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Independence, Liberty, and Happiness: A Unique Proposition



Dear United States of America,

The American legal system has long captivated international observers, not merely for its structural endurance, but for the profound philosophical proclamations that form its bedrock. Chief among these is the triad of human aspiration: independence, liberty, and the **pursuit of happiness**. To fully appreciate this American innovation, we must first make a brief, albeit crucial, jurisprudential distinction. It is a common and entirely understandable misconception that "the pursuit of happiness" is explicitly codified in the text of the United States Constitution. In legal reality, the formal Constitution — specifically within the Fifth and Fourteenth Amendments — protects "life, liberty, or property." The "pursuit of happiness" was, instead, famously enshrined in the Declaration of Independence.

However, to legally divorce the two documents is to misunderstand the American founding. The Declaration operates as the philosophical soul of the nation, while the Constitution serves as its structural, operational body. Together, they form a unified "**constitutional proposition**" that makes the American legal framework entirely unique on the global stage.

To understand the radical nature of this proposition, one must look to the English legal traditions that preceded it. The foundational philosophy of the era, heavily influenced by John Locke, advocated the protection of "life, liberty, and estate" (property). Property was the ultimate metric of legal freedom in the old world. Thomas Jefferson's decision to substitute "property" with "the pursuit of happiness" in the Declaration was a breathtaking jurisprudential pivot.

By making happiness a core, unalienable right, the American Founders elevated human flourishing, intellectual autonomy, and personal self-actualization above mere material wealth. It established a legal ethos that the ultimate purpose of the state is not just to protect borders and commerce, but to secure the conditions under which free people can define and pursue their own fulfillment. How, then, did the Framers translate this poetic proposition into enforceable law? They did so through the brilliant, pragmatic machinery of the Constitution. The Constitution does not guarantee that one will be happy—a legal impossibility. Instead, it meticulously constructs an architecture of negative liberty to protect the pursuit.

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Through the separation of powers, federalism, and the eventual Bill of Rights, the Constitution deliberately restrains the power of the sovereign, creating a vast, unregulated space for the individual. The "pursuit of happiness" is structurally protected by limiting the government's ability to dictate what that happiness should look like.

For the international lawyer today, this framework stands in stark contrast to many modern international constitutions. While contemporary legal systems often focus on positive rights — mandating that the state provide housing, healthcare, or employment — the United States legal system remains fiercely dedicated to the autonomy of the individual's pursuit. It is a system built on the premise that the greatest legal right of all is the freedom to forge one's own destiny without arbitrary state interference.

This combination of independence, liberty, and the legally protected space to pursue one's own happiness remains a towering achievement. It is a unique proposition that continues to make the American legal system a fascinating, dynamic, and profoundly inspiring subject of global study.

Yours, with great admiration and transatlantic devotion,

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Vienna, 2026 · Letter XVII of XXV

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