

Life, Liberty, and The Pursuit of Happiness

How the *Natural Law* Concept of G. W. Leibniz
Inspired America's Founding Fathers

by Robert Trout

The American Revolution was a battle *against* the philosophy of John Locke. Emmerich de Vattel's *The Law of Nations* was key in framing the United States as the world's first constitutional republic

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July 4, 1776: The Declaration of Independence is presented to the Continental Congress at Independence Hall, Philadelphia. Included in the drafting committee were Thomas Jefferson (center), flanked by Benjamin Franklin (right) and John Adams (left). Facing page: manuscript of the Declaration.

A Declaration by the Representatives of the UNITED STATES OF AMERICA, in General Congress assembled.

When in the course of human events it becomes necessary for ^{one} people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the ^{separate and equal} station to which the laws of nature and of nature's god entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to ^{the} separation.

We hold these truths to be ^{self-evident} that all men are created equal, that they are endowed by their Creator with ^{unalienable} rights, that among these are life, liberty, & the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, & to institute new government, laying its foundation on such principles & organizing its powers in such form, as shall seem most likely to promote their safety and happiness.

The most perfect society is that whose purpose is the universal and supreme happiness.'
—Gottfried Wilhelm Leibniz, 'On Natural Law,' c.1690

Happiness is the point where center all those duties which individuals and nations owe to themselves; and this is the great end of the law of nature. . . . To succeed in this, it is necessary to instruct the people to seek felicity where it is to be found; that is, in their own perfection.'

The first general law that we discover in the very object of the society of nations, is that each individual nation is bound to contribute every thing in her power to the happiness and perfection of all the others.'

—Emmerich de Vattel, 'The Law of Nations,' 1758

I am much obliged by the kind present you have made us of your edition of Vattel. It came to us in good season, when the circumstances of a rising state make it necessary frequently to consult the Law of Nations. Accordingly, that copy which I kept, has been continually in the hands of the members of our congress, now sitting.'

—Benjamin Franklin, letter to Charles W.F. Dumas, December 1775

This [previous work on the law of nations], says a writer, is evidently rather an introduction than a system; and it served only to excite a desire to see it continued with equal perspicuity and elegance. The honor of this task was reserved for the great Vattel, whose work is entitled to the highest admiration!

—James Duane, Mayor and Chief Judge of New York City, August 1784

Most Americans, today, have no idea that there once existed something, commonly known as the "American System." The vast majority of Americans today think of freedom as the equivalent of "doing your own thing." Those who think of themselves as better educated are really no better off, believing that the Constitution of the United States came out of the tradition of John Locke's Social Contract. Alexander Hamilton, who had played a key role in shaping both the American economy and the Constitution of the United States, is commonly described as a man whose outlook was "aristocratic."

The myth that the founding of American Republic was based on the philosophy of John Locke could only have been maintained, because the history of Leibniz's influence was suppressed. The American Revolution was, in fact, a battle *against* the philosophy of Locke and

the English utilitarians. Key to this struggle, was the work of the Eighteenth-century jurist, Emmerich de Vattel, whose widely read text, *The Law of Nations*, guided the framing of the United States as the world's first constitutional republic. Vattel had challenged the most basic axioms of the Venetian Party, which had taken over England before the time of the American Revolution, and it was from Vattel's *The Law of Nations*, more than anywhere else, that America's founders learned the Leibnizian natural law,¹ which became the basis for the American System.

Virtually unknown today except among specialists, Emmerich de Vattel was born on April 25, 1714, in the principality of Neuchâtel, which was part of Switzerland. He became an ardent student of Leibniz, and in 1741, published his first work, a defense of Leibniz, *Défense du système leibnitzien*. In another book analyzing

the philosophy of Christian Wolff, Vattel showed that Christian charity is consistent with natural law. He demonstrated that Christ's instruction, "Love your enemies," is proven by natural law.² His most famous work, *The Law of Nations; or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns*,³ was published in 1758. He also published a piece on tragedy and comedy, and a few poems.

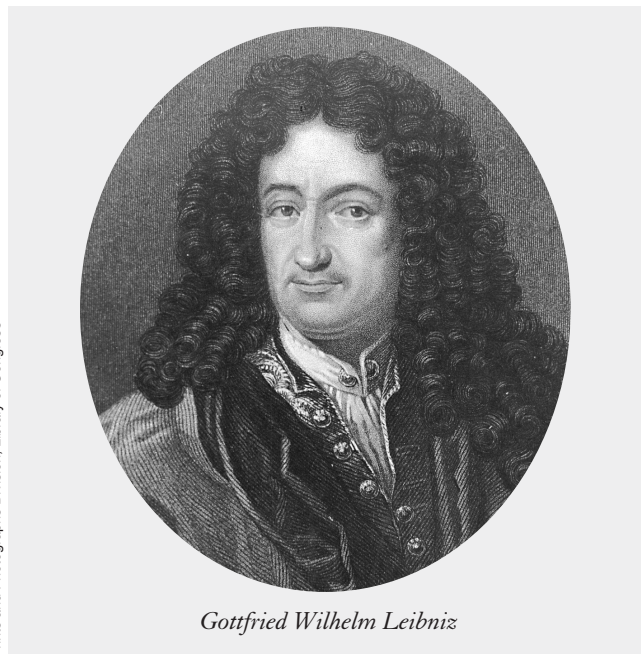
In 1746, Vattel entered the diplomatic service of King Augustus III of Saxony, where he was appointed the chief adviser of the government on foreign affairs in 1758. Vattel remained in this position until his death in 1767.

Vattel's *The Law of Nations* was the most influential book on the law of nations for 125 years following its publication. The first English translation appeared in 1759. Numerous editions of *The Law of Nations* were printed in England during the Eighteenth century, which were widely read in the American Colonies, along with editions in the original French. The first American edition appeared in 1796. The book was reprinted nineteen times in America by 1872. It was reprinted at least fifty times in the years following its 1758 publication. By comparison, Hugo Grotius, who is currently described as the founder of modern international law, was reprinted only around five times during the hundred years following the appearance of Vattel's work. Grotius' fame had waned in the Nineteenth century, but was resurrected in the opening decades of the Twentieth century through the efforts of especially the British and the Dutch. Grotius was, then, falsely promoted as the main representative of the law of nations as based on natural law, to serve as an Aristotelian foil for the establishment of an international law which was based upon Lockean positivism.

The majority of this essay will be devoted to reviewing the contents of Vattel's *The Law of Nations*, and its documented impact on America's founding fathers. But, we must first review certain fundamental issues of law and the nation-state, as these were considered by G.W. Leibniz, and as they have been further developed by Lyndon H. LaRouche, Jr.

Locke vs. Leibniz

The Eighteenth century was defined by the attempts of the financier oligarchy, or Venetian Party, then headquartered in England, to wipe out the modern nation-state. The Venetian Party launched the Enlightenment, to spread the ideology that man was no more than a hedonistic animal, controlled by his sensual urges. By destroying the ability of men to think and act like citizens, they aimed to destroy the basis for the existence of the nation-state as an opponent to their



Gottfried Wilhelm Leibniz

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oligarchical control of human society.

The prevailing theories of the Enlightenment were based on the method introduced by the Venetian, Paolo Sarpi. Sarpi's writings became the basis for such English writers as Hobbes, Locke, Mandeville, and Bentham. All these writers started by assuming that the individual's hedonistic desires are self-evident facts, and built up society from that premise. Thomas Hobbes is generally known for his bestial portrayal of human nature. John Locke, who is usually portrayed as the source of the ideas of freedom and government which motivated the Founding Fathers, was no better.

Locke wrote that the souls of the newly born are blank tablets. He asserted that thinking is only sense perception, and that the mind lacks the power "to invent or frame one new simple idea."⁴ He wrote,

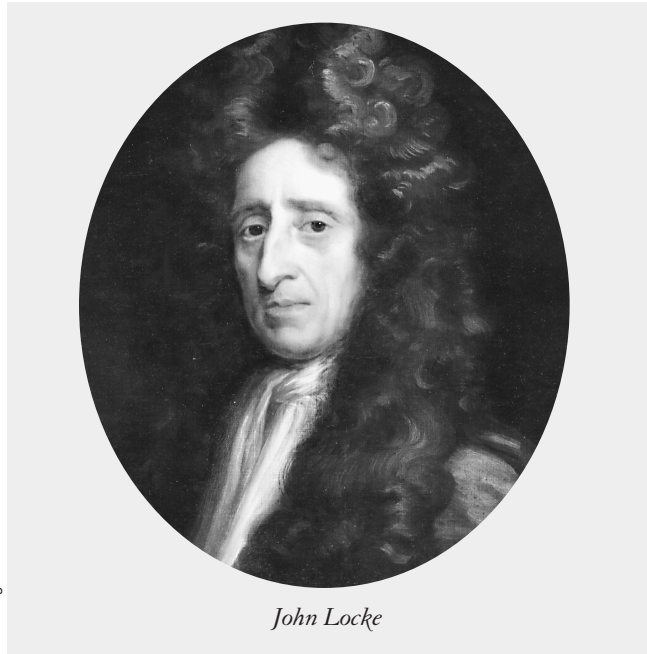
The knowledge of the existence of any other thing, we can have only by sensation: for there being no necessary connection of real existence with any idea a man hath in his memory; . . . but only when, by actual operating upon him, it makes itself perceived by him. . . .

