[4:32]

TENPAS: And is it your understanding that there was disagreement about converting the phrase, or was it something that went over well amongst the drafting?

[4:40]

CHERVINSKY: Well, unfortunately, we of course don't have a lot of record of these conversations. And we know that Jefferson largely penned the first draft himself, and then Adams and Franklin inserted their various edits. But that phrase does not seem to have been objectionable. Everyone certainly understood the switch he was making. But I think that it was generally supported because happiness was less objectionable than property.

[5:02]

TENPAS: Right, right. And Jefferson didn't write that these are your rights. He said, "among these are Life, Liberty, and the Pursuit of Happiness." That word "among" implies there are more unalienable rights than just the three named. Talk about that.

[5:19]

CHERVINSKY: Well, it's really important to remember that almost all these guys are lawyers, or at least they've been trained as lawyers, whether or not they're actually practicing. And so the texts and the language that they were using, the construction of rights, was very meticulous.

And if you say that those are the only three unalienable rights, it's very limiting and it might raise a lot of questions about, Oh, well what about this? What about that? What about these other things here? And, indeed, that concept came up again and again. So for example, when the delegates at the Constitutional Convention are debating rights in 1787, or when they're debating whether or not to have a bill of rights during the ratification convention, there's a question of do you list rights? Because if you list them, then that is inherently excluding others. But if you don't list them, then they're not protected.

And so "among" is sort of Jefferson's escape hatch. He's saying these are really important, but they're not necessarily the only things that are important.

TENPAS: Very clever. You have to watch those lawyers.

CHERVINSKY: The lawyers can be very tricky.

TENPAS: Even 250 years ago.

CHERVINSKY: Especially 250 years ago.

[6:25]

TENPAS: So I'm wondering if now if we can shift gears and talk a little bit about kind of the evolution of this phrase, because what it meant in 1776 may not have been what it meant during the Reconstruction era or even subsequently. And so I'm wondering if you can talk about key moments in American history where we've reached for that phrase, and maybe it's been slightly reinterpreted.

[6:46]

CHERVINSKY: Absolutely. Well, I mean, one of the benefits of happiness is that it's vague, and this is a tactic that the Founders use all the time. If they think there's going to be something that is going to cause disagreement, they go with the most vague option to allow as many possible interpretations such that people can read into it whatever they want. They did so with the Constitution, they do this with the Bill of Rights as well. Anytime they need to get public support, they tend to try and avoid controversy.

So what that means is as a society, because we care about these words so much, we have found ways to explore what life, liberty, and the pursuit of happiness means depending on our current moment and what we're trying to get out of them.

So, for example, the life concept is one that comes up a lot around conversations about abortion and a women's right to choose. Whose life in that moment? Whose life matters when we're thinking about that conception?

The same is true with property. What counts as property? When you're thinking about, for example, a unlawful search. Is it your house? Is it your car? Is it your cell phone? These are things that we've read into phrases as we have broadened our sense of what property means.

And happiness, of course, is perhaps the most vague of them all. They have come up over conversations about marriage, about education and children, about equal access to voting rights and citizenship elements, especially during the Civil Rights movement.

And even then, the big problem with all of these words is that the Declaration of Independence actually isn't a legal document. It doesn't create the Constitution. It doesn't create an institution. It doesn't create a set of laws or bills. It is basically a statement of principles that we aspire to, but doesn't actually have any legal force.

[8:36]

TENPAS: Right. And I've often heard it described as basically just a justification to King George about why they were declaring their independence and the list of grievances I guess if you look at it textually,

CHERVINSKY: yeah,

TENPAS: the grievances take up most of the document, right?

[8:50]

CHERVINSKY: They do. They're the longest part. And it's not even a justification so much to King George, because by the time they got around to writing the Declaration of Independence, they felt that his mind had been made up against them. They had submitted what was called the "Olive Branch Petition," which was kind of a last ditch effort to get him on their side. And when he essentially declared the colonies to be in rebellion in response, that was kind of the last straw.

So they felt like King George was a lost cause. This is actually a justification to the other monarchs around the globe because they were trying to get support from nations like France and Spain, which also had monarchies, and so they were trying to explain that their revolution was not against the form of monarchy, was not against that type of government, but instead against one particular monarch. And so they weren't going to cause anarchy or disruption in France or in Spain. They were just trying to have a more lawful system.

And to a certain extent, that worked. I mean, France and Spain entered the Revolution, I think, for a lot of their own purposes. They had been longtime enemies with Great Britain. But it was an explanation as to what they were doing as opposed to creating a new government, which really would come later.

[10:05]

TENPAS: And if you look at the history of sort of rights movements in the United States, so you look at the abolitionists, you look at the suffragettes, you look at the Civil Rights movement, was there one movement in particular that tended to latch onto this phrase more than the other? Or do they all sort of invoke it when they feel that can be useful to their arguments?

