

“ . . . And the Pursuit of Happiness”
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February 19, 2017

“And the pursuit of happiness” Here’s the whole sentence, from the second paragraph of the Declaration of Independence:

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.

Thomas Jefferson, you may recall, was the author of the Declaration of Independence, or at least of the first draft of it. Jefferson was a Unitarian and a Deist in his theological sympathies, though he was an Anglican or Episcopalian institutionally.¹

The Declaration claims that the source of the three unalienable rights that are enumerated is our Creator. I’m not sure what Jefferson thought that meant. To me it means (1) these rights are very important, (2) we’ve always had them, whether we knew it or not, and (3) you can’t take them away from us.

As I see it, rights are actually a human creation, a wonderful human creation. Did you realize that the Bible doesn’t include any mention of rights? There are lots of commandments – not just ten, but hundreds – and a lot of good moral advice (and some that’s not so good), but the language of rights was not used. Rights hadn’t been invented yet.

Let’s take a look at the self-evident truths that provide the moral and philosophical foundation for the Declaration of Independence. First, “all Men are created equal.” Of course, that’s not an empirical statement, but an ascription of legal and moral status, of status in the eyes of the Creator, perhaps it’s an aspiration, a prescription for how we should treat each other. Now, can we say that “men” here should be understood really to mean “men and women”? I won’t try to answer that one, but I will observe that until 1920, women in this country did not have the right to vote.²

And what about people who had the apparently bad judgment to be born of a race other than the white race. There appears to be an invisible footnote, that the founding fathers could see but we cannot, that says “it should be understood, of course, that ‘men’ refers to white men, not, for example, to Negroes or Indian Savages.” The term “Indian Savages” is from the Declaration

¹ See Charles B. Sanford, *The Religious Life of Thomas Jefferson* (1984); Henry Wilder Foote, *The Religion of Thomas Jefferson* (1960).

² 19th amendment.

of Independence.³ In the Constitution, African Americans are referred to as “all other Persons” or “such Persons.”⁴

Here’s how Martin Luther King, Jr., in his “I Have a Dream” speech in front of the Lincoln Memorial, responded to that implicit footnote, back in 1963:

When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was the promise that all men, yes, black men as well as white men, would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.

It is obvious today that America has defaulted on this promissory note in so far as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check; a check which has come back marked “insufficient funds.”⁵

We’ve made progress in the last 53 years, but we cannot yet proclaim that we are *all* free.

It should hardly surprise us that the Declaration of Independence does not consider the status of other forms of life besides humans. But their omission does not justify our dismissal of other species. We now realize that we’re all in this together – humans and aphids and zebras, and everyone in-between. And we realize that some species – whales and crows and octopuses, for example – have greater intelligence than previous generations gave them credit for.⁶

The big three rights that Jefferson proclaimed as endowed in us by our Creator and as unalienable are the right to life, the right to liberty, and the right – not to happiness – but to the pursuit of happiness.

³ “He [the King of Great Britain] has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.”

⁴ “all other Persons” (the 3/5 rule, Art. I, Sec. 2); “such Persons” (slave trade, Art. I, Sec. 9).

⁵ Martin Luther King, Jr., Aug. 28, 1963, in James M. Washington, ed., *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.*, p. 217 (1986).

⁶ “Save a Whale, Save a Soul, Goes the Cry,” NY Times, June 26, 2010; review of *Crow Planet*, NY Times Book Review, Aug 30, 2009; Peter Godfrey-Smith, “Octopuses and the Puzzle of Aging,” NY Times, p. SR10, Dec. 4, 2016, and *Other Minds: The Octopus, the Sea, and the Deep Origins of Consciousness* (forthcoming).

All three raise questions. Does the right to life include the right to be born? The right to be born would presumably mean the right not to be aborted. At the other end, does the right to life mean the right to live forever? Presumably our Creator could endow us with that capacity. Or, some would argue, maybe He has. At the more practical level, does the right to life include the right to the food, clothing, shelter, and medical care to keep us alive? Does the right to life imply the prohibition of capital punishment and war?

Next comes the right to liberty. One could reasonably argue that the right to liberty carries with it the right to be free of slavery, conscription, poverty, imprisonment, and restrictions on migration.

And finally we come to the right to the pursuit of happiness. I find it harder to get a handle on this one than on the others.

The word used by Aristotle that is often translated as “happiness” is *eudaimonia*. It is this concept that Jefferson presumably had in mind. Here is how J.H. Randall summarizes Aristotle’s view:

Now, the highest of all goods at which conduct can aim . . . is the Good Life, or Acting Well . . . : it is *eudaimonia*, that is, “well-being” or “welfare.” The end of conduct is human welfare. So that human welfare is the one and only *archē* [that is, first principle] of ethics and politics, the one “principle” in terms of which all conduct is to be understood and judged.⁷

In other words, don’t think of happiness as the kind of thing that many students a few blocks from here might pursue on Saturday night.