As to myself, I think God has given me assurance enough of the existence of things without me: since by their different application, I can produce in myself both pleasure and pain, which is one great concernment of my present state. (*An Essay Concerning Human Understanding, Vol. II*)

From this bestial view that the human mind consists of only sense certainty, pleasure and pain, Locke developed an equally bestial theory of the nation. Man originally existed in a State of Nature of complete liberty. If he was attacked by another, he was justified in seeking retribution. Men, however, being filled with self-love, extract-

ed more retribution than they justly deserved. The community or state came to be an umpire, by setting rules for the proper amount of “just retribution.” And thus, the commonwealth came into existence to set just punishments and to defend itself against outsiders. It follows, that Locke’s conception of freedom, was no more than the right of each man to follow his hedonistic instincts in all things, where not prohibited by the umpire’s rules. Not surprisingly, when Locke wrote the “Fundamental Constitution for the Government of Carolina,” in 1669, he established a feudal system which included both Black and white slavery.

The myth that John Locke was the philosopher behind the American Republic, is easily refuted by examining how Locke’s philosophy steered Thomas Jefferson, for example. Jefferson’s actions make it clear that, had Locke’s philosophy been the inspiration for the American Revolution, the U.S. would never have become the world’s leading nation and industrial power. Jefferson, who claimed that the three greatest men in history were the British empiricists Francis Bacon, John Locke, and Isaac Newton,⁵ adopted their outlook that sense certainty is the basis for all knowledge, writing:



John Locke

The Granger Collection

I feel, therefore I exist. I feel bodies which are not myself: there are other existences then. I call them matter. I feel them changing place. This gives me motion. Where there is an absence of matter, I call it void, or nothing, or immaterial space. On the basis of sensation, of matter and motion, we may erect the fabric of all the certainties we can have or need. (Letter to John Adams, Aug. 15, 1820)

Having denied that human nature is creative reason, Jefferson saw society and economics as based on fundamentally *fixed* relationships. Consequently, he endorsed Thomas Malthus’ ideology, that man’s needs must exceed his ability to produce.⁶ He rejected national economic development through the increase of the productive powers of labor, and instead accepted Adam Smith’s free trade doctrines. Jefferson saw slavery as appropriate for Blacks, whom he considered as inherently inferior.

Jefferson opposed Hamilton’s measures for the development of the nation, and in a private letter stating his opposition to Hamilton’s National Bank, for example, he raved that any person in the state of Virginia, who cooperated with the Bank, “shall be adjudged guilty of high treason and suffer death accordingly.”⁷ Jefferson was fanatically opposed to the development of Amer-

Emmerich de Vattel



ican industry, and described the growth of cities in America as “a canker which soon eats to the heart of its laws and constitution.”⁸ He fought to keep the nation as a feudal plantation.

If man were nothing more than a bundle of hedonistic instincts, however, whose cognitive ability were limited to sense certainty, mankind would today be no more than a few million bestial individuals on the entire planet, scratching out an existence in the dirt. In his own period, it fell to Gottfried Leibniz, who represented the best of the tradition of the Renaissance that had established the modern nation-state beginning with the France of Louis XI, to demonstrate that Locke’s premises were an inhuman fraud.⁹

Leibniz developed a science of the mind, which was coherent with human nature as creative reason, rather than animalistic instincts. For the human species to make

fundamental changes in its methods of existence, men must be capable of creative reason, instead of merely taking in sensual impressions and acting on instincts. Leibniz described how the mind functions by recognizing the contradictions in sensual impressions and generating Platonic ideas, which are “by far to be preferred to the blank tablets of Aristotle, Locke, and the other recent exoteric philosophers.”¹⁰

In his writings, Leibniz demonstrated how the principles of science and law are also “not derived from sense, but from a clear and distinct intuition, which Plato called an idea.”¹¹ Plato discussed, in the *Republic*, how some sense impressions do not provoke thought, because the judgment of them by sensation seems adequate, while others always invite the intellect to reflection, because the senses give the mind contrary perceptions. These sense

Lyndon LaRouche on *Natural Law*

The central significant fact of physical-economic measurements of societies taken as indivisible wholes, is that this approach enables us to demonstrate, by the standards of experimental physics, both certain principles of the human cognitive processes, and certain corresponding, general principles of nature. Furthermore, in this way, we are able to obtain relevant measurements, by means of which to prove certain crucial, subsidiary principles. The result is meaningfully termed “natural law,” in the sense that natural law signifies the way in which both mankind, and the universe, have been *manifestly pre-designed to function, and to interact*. That may be restated: *Natural Law is the hypothesis which corresponds to the necessary and sufficient reason for mankind’s successfully continued existence.*

Consider next, the general characteristic of successful human existence. The approach of experimental physics, shows us a most crucial general principle, underlying the growth of human population under conditions of both increased *per-capita* productivity, and improved demographic characteristics.

The level of potential physical productivity of a society, *per capita*, *per* household, and *per* relevant square kilometer of the Earth’s surface, depends both upon a certain development of the human intellect, and also certain minimal standards of both demographic characteristics and consumption. The consumption includes a standard of *functionally-necessary* household consumption, functionally-necessary consumption for necessary basic economic infrastructure, and function-

ally-necessary consumption for production and related functions of output of goods. This minimal level of requirement is increased, in terms of knowledge, and of demographic and market-basket requirements, as the transition to a higher general level of potential physical productivity is made. . . .

The method of experimental physics demonstrates to us, that there are valid discoveries of principle, proven to be valid by means of differences of measured effects. The human individual has the power which no other species exhibits, the power to discover and adopt revolutionary principles of change in human practice, through which the power of mankind over nature is increased, in the manner, and according to the general constraints which we have outlined above. The phenomena of technological attrition shows us, that mankind’s continued existence, in population densities above those of the higher apes, depends upon a continued development and employment of such radical changes in human behavior, notably those changes, throughout discernible evidence of human existence, which we class, retrospectively, or otherwise, as valid, axiomatic-revolutionary discoveries of principle, through which the behavior of a society is improved radically. In such consideration of that physical-economic evidence, we have struck upon the ore from whose refinement we may extract the purer metal of “human nature.” This “ore” serves us as the evidence leading to a functional definition of *natural law*.

—Lyndon H. LaRouche, Jr.,
from “U.S. Law: Neither Truth Nor Justice”

impressions force the mind to conceptualize an explanation, which is intelligible rather than visible. The best example of a Platonic idea, is the demonstration which Lyndon LaRouche has developed of Eratosthenes' measurement of the size of the earth, which Eratosthenes accomplished several millennia before anyone had actually "seen" the shape of the earth's curvature.

Leibniz and Locke's conception of how the mind works, was reflected in their different understanding of the nature of God. Leibniz's God is the Creator, who is able to transform the universe to higher levels of perfection, in a fashion which is reflected in man's transformation of human society. To illustrate how God transforms the universe, Leibniz used the example of an eternal book on the Elements of Geometry. Each new copy is made from the previous one, with new advances being added, in a lawful process of change. The nature of this lawful process of change from one copy to the next, is illustrated by the scientific discoveries made by Leibniz and his collaborators. The new copy of the Elements of Geometry, is not reached by principles of formal logic, but through a scientific discovery which takes the form of a Platonic idea. "What is true of books, is also true of the different states of the world; every subsequent state is somehow copied from the preceding one (although according to certain laws of change)."¹² Leibniz quoted Plato's *Phaedo*, to describe how the Creator orders the universe according to reason, and is continually acting to further the perfection of his creation.¹³

For Enlightenment neo-Aristotelians like Sarpi, Locke, and Grotius, the idea that the universe could be both lawful and evolving in a constant process of perfection, was incomprehensible. They saw God as trapped in the same set of fixed rules, in which their minds were trapped. Grotius stated this explicitly, arguing that, "The law of nature, again, is unchangeable—even in the sense that it cannot be changed by God."¹⁴ Since not even God can change these fixed laws, far less powerful mankind must live in a universe defined by these fixed relationships. Aristotle, Locke, *et al.*, developed a system of law, and a model of society, in which people are trapped in fixed categories, such as aristocrat or servant.

Leibniz understood that the idea of man living in accordance with natural law, does not mean searching for some set of fixed laws, floating off in the heavens. Rather, man lives in coherence with natural law, by ordering society according to the powers of creative reason, which makes man in the image of God. For Leibniz, the highest right, and the source of true happiness, is *piety*, when man lives so that he seeks to perfect himself, in conformity with the perfection of the Creator.

Leibniz located the two traditional notions of right, which had been codified by Aristotle, as less universal than

piety. The higher of these two, Leibniz called equity. This included distributive justice, or the precept of the law that commands us to give each one what he merits or deserves. The lower degree, was that of mere right, or strict right of commutative justice, that no one is to be injured. "The strict right avoids misery whereas the next higher right, equity, tends toward happiness, but only such as fall within this mortality."¹⁵ It is the responsibility of the state, to make laws which transform the moral claims of equity, such as the obligation to take care of the sick, into legal claims, and thereby assure the happiness of the people.

Universal justice, however, is found only on the highest level, that of piety. The transformation from the middle to the highest level, is the difference between desiring good of others for our own benefit, and desiring good of others because it is our own good. On this level, man determines the justice of his acts, by weighing their consequences against the entirety of the past, present, and future. Leibniz expressed this again more simply, in the statement, "Parents exist primarily for the sake of children; the present, which does not last long, for the sake of the future."¹⁶ However, the clear comprehension of the mind, needed to understand justice on its highest level, is achieved by few, and the hope for improvement for humanity rests on those great men.

