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REVIEWS

The Pursuit of Happiness in the Founding Era: An Intellectual History

Carli N. Conklin

Columbia: University of Missouri Press, 2019

Academics have incessantly debated how to understand America's founding generation. Were the Founders Lockean individualists or classical republicans? How did the Founders interpret Locke? Were the Founders orthodox Christians or Enlightenment deists? Were they libertarians or communitarians?

Carli Conklin's *The Pursuit of Happiness in the Founding Era: An Intellectual History* is the latest contribution to this field. In this book, she strives to understand how the Founders understood the Declaration of Independence's phrase "pursuit of happiness."

Professor Conklin teaches at the University of Missouri School of Law and, not surprisingly, approaches this multidisciplinary subject in a legal fashion. She argues that, notwithstanding Jefferson's disdain for William Blackstone, Blackstone understood pursuit of happiness in a way similar to that of America's Founders. She argues that Blackstone and the Founders simply applied that principle differently. Where Blackstone reshaped the existing British common law, the Founders critiqued the entire system.

Conklin begins by analyzing Blackstone. Blackstone synthesized English common law in his *Commentaries on the Laws of England.* The Anglican Blackstone believed that English common law was a legitimate competitor to Roman civil and canon law. The English common law represented an inductive method rooted in an Anglo-Saxon freedom tradition. Blackstone believed that, unlike the unnecessarily complicated Roman law system, "we should want no other prompter to enquire after and pursue the rule of right, but only our own self-love, that universal principle of action."

Conklin acknowledges that Blackstone remained indebted to both Greek philosophy (Aristotle's view of happiness) and Roman civil law. However, she argues that Blackstone reflected an Enlightenment epistemology that combined Anglican theology and Scottish common sense philosophy. Reflecting the Anglican "middle way" instinct, Blackstone argued that the "pursuit of happiness" was midway between the Catholics' excessive focus on reason and the Enthusiasts' excessive focus on conscience.

Anglican latitudinarian thinkers believed in progress but differed over what that meant for theology. Should Anglican theology go back to early Church principles or look to contemporary principles? (This argument is still being debated in the Anglican Communion.) Blackstone argued for the former and applied a similar argument to the common law. King Alfred helped establish the common law that protected rights and freedom. Blackstone sought to purify the common law of its historical accretions by going back to the pursuit of happiness.

The second part of the book analyzes the Founders' view of the pursuit of happiness using a textualist interpretive method. Conklin is primarily interested in how contemporary readers would have understood Jefferson's use of this phrase in the Declaration of Independence.

Carl Richard has argued that the Founders were influenced by four systems of thought: English law, the history and philosophy of classical antiquity, Christianity, and the Scottish Enlightenment's emphasis on Newtonian science. Conklin agrees with this approach and shows how the Founders intermingled these systems. For example, Joseph Addison was immensely popular with the Founders who enjoyed his journalism (*Spectator*) and his plays (*Cato, a Tragedy*).

This intermingling can get complicated. As Conklin puts it, "the Declaration is best understood not as the expression of ideas contained in Blackstone's *Commentaries* but as Blackstone mediated by the founders' understandings not only of English law and legal theory but also of the history and philosophy of classical antiquity, the providential theology and morality of Christianity, and the epistemology of the Scottish Enlightenment, as contained in its Common Sense application of the inductive methods of Newtonian science."

Conklin next shows how the Founders understood the pursuit of happiness to contain both a private right and a public duty. Conklin relies on many authors, including Locke, to show that the Founders did not believe that happiness was radically subjective, as today's libertarians might have us believe. To the contrary, happiness requires virtue.

Conklin compares Jefferson's reform of criminal law with Blackstone's reform. They each relied on an inductive method to determine whether existing criminal law contributed to the pursuit of happiness. They both argued that progress would occur via a return to first principles and close analysis of practice.

The book concludes with several appendices, two of which are review essays on Blackstone's thought and the Founders' thought. Most academic books only cite direct references. I have often wondered why more authors do not include an annotated bibliography for interested readers. More scholars should take advantage of appendices to provide this broader perspective.

Conklin persuasively argues that the Founding generation understood the "pursuit of happiness" to include a broad understanding of human flourishing. Modern scholars often see a fundamental conflict between Lockean ideals and expectations of virtue, but as Conklin notes, the Founders did not. They could argue for Lockean property rights while simultaneously appreciating the necessity of duties.

This book could serve undergraduate students studying the Founders' thought. However, faculty should also introduce students to the debates over how the Founders understood Locke and whether they correctly interpreted him. Among the many relevant scholars are Jeremy Waldron, Michael Zuckert, and Thomas G. West. Blackstone might have been swimming in the same intellectual currents as the Founders but the Founders heavily relied on Locke.

Other than perhaps Ethan Allen, the Founders were not libertarians. However, they also stressed the importance of individual property rights to an extent that would make committed communitarians uncomfortable. That tension between individual property rights and expectations of duties has been and remains at the heart of America's republican experiment.

Conklin concludes her book by correctly noting that the Founders believed "that, as humans, we were created to live, at liberty, with the unalienable right to engage in the pursuit [of happiness]." Today's academic institutions seem committed to actively forgetting these national first principles. To her credit, Conklin reminds us of the importance of our rights to life, liberty, and the pursuit of happiness.

—Caleb Henry
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Religion and Comparative Development: The Genesis of Democracy and Dictatorship

Theocharis Grigoriadis

Cheltenham, UK: Edward Elgar Publishing, 2018 (202 pages)

This is an ambitious work, attempting to set out "the first comparative theory of religion and political development" through an examination of Eastern Orthodox Christianity, Islam, and Judaism (xi). To accomplish such a challenging goal in such a comparatively brief work, Grigoriadis first provides a political theory of religion, asserting that it is "more structure than ethics." The theory yields three "grand themes": (1) religion shapes the electorate's social welfare expectations and the bureaucracy's surveillance incentives and collectivist distribution approach; (2) the organizational structures of religions shape the administrative structures of local and regional communities; and (3) these influences combine to influence the degree to which a society is collectivist or individualistic (10, 18–19). Spoiler alert: This is not particularly good news for everyone but Protestants. The Eastern Orthodox get public sector oligarchies, the Catholics get state corporations or clientelism, the Jews get fragmented democracy, and the Protestants get liberal or social democracy (19–20).