I mentioned that the Bible is silent on the question of rights. You may be wondering what the Bible says about happiness. In the New Testament, and I’m using here the New Revised Standard Version, the word “happy” appears only once. Zacchaeus, because he was short, climbed a tree so he could get a view of Jesus passing by. Jesus sees him and calls out to him, “Come on down!” Luke reports: “So he hurried down and was happy to welcome him.”⁸ I don’t think that passage will support a theology of happiness. If you had asked Jesus about the pursuit of happiness, I think he would have responded, seek the kingdom of God instead.⁹ That

⁷ John Herman Randall, Jr. *Aristotle* (1960), p. 251.

⁸ Luke 19:6.

⁹ “But seek ye first the kingdom of God, and his righteousness; and all these things shall be added unto you.” (Matt. 6:33, KJV).

is, seek the realm of peace and justice, make “love your neighbor”¹⁰ and “do unto others as you would have them do unto you”¹¹ a reality.

* * *

Those who wrote the Bill of Rights – the first ten amendments to the Constitution, ratified in 1791 – they apparently had trouble with *happiness*, too. The 5th amendment says, in part, “No person shall . . . be deprived of life, liberty, or” – or what? the pursuit of happiness? No: *property*. “No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.”¹² They returned to John Locke’s original formulation, life, liberty, and property.¹³

Property was a term they could understand, and it was a subject that required a legal framework. You can’t have property without law. And note that they added a very important prepositional phrase to Jefferson’s lofty language: “without due process of law.” It is this phrase, “without the due process of law,” that enables the courts to define what the rights entail.

Now, here’s my problem. If, for reasons of style or tradition, you like to use groups of three, and if, like me, you feel that *pursuit of happiness* is too ambiguous or too ethereal, and that *property* is too pedestrian or too capitalistic, what term would you add to *life* and *liberty* to complete the triad?

The Universal Declaration of Human Rights¹⁴ offers quite a few possibilities – perhaps too many. Article 3 of the Universal Declaration states: “Everyone has the right to life, liberty and the security of person.” “Security of the person” is both basic and weighty. Article 5 declares a right not to be tortured. That, alas, is more relevant than we would like it to be. Article 6 has the very basic right “to recognition everywhere as a person before the law.” That’s a right that we might have taken for granted.

There are many more – the Declaration has 30 articles – I won’t try to list them all. But the one that I would like to nominate to replace happiness or property in the troika is the right to education (article 26). If everyone on our planet, especially girls and women, received a good

¹⁰ See Luke 10:27.

¹¹ Luke 6:31.

¹² See also the 14th amendment, section 1: “nor shall any State deprive any person of life, liberty, or property, without due process of law” (1868).

¹³ See John Locke, *Two Treatises of Government* (1690).

¹⁴ http://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf.

education – and the article provides some standards on this – we would all be much better off. The second paragraph of the education article provides some details of what the authors have in mind:

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

But I would like to suggest that we try a different approach. Instead of three rights, let's consider two rights and two responsibilities. Try this one:

We are endowed by our creator with certain unalienable rights and certain sacred duties, that among these are the right to life and liberty and the duty to appreciate what we have been given and to do what needs to be done.

* * *

But what is America really interested in? It's making stuff, building bigger houses, buying new pickup trucks, selling big jet airplanes to the airlines of oil-rich countries in the Middle East. We're interested in our Gross Domestic Product, or GDP for short. We want our GDP to keep going up. An ever-increasing GDP makes everyone happy, right?¹⁵

No, I don't think so. Here's how I see it. A lot of people are working too hard. Their hours are too long, vacations too short. Email makes them available for their jobs 24/7.¹⁶ Other people cannot find work at all, or not enough work. Why not reduce the standard work week to 35 hours, or perhaps even 30 hours?¹⁷ Then we could put a whole lot of other people – those underemployed, or unemployed, or who have dropped out of the workforce – we could put them to work. Of course, that would require a lot more education and job training, but what's wrong with that?

¹⁵ See “In Bhutan, Happiness Index as Gauge for Social Ills,” NY Times, Jan. 18, 2017, p. A6, and Derek Bok, *The Politics of Happiness: What Government Can Learn from the New Research on Well-Being* (Princeton, 2010).

¹⁶ See Dominique Mosbergen, “French Legislation Suggests Employees Deserve The Right To Disconnect” Huffington Post, 05/25/2016 05:57 am ET | Updated May 27, 2016 http://www.huffingtonpost.com/entry/work-emails-france-labor-law_us_57455130e4b03ede4413515a.