Leibniz dedicated his life to efforts to educate people to understand that true happiness is found by locating their identity in benefitting mankind and their posterity. He was involved in far-reaching efforts to improve the productive powers of labor, through fostering education, and developing technology and science, so the population could be lifted out of backwardness. His efforts to develop heat-powered machinery, so that one man could do the work of a hundred, mark the founding of economic science on a basis coherent with the natural law concept of man's increasing perfection. He created whole new branches of knowledge, such as the calculus, and worked to develop links with far-away countries like China.

Leibniz's understanding of natural law is best expressed, today, from the standpoint of Lyndon LaRouche, who describes himself as "in that Leibniz tradition upon which our 1776 Declaration of Independence and 1789 Federal Constitution were premised." [SEE Box, p. 8]*

LaRouche has developed a rigorous proof, from a study of the demography of human society over the past two million years, that man is fundamentally different from all other species. This demographic evidence demonstrates three crucial principles. LaRouche writes,

* For his most recent discussion of the issue of natural law, see Lyndon H. LaRouche, Jr., "U.S. Law: Neither Truth Nor Justice," *Executive Intelligence Review*, August 23, 1996 (Vol. 23, No. 34). The following summary is drawn from this discussion.

First, the increase of mankind's potential population-density, and also our species' improved life-expectancy and productivity, demonstrates, that the human individual is set absolutely apart from, and superior to all other living species, as Genesis 1:26-30 argues.

Second, a retrospective view of the improvement in human demography, referenced to the post-1461 establishment of the modern, western European form of nation-state, shows that this improvement in demography, is the consequence of combination of general education, with the fostering, through means of the individual mind's creative, cognitive processes, of scientific, technological, and related discoveries of principle. It is nothing other than this creative potential, typified by valid discoveries and employment of principles of nature for scientific and technological progress, which sets mankind apart from, and above all other species.

Third, that the struggle which defines human history, to date, is between the efforts to establish a form of state based upon universal education for ongoing scientific and related progress, and against the evil heritage of so-called "traditionalist" and oligarchical (e.g., feudal-aristocratic, financier-aristocratic) forms of society, such as those conforming with the evil Code of the Emperor Diocletian.

The rigorous proof of these three principles is derived from physical economy. Natural law, rather than being a list of do's and don'ts, or of even the most admirable moral principles, must be rigorously grounded in the requirements for successful human survival. "Natural Law is the hypothesis which corresponds to the necessary and sufficient reason for mankind's successfully continued existence."

In order for a society to survive, it must generate a sufficient level of physical production both to meet its current needs, and to produce a surplus for upgrading its productive powers. The level of potential physical productivity of a society depends on both the development of the intellect of its members, and a minimal standard of both demographic characteristics and of consumption. No society could ever survive by remaining in a steady state, however, since any society which remains in a fixed mode of production, runs out of the resources that are available for that mode of production. A successful economy must therefore also generate "Free Energy," which is invested to transform it to a higher level of technology.

The successful existence of the human species depends, therefore, on such a "not-entropic" result, achieved through scientific progress, and the successful survival of any society requires that it develop within its citizens, the capability to make the scientific discoveries necessary to achieve this progress. The quality of mind required for mankind to make necessary, successive scientific discoveries, however, is completely different from the view pre-

sented by Locke *et al.*, that knowledge is nothing more than a collection of sense impressions. This quality of mind is best expressed with reference to Plato's concept of hypothesis, and of "hypothesizing the higher hypothesis," which is the cognition required to compare different higher hypotheses used to generate discoveries and discern the most valid method of generating new discoveries.

LaRouche locates an individual's ability to make such creative discoveries as dependent on *agapē*, or the emotion associated with creativity. Through such valid discoveries, the individual contributes to the perfection of all mankind. Plato understood this, in associating *agapē* with the love of truth and the love of justice, and St. Paul used it to the same effect, extending it to the love of mankind and God. This emotion of love is in contrast to *eros*, or a fixation on sensual pleasure.

The natural law functions as a type of hypothesis, as LaRouche identifies "higher hypothesis." It consists of a set of principles (e.g., axioms) which govern the forming of many valid hypotheses, each hypothesis subsuming a theorem-lattice of lawful propositions. To be coherent with natural law, the constitutional law of any state must commit that state to serve the principles of progress, developing within its citizens those creative abilities which are dependent on the emotional state of *agapē*. This is the significance of Leibniz's conception that, "The most perfect society is that whose purpose is the universal and supreme happiness," and is the meaning of "the pursuit of happiness" in the opening of the Declaration of Independence, as well as its expression as the "General Welfare" clause in the Preamble to the U.S. Constitution.

Now, where did the founders of the United States learn the Leibnizian natural law which was the basis of the Declaration of Independence and the Constitution? Certainly not from Locke or any other of the spokesmen of the Enlightenment. Not from Grotius or other writers, who based their law on the fixed conceptions of man contained in Aristotle, Roman law, or Sarpi. At the time of the American Revolution, England's North American colonies had a literacy rate and productivity twice that of England, as the result of the efforts of republican circles. Philip Valenti and others have written about the substantial direct influence of Leibniz in the American Colonies.¹⁷ We will now look at the role of Emmerich de Vattel in the transmission of Leibnizian natural law to America's founders.

Vattel's The Law of Nations

From the standpoint of our argument, the following items summarize the key points of Emmerich de Vattel's application of a Leibnizian natural law viewpoint, to the issues of the law of nations.

Human Nature Is Creative Reason

Vattel begins *The Law of Nations* by attacking the prevailing doctrines of natural law, for failing to distinguish human from animal behavior. The Roman emperor Justinian defined natural law as “‘that which nature teaches to all animals’: Thus he defines the natural law in its most extensive sense, not that natural law which is peculiar to man, and which is derived as well from his rational as from his animal nature.” Vattel then attacks the writings of Grotius, Hobbes, Puffendorf, and Wolff, for being based on the same false axioms of human nature.

Grotius cut his teeth writing legal opinions for the Dutch East India Company, which was set up as part of the Venetian takeover of The Netherlands. In *On the Law of War and Peace*, Grotius used Aristotle to defend the oligarchical system: “Further, as Aristotle said that some men are by nature slaves, that is, are suited to slavery, so there are some peoples so constituted that they understand better how to be ruled than to rule.”¹⁸ Having adopted Aristotle’s axioms that human nature is fixed, as the basis for his natural law hypothesis, Grotius derives a false natural law, writing “The law of nature, again, is unchangeable—even in the sense that it cannot be changed by God.”¹⁹ He fails to understand Plato’s *Parmenides* dialogue, that the Creator of the universe is the source of change which generates the elements of the universe, and, hence, is more real than those elements within that created universe.

Christian Wolff, who is often presented as the successor to Leibniz, based his natural law hypothesis on axioms of human nature, which were completely opposite to Leibniz’s. Wolff wrote that, “the whole nation may best be thought of in the likeness of a man, whose soul is the director of the state, but whose body is the subject as a whole.”²⁰ Wolff was a defender of “enlightened absolutism,” where the vast majority of people were reduced to little more than muscle labor. His extensive discussions of perfection and happiness were designed to mimic Leibniz, but stripped of Leibniz’s guiding conception that all men possess creative reason. Consequently, Wolff’s mercantilistic system was a static conception of economics, and not based on the development of the productive powers of labor.

In *The Law of Nations*, Vattel establishes a system of law governing relations between nation-states, based on natural law. In the “Preliminaries” section, Vattel first establishes a natural law hypothesis which is coherent with the approach of Leibniz and LaRouche, in direct opposition to the Lockean, positivist approach which dominates law today. He then applies this natural law hypothesis, in Book I, to develop the law governing

nations, and in the three other Books, to develop the law governing relations between nations.

Vattel shows that the nature of man requires that society be organized to develop *agapē* in its members. In a section which is a remarkable predecessor to the proof developed two hundred years later by Lyndon LaRouche, Vattel demonstrates that man’s ability to provide for himself through technology developed by creative reason, defines human nature as fundamentally different from animal nature. Reason, or the capacity to develop new technologies through scientific discovery, allows mankind to survive and perfect itself, while animal nature is based merely on sense impressions. Vattel attacks the absurd notion, that human nature could be defined by looking at an isolated individual. The potential for speech and reason is inherent within each individual, but can only be developed through the education of the young by others. Therefore, man must work for the perfection of creative reason in himself, and in others, for society to flourish. He writes,

Man is so formed by nature, that he cannot supply all his own wants, but necessarily stands in need of the intercourse and assistance of his fellow-creatures, whether for his immediate preservation, or for the sake of perfecting his nature, and enjoying such a life as is suitable to a rational being. This is sufficiently proved by experience. We have instances of persons, who, having grown up to manhood among the bears of the forest, enjoyed not the use of speech or of reason, but were, like the brute beasts, possessed only of sensitive faculties. We see moreover that nature has refused to bestow on men the same strength and natural weapons of defense with which she has furnished other animals—having, in lieu of those advantages, endowed mankind with the faculties of speech and reason, or at least a capability of acquiring them by an intercourse with their fellow-creatures. Speech enables them to communicate with each other, to give each other mutual assistance, to perfect their reason and knowledge; and having thus become intelligent, they find a thousand methods of preserving themselves, and supplying their wants. Each individual, moreover, is intimately conscious that he can neither live happily nor improve his nature without the intercourse and assistance of others. Since, therefore, nature has thus formed mankind, it is a convincing proof of her intention that they should communicate with, and mutually aid and assist each other.