[10:22]

CHERVINSKY: Well, I would actually cast a broader net. I mean, the first time we see this embraced is the French Revolution, which started in 1789, and then the Haitian Revolution embraces similar language. So the Declaration of Independence has been co-opted by revolutions around the world for centuries.

But it has also been used by domestic movements. Of course, the movement for women's rights very intentionally created sort of a statement of rights based on the Declaration of Independence. This was something that Elizabeth Cady Stanton and Susan B. Anthony were well known for. Martin Luther King directly quotes the Declaration of Independence when he is talking about his "I Have a Dream" speech.

So these are our ideals and language because they're so familiar to Americans that various different movements can graft onto to try and make a compelling argument.

[11:15]

TENPAS: Interesting, the international feature and how it's been sort of used selectively for other similar efforts to kind of claim independence is really fascinating.

CHERVINSKY: Yeah, absolutely.

TENPAS: Interestingly though, no one really adopts our style of government or our structure.

[11:28]

CHERVINSKY: Well, no one, what's, what's fascinating is when we do democracy building work, as you know, we don't export our structure. Like, there are elements of it that we encourage, but then there are a lot of elements in terms of our legislature or how we structure elections that we encourage them to do slightly differently.

[11:45]

TENPAS: Yes, we recognize our weaknesses.

As we've all observed, U.S. domestic and foreign policy continues to change tremendously. Such drastic change even over the past year has surely prompted Americans to reflect and ask what does "life, liberty, and the pursuit of happiness" really mean? And is it really a guarantee?

[12:03]

CHERVINSKY: Well, it's not. I mean, as I said, it doesn't actually have any legal binding force. And we've built a lot of other institutions and systems on top of it to try and give it real impact and meaning. The Constitution I like to think of as sort of the flip side of the Declaration of Independence coin. The Declaration states these principles and the Constitution is a second attempt. Of course, the Articles of Confederation was the first form of government. So it was a second attempt to try and make them real.

And then anytime we've had an amendment or the Voting Rights Act or Civil Rights or the 19th Amendment guaranteeing additional rights, I like to think of those things

as steps towards attaining this ideal, which we've never perfectly attained and I don't think we ever will, because humans are fallible.

But if we think of it as our ideal, then how can we try and get a little bit closer? But it is not actually a guarantee and it doesn't guarantee citizens anything.

[13:01]

TENPAS: Right. And what about today? Is there anything in today's political landscape that you would point to as, like, genuine advancement of this founding promise?

That's a hard question.

[13:14]

CHERVINSKY: It is a hard question. So, I'm trying to be hopeful about the 250th anniversary. I think we often have become pretty complacent about the inheritance that we were bequeathed by the founding generation, which was really a remarkable concept. I mean, the concept that a nation was built on self-representation and these ideals of life, liberty, and the pursuit of happiness was a very radical concept. No other nation is built on an idea. All other nations have some form of shared ethnic or religious or racial background.

And so what we're trying to do is really hard. And it was hard then and it's hard now, and it was messy in its construction and messy in its definition. Who counts as an American was a contested question in 1776, and it's a contested question today.

But what I think is so important about these ideals is that then the founding generation took several steps to try and make them real. And when their first idea didn't work, they tried something new. They were incredibly innovative with reform and amendment and change, and they were not afraid to throw it out or to admit they were wrong.

That is actually the founding legacy. And various generations, you know, we've talked about the Civil Rights movement, we've talked about the women's votes movement, we've talked about various other shifts that have happened over time, they have picked up that mantle and tried to make the nation just a little bit more perfect.

I think in this moment we've kind of lost sight of that, that it's actually up to us to make it more perfect and no one else is going to do it. And so in this moment, I'm hopeful that the 250th anniversary will inspire that sort of change.

[14:51]

TENPAS: Yeah. And is there any other aspect of the Declaration that we haven't talked about that you believe is relevant for today or that you would like listeners to walk away knowing a little bit more about?

[15:02]

CHERVINSKY: Well, I think as I was reviewing the language, I mean, I really encourage everyone to look at the grievances, because I think that they in some ways are actually timeless about if we think about what government abuse might look like, it lists out the different ways that there might be government abuse, and it's something to be on guard against. So definitely revisit the grievances. They are actually incredibly accessible in their language.

But the piece that sticks out to me is that it doesn't say the "United States" as a singular. It says these thirteen United States or the United Colonies, it uses both sort of interchangeably. The concept that we were going to be one nation was something that had to be earned over time. And that unity is something that has been hard won, and is not something to throw away.

TENPAS: Yeah. That's a great note to end on. Thank you so much for your time, and thank you for listening as we dive into season three.

CHERVINSKY: Thank you for having me.

[music]

TENPAS: Next episode, we'll dive into the meaning, interpretations, and relevance of the Declaration's "consent of the governed." Stay tuned.

Democracy in Question is a production of the Brookings Podcast Network. Thank you for listening, and thank you to my guests for sharing their time and expertise on this episode.

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I'm Katie Dunn Tenpas. Thank you for listening.