¹⁷ See, e.g., “In Sweden, Happiness from Shorter Workday Can't Overcome the Cost,” NY Times, Jan. 7, 2017, p. B2.

And then let's look at what we as a society spend our money on. Does a family of four really need a 3500 square foot house? Do we really need another new football stadium? I don't think so. Let's invest in education – including education in art and music and foreign languages – for all our children, not just those in wealthy school districts – and for adults, too. Let's invest in health care, in the battle against global warming. Let's invest in keeping our dams safe, the Oroville Dam,¹⁸ in California, for example, or, alternatively, in removing the dams – some of them, at least – and liberating the rivers. Let's invest in helping those in nations that have been left behind escape from poverty, with emphasis on education for girls and women and effective family planning.

This would require higher taxes. But suppose that those in the top 50% in income had their tax bill go up by 10% – how much would they suffer? Not much, that's my guess. And the kingdom of God, the realm of peace and justice and sustainability would be one step closer.

Government is important for all this. But government is not nearly enough. And let's be realistic, how much change can we expect from the federal government, and the 50 state governments, and the thousands of local governments? Nongovernmental organizations have a big role to play, both in advocacy and in programs. And among nongovernmental organizations are religious organizations. In particular, I'm thinking of the Unitarian Universalist Association, the Unitarian Universalist Service Committee, the two UU seminaries, Meadville/Lombard in Chicago and Starr King in Berkeley. And I'm thinking of about a thousand Unitarian Universalist congregations scattered across the continent, including, most definitely, this one, the Unitarian Universalists of Gettysburg.

To keep our Nation's governments going – the federal government and the state and local governments – to keep them going you need money, and money means taxes. A church doesn't have the power to tax, we rely on members' making pledges of financial commitment and on their fulfilling their pledges. I am in love with both systems.

How would we pay for schools and parks and courts and highways and all the other wonderful things that governments provide were it not for taxes? We pay taxes for services that we need and use; we pay taxes so that we can be safe; we pay taxes so that we can live in a society of fairness and justice.

In the congregation, taxation is voluntary, but I hope we have such enthusiasm for what our contributions can make possible that our generosity will cause people to wonder whether this is really a Unitarian Universalist congregation, and not a congregation where tithing is the norm. Tithing means giving ten percent, by the way.

¹⁸ See NY Times, various articles, Feb. 13-16, 2017.

Our money keeps this place going – the building, worship, child care, pastoral care, community building events, outreach to the wider community, support for the district and for the national association and the services they provide – we are blessed that we can afford all of this. Do you want more? – a full lifespan religious education program, a richer music program, a minister who can be part of the greater Gettysburg community, an on-campus presence at Gettysburg College, reliable administrative and custodial support, the ability to send *anyone* to district meetings or General Assembly and not just those who can pay their own way? We are blessed that we can afford all of this, and more – but there’s a slight snag here – the money is still in our pockets, not yet pooled together for collective action.

In the Nation we have a social contract that holds us together. Of course, it’s not an actual contract, I’d call it more metaphorical. There’s an implied agreement among us – to obey the law, to follow the democratic process, to treat each other fairly, to preserve our land and our institutions for future generations, to pay our taxes, to step forward when called to serve in the military. That social contract gets quite frayed from time to time – it can need repairs and alterations.

In a Unitarian Universalist congregation we don’t exactly have a social contract, but we have a covenant. In some congregations there is an explicit covenant, crafted through interminable congregational gatherings and approved by an official congregational vote. In other congregations the covenant is implied. Either way, it describes, it idealizes how we relate to one another. We treat each other with respect; we help those in the congregation who are in need; we are straightforward and honest with each other; we acknowledge our conflicts, and we resolve them or agree to live with them; we do our fair share of the work and pay our fair share for the maintenance of the congregation, realizing that fair shares are probably not equal shares, and recognizing that at different stages of our lives our responsibilities are different.

In conclusion, we live in a great Nation, a Nation with deep and enduring principles that will ultimately prevail, a Nation of resilience that can recover its true path no matter how badly sidetracked or diverted. We can be thankful to be part of the United States of America; we can be proud to proclaim that we are Americans.

We are supported by a great faith tradition and sheltered by an outstanding local congregation. This is our religious home; this is our spiritual community. We have faith in humanity; we have trust in reason; we live in *this* world, we’ll leave others to worry about the next one. We are thankful to be part of the Unitarian Universalist Association of congregations; we are proud to call ourselves Unitarian Universalists.

So my message to you this morning is forget about the pursuit of happiness and focus your mind and your energy and your resources on the kingdom of God, the realm of peace, justice, and sustainability, the beloved community. And let’s start right where we are, right here, right now – the Unitarian Universalists of Gettysburg. Amen.