Hence is deduced the establishment of natural society among men. The general law of that society is, that each individual should do for the others everything which their necessities require, and which he can perform without neglecting the duty that he owes to himself: a law which all men must observe in order to live in a manner consonant to their nature, and conformable to the views of their common Creator,— a law which our own safety, our happi-

ness, our dearest interests, ought to render sacred to every one of us. (*The Law of Nations*, Preliminaries, Sec. 10)

Since men can live “consonant to their nature” only by the development of their creative potential through collaboration with others, a society which does not develop the emotion of *agapē* in its members, is self-destructive. Vattel leaves no doubt that he is diametrically opposed to the doctrines espoused by the Enlightenment philosophers such as Hobbes, Locke, and Jeremy Bentham. These doctrines, which the British oligarchy promoted, argued that the best society is achieved by each individual merely follow-

ing his individual greed. Vattel writes,

It is easy to conceive what exalted felicity the world would enjoy, were all men willing to observe the rule that we have just laid down. On the contrary, if each man wholly and immediately directs all his thoughts to his own interest, if he does nothing for the sake of other men, the whole human race together will be immersed in the deepest wretchedness. Let us therefore endeavor to promote the general happiness of mankind: all mankind, in return, will endeavor to promote ours, and thus we shall establish our felicity on the most solid foundations. (Preliminaries, Sec. 10)

‘To Procure the True Happiness of the Nation’

Let us continue to lay open the principal objects of a good government. What we have said in the five preceding chapters relates to the care of providing for the necessities of the people, and procuring plenty in the state: this is a point of necessity; but it is not sufficient for the happiness of a nation. Experience shows that a people may be unhappy in the midst of all earthly enjoyments, and in the possession of the greatest riches. Whatever may enable mankind to enjoy a true and solid felicity, is a second object that deserves the most serious attention of the government. Happiness is the point where center all those duties which individuals and nations owe to themselves; and this is the great end of the law of nature. The desire of happiness is the powerful spring that puts man in motion: felicity is the end they all have in view, and it ought to be the grand object of the public will. It is then the duty of those who form this public will, or of those who represent it—the rulers of the nation—to labor for the happiness of the people, to watch continually over it, and to promote it to the utmost of their power.

To succeed in this, it is necessary to instruct the people to seek felicity where it is to be found; that is, in their own perfection,— and to teach them the means of obtaining it. The Sovereign cannot, then, take too much pains in instructing and enlightening his people, and in forming them to useful knowledge and wise discipline. Let us leave a hatred of the sciences to the despotic tyrants of the east: they are afraid of having their people instructed, because they choose to rule over slaves. But though they are obeyed with the most abject submission, they frequently experience the effects of disobedience and revolt. A just and wise

prince feels no apprehensions from the light of knowledge: he knows that it is ever advantageous to a good government. If men of learning know that liberty is the natural inheritance of mankind; on the other hand they are more fully sensible than their neighbors, how necessary it is, for their own advantage, that this liberty should be subject to a lawful authority: —incapable of being slaves, they are faithful subjects.

The first impressions made on the mind are of the utmost importance for the remainder of life. In the tender years of infancy and youth, the human mind and heart easily receive the seeds of good or evil. Hence the education of the youth is one of the most important affairs that deserve the attention of government. It ought not to be entirely left to fathers. The most certain way of forming good citizens is to found good establishments for public education, to provide them with able masters—direct them with prudence—and pursue such mild and suitable measures, that the citizens will not neglect to take advantage of them.

Who can doubt that the sovereign—the whole nation—ought to encourage the arts and sciences? To say nothing of the many useful inventions that strike the eye of every beholder,— literature and the polite arts enlighten the mind and soften the manners: and if study does not always inspire the love of virtue, it is because it sometimes, and even too often, unhappily meets with an incorrigibly vicious heart. The nation and its conductors ought then to protect men of learning and great artists, and to call forth talents by honors and rewards.

—*Emmerich de Vattel, The Law of Nations, 1758*
Book I, Chap. XI, Sec. 110-113:
‘Second Object of a Good Government’

Vattel elaborates a program for national economic development, which centers on the increase of the productive powers of labor. This makes possible the increase in the population density, which is a necessity for a successful society. However, economic development is only a means to allow the people to labor after their principal duty, and that is their own perfection.

The question of private property shows how the different natural law hypotheses of Locke and Vattel, lead to totally different conceptions of how society should be governed. John Locke's absurd formulation is, that the origin of private property can be traced back to antiquity, to a primitive man picking up acorns under a tree. According to Locke, an individual's private property is merely the result of his past labor. Locke concludes from this, that the rights of private property are sacred and cannot be regulated by society.²¹

Vattel locates the origin of private property in the increase in the population density, which necessitated the development of agriculture, to supersede a hunting and gathering society. "If each nation had, from the beginning, resolved to appropriate to itself a vast country, that the people might live only by hunting, fishing, and wild fruits, our globe would not be sufficient to maintain a tenth part of its present inhabitants." (Book I, Chap. XVIII, Sec. 209) The advancement of society, to a more advanced mode of production, required that land be cultivated, with private property the best means for doing this.

Society has the need and, therefore, the right to regulate private property, to ensure development. Nations which claim uninhabited areas must develop them, for their claims to be valid, and the landed aristocracy is not allowed to hold large tracts of land without cultivating them. In addition, since government must provide direction to society to ensure the development of the productive powers of the nation, if the owners of a corporation act in a fashion that injures society, or which will ruin the corporation, the sovereign has the duty to constrain the prodigal.

Sovereign Nations, Not World Government

Vattel locates how the duty to contribute to the general happiness of mankind, is not removed by the formation of nation-states. Instead, when men join in a nation, they must still fulfill their duties towards the rest of mankind. He writes,

That society, considered as a moral person, since possessed of an understanding, volition, and strength peculiar to

itself, is therefore obliged to live on the same terms with other societies or states, as individual man was obliged, before those establishments, to live with other men . . . the object of the great society established by nature between all nations is also the interchange of mutual assistance for their own improvement, and that of their condition. (Preliminaries, Sec. 11-12)

From this, Vattel arrives at the first general law of relations between nations:

The first general law that we discover in the very object of the society of nations, is that each individual nation is bound to contribute every thing in her power to the happiness and perfection of all the others. (Preliminaries, Sec. 13)

The second general law of relations between nations is the sovereignty of all nations: "Each nation should be left in the peaceable enjoyment of that liberty which she inherits from nature." This is derived from natural law, since nations, like individuals, are naturally free and independent of each other, regardless of the size or strength of the nation. "A dwarf is as much a man as a giant; a small republic is not less a sovereign state than the most powerful kingdom."

Nothing makes most modern writers on international law more upset, than Vattel's explicit rejection of the idea of a world government, or supranational institutions, governing nation-states. Numerous writers in the early 1900's, raved that Vattel had to be reduced to obscurity, because of his defense of national sovereignty. Vattel rejects the formulation, advanced by Christian Wolff, that a *civitas maxima*, or great republic, exists above all nation-states:

It is the essence of all civil society ("*civitas*"), that each member thereof should have given up a part of his rights to the body of the society, and that there should exist a supreme authority capable of commanding all the members, of giving to them laws, and of punishing those who refuse to obey. Nothing like this can be conceived or supposed to exist between nations. Each sovereign State pretends to be, and in fact is, independent of all others. (Preface, p. xiii)

The sovereign nation-state is the best institution, to understand and perform the duties which the state owes to its citizens. As Vattel puts it, "A nation ought to know itself. Without this knowledge, it cannot make any successful endeavors after its own perfection." Furthermore, if nations reserve the right to judge other nations and intervene in their internal affairs, this "opens the door to all the ravages of enthusiasm and fanaticism, and furnishes ambition with numberless pretexts."

Law for Man, Whose Nature Is Creative Reason

Vattel derives a system of law governing the nation-state and relations between nations, from this natural law hypothesis. To have legitimacy, all law written by man must be coherent with this natural law hypothesis. Throughout his work, Vattel constantly addresses the leaders of nations, that a well-functioning state will only exist, if they govern so that every citizen is encouraged to develop within himself those agapic qualities needed for society to flourish.

The Sovereign. When men join together in society, they must establish a Public Authority, or Sovereignty, to direct society in meeting its common aims, be it in the form of a Democracy, an Aristocracy, or a Monarchy. The rights and authority of the Sovereign are derived from his duties of preserving and perfecting the nation. Since the survival and perfection of man is based on his creative reason, the purpose of society is to create conditions for the development of those powers in each individual, and it is the duty of the sovereign to ensure that those conditions exist. Hence, the sovereign must not surround himself with a crowd of servile courtiers who convince him to consider “the kingdom as a patrimony that is his own property, and his people as a herd of cattle.”

Vattel discusses the duties of the sovereign to perfect the nation, under three headings: (1) by procuring the accommodations of life, (2) by procuring the true happiness of the nation, and (3) by ensuring the nation’s defense against external violence. Likewise, since the individual in the state, finds a well-regulated state the most powerful succor to enable him to perfect himself, he is obliged to contribute all in his power to render that society more perfect.

Constitution. Each nation must be governed by a constitution, or a fundamental regulation, which determines the manner in which government functions. The nation must choose the best constitution to allow the foundation for the nation’s preservation, safety, perfection, and happiness. Since the constitution of a nation is determined by what is best for the perfection of the nation, it can be changed. However, the constitution ought to possess stability, so its alteration should not be taken lightly, and requires the support of the entire nation. Neither the legislature, nor the sovereign, has the power to change the constitution on its own.

The assertion that each state must be governed according to a constitution, which meets these conditions, was a very revolutionary idea at that time, when Germany was

made up of approximately three hundred separate, little states. In each, the prince or duke could rule with complete disregard for law. Even worse, the constitution of Germany, under the Holy Roman Empire, was a reactionary force on the German states. Vattel takes the opportunity to urge that a new constitution be adopted, so that the German nation might flourish.

Legislative Power. The legislative power is the body which makes civil and political laws to “furnish the state with laws suited to particular conjunctures,” for the perfection of the nation and its people. The nation may entrust this function to the prince or an assembly, but the laws enacted by the legislature must be consistent with the laws of nature and the constitution. “No engagement can oblige, or even authorize, a man to violate the law of nature.”

Judiciary. Vattel establishes the basis in natural law for the establishment of an independent judicial system. Since men have joined society and given up a part of their natural liberty to live in peace, the nation and its sovereign have a duty of ensuring justice. This requires both good laws, and a system which ensures that these laws are executed. It is in the interest of the sovereign, whether he be an assembly or a prince, that the people have confidence in the judicial system. “Confusion, disorder, and despondency will soon arise in a state, where the citizens are not sure of easily and speedily obtaining justice in all their disputes; without this, the civil virtues will become extinguished, and the society weakened.” The judicial system must be independent of the sovereign; a nation has the right, “to establish a supreme tribunal to judge all disputes, independently of the prince.” This independent judicial system should decide all disputes between the sovereign and the citizens. The state should also practice distributive justice in giving out rewards of the state, such as public employment, rather than treating these benefits as patronage. Vattel also stresses that the nobility must obey the laws, and attacks dueling, a “frenzy” and “manifest disorder, repugnant to the ends of civil society,” as an example of how the nobility set themselves above the law.

Three Principal Objects of a Good Government

1. To Provide for the Necessities of the Nation. The first duty of the sovereign is “providing for all the wants of the people, and producing a happy plenty of all the necessaries of life, with its conveniences and innocent and laudable enjoyments.” This allows them to better

labor after their principal duty, which is their own perfection. In other words, *a program for national economic development is a duty of the sovereign*. Vattel describes the key areas necessary for a national economic development program:

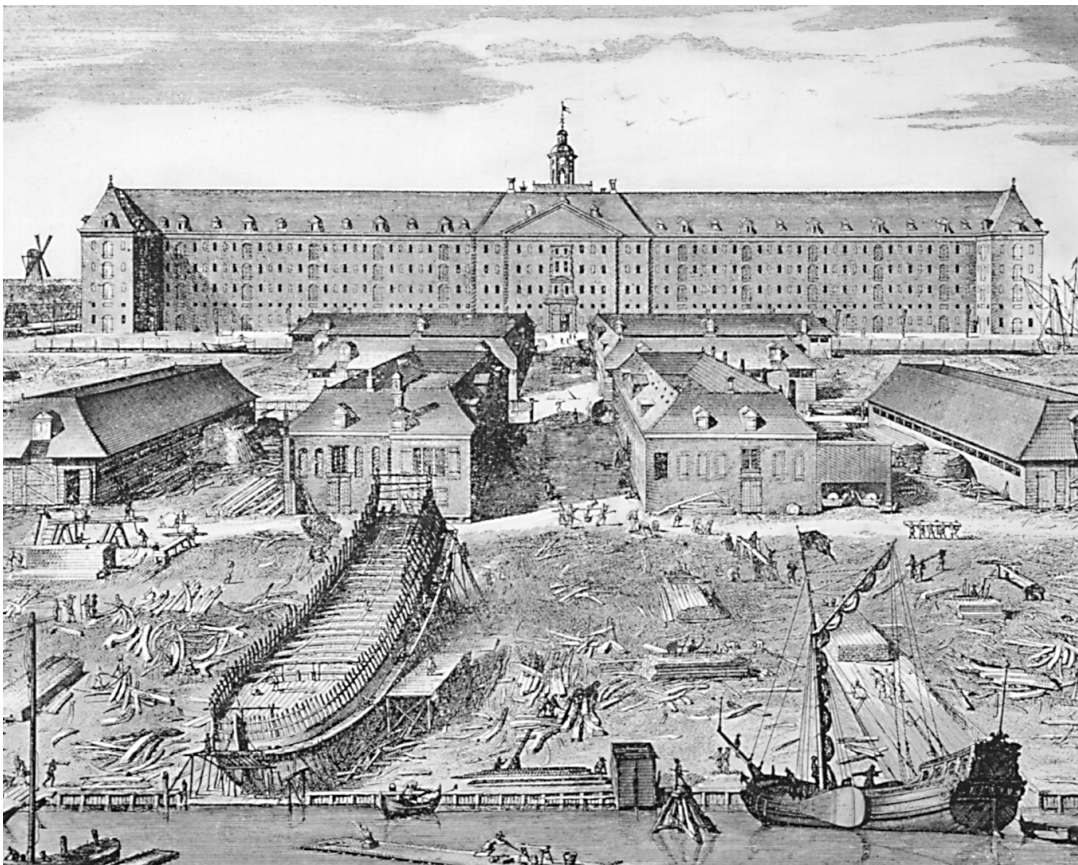
- Economic development requires “a sufficient number of able workmen in every useful or necessary profession.” Wise regulations and assistance properly granted will work better than constraint which is always fatal to industry. “Liberty is the soul of abilities and industry.”
- The development of agriculture. Large landholders cannot leave large plots uncultivated. Vattel proposes a program for public granaries to guarantee a secure food supply. These granaries must be used to keep the price of grain from wildly fluctuating. This both allows the nation to feed its people at a reasonable price during times of scarcity, and to preserve the farmers and gain higher export prices during times of plenty.
- Commerce must be regulated from the standpoint of national economic development. Trade, within the nation and with other nations, is necessary and benefi-

cial. However, each nation has the right to impose controls on imports to protect and encourage its own industries. Therefore, nations often sign treaties to regulate trade. Nations have a duty to trade, when another country is threatened. For example, if a nation is suffering a famine, other nations with surplus food have a responsibility to ensure that it receives necessary food supplies.

- Transportation and communications. France and Holland, for example, benefit from good transportation systems. The whole nation should contribute to such useful undertakings. Vattel defends the practice of charging tolls to pay for investment in infrastructure, but attacks the strangulation of trade, by tolls charged merely for the right of passage, a practice which was strangling the German economy at the time.
- The sovereign has the right to control the issuance of money. He must guarantee the value of the coin. Unstable money hinders production and trade.

2. To Procure the True Happiness of the Nation. All the measures required for the development of the nation, are necessary, but not sufficient, to ensure its happiness. The desire for happiness ought to be the grand object of

the public will. True happiness, or *agapē*, is attained when the people recognize that the development of creative reason is the true human identity. “To succeed in this [happiness], it is necessary to instruct the people to seek felicity where it is to be found; that is, in their own perfection,— and to teach



Vattel: A program for national economic development is a duty of the sovereign. Left: Dutch wharf and shipbuilding yard, 1694.

them the means of obtaining it.” The sovereign, and the entire nation, must fund and encourage the arts and sciences, and useful inventions. Public education is one of the most important concerns for government. A just ruler encourages learning; a tyrant demands ignorance. Freedom of philosophical discussion is necessary for a climate of discovery.

Merely to instruct the nation is not sufficient, however. The ruler must inspire within the people, the love of virtue and love for their country. The leaders of the government should set a personal example by themselves not indulging in hedonistic pleasures. If the rulers govern the country thus, they will inspire the citizens with an ardent love for their country. Each will then apply all his powers and abilities to the advantage and glory of the nation.

Piety and religion are essential for the happiness of a nation. Vattel is addressing this question a century after the end of the Thirty Years War, which was caused by Venetian manipulation of religious conflicts between Protestants and Catholics, and in which approximately a third of the population of Germany was killed. By piety, Vattel means, “the disposition of the soul that leads us to direct all our actions towards the Deity, and to endeavor to please him in everything we do.” The leaders of the nation should endeavor to practice piety in everything they do, and encourage piety in the people. The sovereign should allow freedom of religious belief; however, he must control actions, which are committed in the name of religion, from the standpoint of the happiness and perfection of the state. Disorders, in the name of religion, or doctrines which threaten the state are not to be tolerated. “It is a principle of fanaticism, a source of evils and of the most notorious injustice, to imagine that frail mortals ought to take up the cause of God, maintain his glory by acts of violence, and avenge him of his enemies.”

3. To Fortify Itself Against External Attacks. A nation is imperfect if it cannot repulse an unjust enemy. The state strengthens itself through increasing the number of its citizens, and improving their wealth and military virtues. These ends are met through the measures described in the first two objects of a good government. The nation must increase its population, through the improvement of living standards, so people can raise families. The increase in the wealth of the nation is also necessary, so spending on defense will not be an excessive burden. True glory, or the cultivation of wisdom and discernment, is intimately connected with a nation’s power. “The glory of Henry IV saved France. In the deplorable state in which he found affairs, his virtues gave anima-

tion to the loyal part of his subjects, and encouraged foreign nations to lend him their assistance. In his circumstances, a weak prince of little estimation would have been abandoned by all the world; people would have been afraid of being involved in his ruin.” (Book I, Chap. XV, Sec. 188)

A Nation Considered in its Relation To Others

“It is impossible that nations should mutually discharge all these several duties if they do not love each other.”

Having established the principles of nations considered in themselves, Vattel next establishes the rights and duties of nations in relation to others. He opens this section by stating that his “maxims will appear very strange to cabinet politicians; and such is the misfortune of mankind.” He summarizes the basic principles, which he developed in the “Preliminaries,” that the ordering principle governing relations between nation-states, must be each nation contributing everything in its power to the perfection and happiness of other nations. Vattel lays out a detailed set of laws governing relations between nations, regarding such areas as aid and treaties. However, these agreements are meaningless unless they flow from a spirit of friendship and mutual affection between nations. He writes,

How happy would mankind be, were these amiable precepts of nature everywhere observed! Nations would communicate to each other their products and their knowledge; a profound peace would prevail all over the earth, and enrich it with its invaluable fruits; industry, the sciences, and the arts would be employed in promoting our happiness, no less than in relieving our wants; violent methods of deciding contests would be no more heard of; all differences would be terminated by moderation, justice and equity; the world would have the appearance of a large republic; men would live everywhere like brothers, and each individual be a citizen of the universe. That this idea should be but a delightful dream! Yet it flows from the nature and essence of man. (Book II, Chap. I, Sec. 16)

However, disorderly passions, and private and mistaken interests, prevent most nations from acting this way. Therefore, nations must act to protect themselves, since the law of nature cannot condemn the good to become the dupes and prey of the wicked, and a nation cannot be obliged to strengthen another, which seeks to destroy it. Instead, it must use its policies to encourage other nations to become more moderate and virtuous, setting a good example for others, with its own virtuous

conduct. A learned nation should assist another nation which desires to shake off barbarism. And, although nations have the duty to assist each other in seeking happiness, no nation has the right to impose its view of happiness on others.

The Principles of Just War

“It is an invariable truth that justice is inseparable from sound policy.”

Vattel derives a rigorous set of laws governing war, from his natural law hypothesis. He attacks Hobbes’ assertion that war is the natural state of man. For, according to Vattel, the “natural state of man” is reason, and “it is the part of a rational being to terminate his differences through rational methods, whereas, it is the characteristic of the brute creation to decide theirs by force.” The sovereign has the duty, both to his people and to other nations, to promote peace. However, the nation and sovereign have the duty, and, therefore, the right, to protect the liberty and happiness of the people. War is justified in defending the nation against those “who are deaf to the voice of justice.”

Rigorous conditions define when war is justified: War is only a last resort when other peaceful means of securing justice have been exhausted. A nation may prosecute

its rights by force when its fundamental rights have been violated. Self-defense against an unjust attacker is also just. However, a just cause must not be used for unjust motives, such as self-aggrandizement, since then, the just cause becomes merely a pretext. Nations may also use force to restrain a nation which is attacking others, or showing a commitment to subjugating others. Nations which seek to aggrandize themselves through war, should be considered as enemies to the human race, in the same manner as professed assassins and incendiaries, and all other nations have a right to join in a confederacy for the purpose of punishing them.

The principles of justice are the most effective strategy for fighting a war. At all times, the offended power must hold out to its adversary the possibility of peace. Treat the adversary with the same humanity with which one treats friends, as this will establish the basis for peace, and encourage the adversary to cease his violence. Maximum force is allowed against the enemies’ ability to make war, but *only* against the ability to make war. The killing of soldiers is allowed, only until they have surrendered. The sole exception to this, is when soldiers are guilty of some enormous breach of the law of nations; then, they can then be punished for their crimes. The slaughter of non-combatants, such as women and children, serves no useful military purpose, and only makes the achievement of

British Efforts to Suppress Vattel’s *The Law of Nations*

A short biography of Vattel was published in 1913 in *Great Jurists of the World*, edited by Sir John MacDonell. The author of the biography, Coleman Phillipson, mocked the attempts by Americans, in the 1800’s, to popularize Vattel’s works. “Vattel is not perused with eagerness by every gentleman of liberal education or even by youth, while it is to be doubted if his masterpiece is familiar in any English University or in any English grade of population.” The author admitted that this had not always been the case: “Vattel at once found his audience, and an English edition [of *The Law of Nations*] appeared, as we have seen, in 1760 within two years of the publication of the original work.” The author of this short biography claimed that Vattel was a predecessor of Bentham, although he was forced to admit that this comparison did not fit.

Another British writer, J.L. Brierly of Oxford, acknowledged in his *The Law of Nations, An Introduction to the International Law of Peace* (1928), that Vattel

had once been very influential in the United States. “He recognized in certain circumstances the right of part of a nation to separate itself from the rest, a doctrine which partly explains his great popularity in the United States, where a copy of the work was first [sic] received in 1775.” He credited Vattel with promoting the idea that all states, regardless of their size and power, were free and equally sovereign. Brierly quoted Vattel’s statement, “A dwarf is as much a man as a giant is; a small republic is no less a sovereign state than the most powerful kingdom.” He admitted that it was accurate to say that, “Grotius had written the international law of absolutism, Vattel has written the international law of political liberty.” But, Brierly then charged, that the survival of Vattel’s influence into the Twentieth century, “when the ‘principles of legal individualism’ are no longer adequate to international needs, if they ever were, has been a disaster for international law.”

peace more difficult. In contrast, the barbaric Grotius defended, as permissible in war, the slaughter of women, and even infants, and the execution of prisoners of war, without time limits. Grotius even tried to defend this conduct as lawful, by quoting the Bible, “that in the Psalms it is said that he will be happy who dashes the infants of the Babylonians against a rock.”²²

Vattel demonstrates that the principles of just warfare are not simply rules which nations should follow, but are a lawfulness, which nations violate only at their own peril. He uses the Roman Empire as an example, to show that a nation which expands through unjust warfare, destroys itself in the process:

The Roman republic ruined herself by her triumphs, by the excess of her conquests and power. Rome, when mistress of the world, but enslaved by tyrants and oppressed by a military government, had to deplore the success of her arms, and to look back with regret on those happy times when her power did not extend beyond the bounds of Italy, or even when her dominion was almost confined within the circuit of her walls. (Book III, Chap. III, Sec. 30)

Finally, Vattel gives a justification for a people to throw off a tyrant, and to appeal to foreign governments for aid—something which the members of the Constitutional Convention, meeting in 1775 and 1776, must have found extremely useful:

But, if the prince, by violating the fundamental laws, gives his subjects a legal right to resist him,— if tyranny, becoming insupportable, obliges the nation to rise in their own defense,— every foreign power has a right to succor an oppressed people who implore their assistance. . . . For, when a people, from good reasons take up arms against an oppressor, it is but an act of justice and generosity to assist brave men in the defense of their liberties. Whenever, therefore, matters are carried so far as to produce a civil war, foreign powers may assist that party which appears to them to have justice on its side. He who assists an odious tyrant,— he who declares for an unjust and rebellious people,— violates his duty. (Book II, Chap. IV, Sec. 56)

However, the right of a nation to support a revolt in another state should not be abused. No nation has the right to interfere in the internal affairs of another, as sovereignty is crucial for the development of nations, and it is only through the development of nations, that freedom is possible for individuals. However, the rights of the sovereign are dependent on the fulfillment of his duty to the perfection of the nation, and people have the right to revolt against a sovereign who violates his fundamental duties, when no other course of action has corrected their grievances. The rebels must also demonstrate that they

have the support of the people, and are a force which is independent of foreign control, rather than merely a puppet of foreign meddling. Then, and only then, do the rebels have the same rights that a sovereign possesses under the law of nations, and they can call on foreign nations for aid. As Vattel puts it,

But, when the bands of the political society are broken, or at least suspended, between the sovereign and his people, the contending parties may then be considered as two distinct powers; and, since they are both equally independent of all foreign authority, nobody has a right to judge them. (Book II, Chap. IV, Sec. 56)

In summary, Vattel correctly asserts, that it is impossible for any set of laws to correctly guide affairs between nations, unless nations are consciously working for the betterment of one another.

‘Life, Liberty, and the Pursuit of Happiness’

“When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.”

—*The Declaration of Independence, 1776*

The propagandists of the Enlightenment were furious. Jeremy Bentham, the founder of British Intelligence, ranted that Vattel’s propositions were “old-womanish and tautological,” and castles built in the air.²³ Voltaire complained to a friend, who had instructed him to read *The Law of Nations*, that he found the book “only as an indifferent imitation.”²⁴ Perhaps it reminded him of Leibniz, whom Voltaire had viciously slandered.

Vattel was the most popular of all writers on the law of nations in America before, but especially after, the American Revolution. Vattel’s *The Law of Nations* arrived, shortly after its publication, in an America, which had already been greatly influenced by Leibniz.²⁵ No later than 1770, it was used as a textbook in colleges. It was often quoted in speeches before judicial tribunals and legislatures, and used in formulating policy. Following the Revolution, Vattel’s influence grew. Vattel was cited far more often than Grotius and Puffendorf, in court proceedings, from 1789 to 1820.²⁶

Among those citing Vattel in legal cases and government documents, were Benjamin Franklin, John Adams, James Wilson, Alexander Hamilton, James Madison, John Jay, and John Marshall. John Adams, the future delegate to the Continental Congress, second President of the U.S., and father of President John Quincy Adams, recorded in his Diary on Feb. 1, 1763, that after spending the day frivolously, instead of reading and thinking, “The Idea of M. de Vattel indeed, scowling and frowning, haunted me.”²⁷ In 1765, Adams copied into his Diary three statements by Vattel, “of great use to Judges,” that laws should be interpreted according to the intent of the author, and every interpretation which leads to absurdity should be rejected.²⁸ In a letter to the Foreign Minister of Denmark, in 1779, Benjamin Franklin quoted Vattel, and “his excellent Treatise entitled *Le Droit des Gens*.”²⁹ James Madison, as a member of the Continental Congress in 1780, drafted the instructions sent to John Jay, for negotiating a treaty with Spain, which quotes at length from *The Law of Nations*. Jay complained that this letter, which was probably read by the Spanish government, was not in code, and “Vattel’s *Law of Nations*, which I found quoted in a letter from Congress, is prohibited here.”³⁰ Later, John Marshall, during his thirty-four years as Chief Justice of the U.S. Supreme Court, quoted Vattel by far the most among all authors on the law of nations.³¹

The Law of Nations and the Declaration of Independence

Delegates to the First and Second Continental Congress, which produced the Declaration of Independence, often consulted *The Law of Nations* as a reference for their discussions. One important reason why the delegates chose to meet in Carpenters Hall, was that the building also housed the Library Company of Philadelphia. The librarian reported that Vattel was one of the main sources consulted by the delegates during the First Continental Congress, which met from Sept. 5 to Oct. 26, 1774.³² Charles W.F. Dumas, an ardent supporter of the American cause, printed an edition of *The Law of Nations* in 1774, with his own notes illustrating how the book applied to the American situation.³³ In 1770, Dumas had met Franklin in Holland, and was one of Franklin’s key collaborators in his European diplomacy. He sent three copies to Franklin, instructing him to send one to Harvard University, and to put one in the Philadelphia library. Franklin sent Dumas a letter, Dec. 9, 1775, thanking him for the gift. Franklin stated, “I am much obliged by the kind pre-

sent you have made us of your edition of Vattel. It came to us in good season, when the circumstances of a rising state make it necessary frequently to consult the law of nations. Accordingly, that copy which I kept, has been continually in the hands of the members of our congress, now sitting . . .”³⁴

The study of *The Law of Nations* by the delegates to the Continental Congress, to answer questions “of the circumstances of a rising state,” is reflected in the Declaration of Independence of July 4, 1776. The central ideas of that document are coherent with Vattel’s arguments on the criteria of a people to overthrow a tyrannical sovereign. The Declaration of Independence states that governments are instituted to fulfill the “inalienable rights” of “life, liberty, and the pursuit of happiness,” and can be changed if they fail to meet these obligations to the people. Governments should not be changed for light and transient causes, but only after a long chain of abuses to the fundamental rights of the people, with repeated requests for redress of grievances, which were refused. Repeated appeals were made to our “British Brethren,” but since they “have been deaf to the voice of justice and of consanguinity,” we are prepared to face them either in war or in peace. Therefore, we declare ourselves independent of the British Crown, with the full powers of a sovereign government, “to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which Independent States may of right do.”

The inclusion of the central conception of *The Law of Nations*, Vattel’s Leibnizian concept of happiness, as one of the three inalienable rights, is a crucial statement of the Declaration’s Leibnizian character. The Declaration of Independence was prepared by a committee consisting of Benjamin Franklin, Thomas Jefferson, John Adams, Robert Livingston, and Roger Sherman. Jefferson was assigned by this committee to write the draft of the Declaration, after John Adams turned down the task, because of his numerous other responsibilities. The fact, that Jefferson was a strong proponent of the philosophy of John Locke by as early as 1771,³⁵ is often used as evidence that the Declaration was based on Locke’s philosophy. However, Locke had argued, in his *Two Treatises of Government*, that the fundamental right of men is to “Life, Liberty, and Property.” The inclusion of “the pursuit of happiness,” rather than “property,” as an inalienable right, was a crucial statement, that the American Revolution would be a battle for the establishment of a true Republic, rather than merely a dispute between two groups of aristocrats over the division of property.

The Law of Nations and The Constitution

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

—Preamble of *The Constitution of the United States*

The Law of Nations was crucial in shaping American thinking about the nature of constitutions.

To this day, Great Britain does not have a written constitution, but instead a collection of laws, customs, and institutions, which can be changed by either the Parliament or the monarchy, or by the “Venetian” financiers who are the real power over the British Empire. Consequently, the British constitution remains to this day little more than a mask for the arbitrary power of the oligarchy.

The only place of appeal which the American colonists had for unjust laws was to the King’s Privy Council. Attempts by the colonists to argue that actions by the British Monarchy and Parliament were unlawful or unconstitutional would be stymied, if they stayed within this legal framework, which was essentially arbitrary. Although Vattel praised the British constitution for providing a degree of freedom and lawfulness not seen in most of the German states, his principles of constitutional law were entirely different from the British constitutional arrangements. Consequently, the American colonists attacked the foundation of the King and Parliament’s power, by demanding that Vattel’s principles of constitutional law be the basis for interpreting the British constitution.

American writers quoted *The Law of Nations* on constitutional law, almost immediately after the book’s publication. In 1764, James Otis of Massachusetts argued, in one of the leading pamphlets of the day, “The Rights of the British Colonies Asserted and Proved,” that the colonial charters were constitutional arrangements. He then quoted Vattel, that the right to establish a constitution lies with the nation as a whole, and the Parliament lacked the right to change the fundamental principles of the British Constitution.³⁶ Boston revolutionary leader Samuel Adams wrote in 1772, “Vattel tells us plainly and without hesitation, that ‘the supreme legislative cannot change the constitution,’ ‘that their authority does not extend so far,’ and ‘that they ought to consider the fundamental laws as sacred, if the nation has not, in very express terms, given them power to change them.’”³⁷ In a debate with the

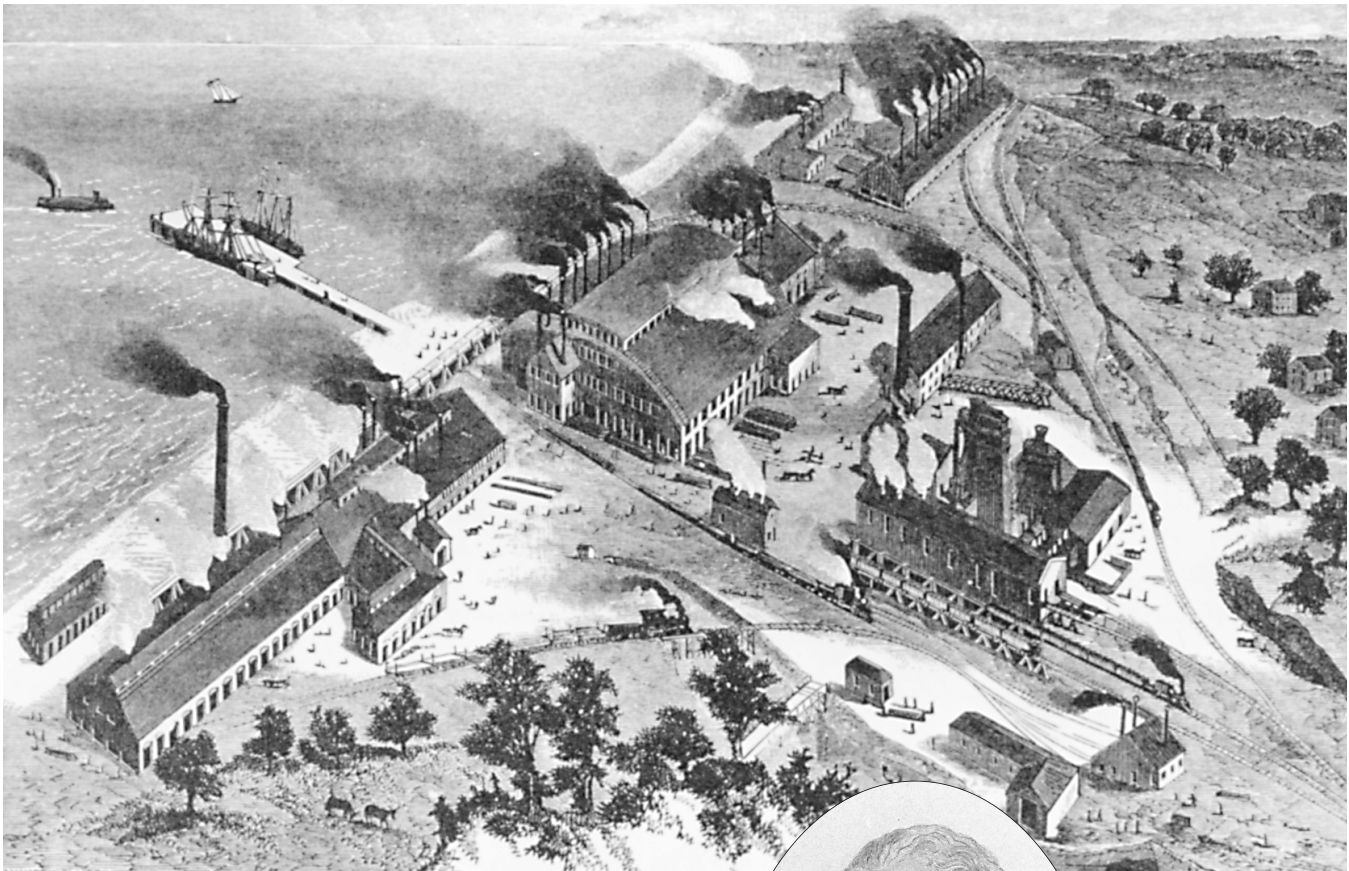
Colonial Governor of Massachusetts, in 1773, John Adams quoted Vattel that the parliament does not have the power to change the constitution.³⁸

The adoption of a constitution, by the Constitutional Congress in 1787, based on Leibnizian principles rather than British legal doctrine, was certainly not inevitable. However, British legal experts such as Blackstone, who argued that the Parliament and King could change the constitution, were increasingly recognized by the Americans as proponents of arbitrary power. The early revolutionary leaders’ emphasis on Vattel as the authority on constitutional law, with his conception that a nation must choose the best constitution to ensure its perfection and happiness, had very fortunate consequences for the United States and the world, when the U.S. Constitution was later written, as we shall see below.

Alexander Hamilton’s Approach To Natural Law

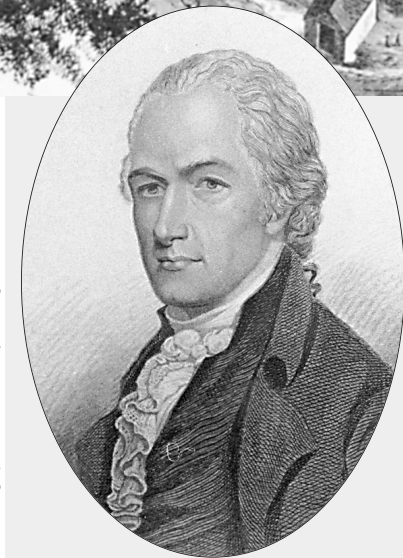
The issue of whether the American Republic would be a true republic, or merely a new government of landed aristocrats and financial oligarchs, was the central issue of the dispute, in which Alexander Hamilton and Thomas Jefferson became leaders on the two opposing sides. Contrary to most of today’s lying historians, Hamilton was the leader of the republicans, and Jefferson, a leader of the aristocratic party. Although many men contributed to the founding of the United States, it is useful to focus on Hamilton, since of all of America’s founders, he was most clearly influenced by Vattel, and his actions were most coherent with Leibnizian natural law. No one played a more important role than Hamilton, in the adoption of the U.S. Constitution, and in fulfilling its Leibnizian mandate. A number of Hamilton’s key initiatives show how Vattel’s *The Law of Nations* shaped Hamilton’s thinking and actions, and thereby shaped the founding of the United States.

Alexander Hamilton was born in the British West Indies in 1757. There, he developed a life-long hatred of slavery, seeing how it oppressed the slave and corrupted society in general. Hamilton was brought to the American colonies by republican circles. During the Revolution, he was Washington’s *aide-de-camp*. Following the Revolution, he qualified himself to practice law in New York State, in record time, and it was while studying for the New York bar examination in 1782, that Hamilton first read Vattel’s *The Law of Nations*. James Duane supervised his studies, and lent Hamilton his law library. Duane had been an influential member of the Continental Congress, where he was a staunch ally of Benjamin Franklin. Following his studies under Duane, Hamilton



began quoting Vattel in his writings. Duane placed his praise for Vattel into the court record in the *Rutgers v. Waddington* case, over which he presided as judge, while Hamilton appeared for the defense. Comparing Vattel to a previous author on the law of nations, Duane stated, “This last work, says a writer, is evidently rather an introduction than a system; and it served only to excite a desire to see it continued with equal perspicuity and elegance. The honor of this task was reserved for the great Vattel, whose work is entitled to the highest admiration!”³⁹

Rutgers v. Waddington. *Rutgers v. Waddington* (1784) is an excellent example of how Vattel shaped Hamilton’s philosophical outlook. Furthermore, Hamilton’s arguments in *Rutgers v. Waddington* were a milestone in the formulation of the American doctrine of judicial review, or the doctrine that legislative decisions must be reviewed by the courts, to determine if they are coherent with higher forms of law. In this case, a British merchant, Mr. Waddington, had occupied a brewery after its owner, Mrs. Rutgers, a patriot widow, fled New York City, following British occupation. In February 1784, at the height of anti-Tory feeling, Mrs. Rutgers filed a suit against Waddington under the Trespass Act. Hamilton



Prints and Photographs Division, Library of Congress

Alexander Hamilton. His approach to Constitutional law was guided by his commitment to the economic development of the nation-state. Above: a Nineteenth-century iron works.

represented the defendant, Waddington.

The Trespass Act and other acts by the New York legislature were extremely destructive, forcing one-fifth of the state’s population to flee, and thereby weakening the nation. Even worse, Hamilton saw these legislative actions as a new form of tyranny, spawned by the momentary passions of the mob, which could lead to a new aristocracy or oligarchy.

The case contrasts the Lockean approach of popular sovereignty, to Hamilton’s reliance on natural law.

Lawyers for the plaintiff argued that the legislature was the supreme law-giving authority of the state, and was subject to no control except that of the people. However, the New York State Constitution had adopted the common law of England, as part of the Constitution of New York. This British feature, of making past precedents part of the Constitution, Hamilton turned on its head, by arguing that, since the law of nations was part of the common law, the decisions of the New York Legislature must be consistent with the law of nations, in order to have validity. And Hamilton used Vattel as the standard for defining the law of nations.

Hamilton advanced two parallel approaches. First, he argued that state law was superseded by national law and the law of nations. He developed the concept of the law of nations, starting from the "Preliminaries" section of Vattel's book. Amnesty in peace treaties is consistent with the law of nations. The laws of New York State must be consistent with the amnesty provisions of the peace treaty, which the Continental Congress had signed with the British, as well as with the law of nations. Therefore, the Trespass Act must be declared null and void. Second, he argued that the intent of the legislature must have been that their law be applied, only in a fashion consistent with the peace treaty and the law of nations. If the literal interpretation of a law led to an absurd, contradictory, or unjust result, it must be assumed that the legislature did not intend that the law be so interpreted. (One of Hamilton's aphorisms was, "In law as in Religion, the Letter kills, the Spirit makes alive.") A review of the case from this standpoint, would lead to the conclusion that the law did not apply to Waddington. Therefore, Waddington's actions could not be punished. Both of these arguments required that the court review not simply the facts of the case, but the legitimacy of the law itself.

James Duane, then the mayor of New York City, presided over the proceedings, in an extremely charged atmosphere. He dodged the issue of whether the peace treaty, a national law, invalidated the New York State law. Responding to the second argument, Duane described the importance of the new republic abiding by the law of nations, and explained that the standard for the court would be Vattel. He ruled that the Trespass Act must be interpreted from the standpoint of its consistency with the law of nations. His judgement required Waddington to pay damages to Rutgers, although the amount was far smaller than demanded by the plaintiff, and the mob. Duane's judgment was extremely unpopular, and the New York Assembly passed a resolution condemning his decision, even considering a resolution to replace him as mayor.

The U.S. Constitution. One of the first and most persistent in efforts to replace the weak central government with a strong one, was Alexander Hamilton. The government of the Articles of Confederation demonstrated its inadequacies during the American Revolution, and its failings became even clearer, when it was unable to halt the economic collapse which resulted from British economic warfare, following the 1783 Treaty of Paris. On Sept. 3, 1780, Hamilton, who was *aide-de-camp* for Washington, sent a letter to James Duane, who was then a Congressman, arguing that the weak central government was a disaster and urging specific reforms to strengthen it.⁴⁰ For the next seven years, Hamilton argued in private letters, public appeals, resolutions, speeches in assemblies, and maneuvers at conventions, that a new constitution was needed to provide a strong central government.

Hamilton was a delegate to the convention which wrote the Constitution in 1787. His main concern was not the institutional arrangements of the government, but its purpose, and the creation of a central government strong enough to carry out that purpose. Three weeks into the convention, he delivered an all-day speech focussing on this. Whereas many of the delegates to the convention saw the purpose of government from the Lockean standpoint of "life, liberty and property," Hamilton's speech, coherent with Vattel's "Principal Objects of a Good Government," located the purposes of government as "the great purposes of commerce, revenue, or agriculture," "tranquility and happiness at home," and, "sufficient stability and strength to make us respectable abroad."⁴¹

The concept of judicial review, which Hamilton had championed in *Rutgers v. Waddington*, was included in the U.S. Constitution. In Federalist Paper No. 78, "The Judges as Guardians of the Constitution," circulated as part of the debate over the new Constitution, Hamilton developed a conception of constitutional law which was coherent with Vattel's conception. Hamilton stated that it is a "fundamental principle of republican government, which admits the right of the people to alter or abolish the established Constitution, whenever they find it inconsistent with their happiness." However, the Constitution can only be changed by the nation as a whole, and not by the temporary passions of the majority or by the legislature. Both to protect the Constitution, but also to ensure just enforcement of the law, the independence of the judiciary from the legislature and the executive branch is essential. The judiciary must be the guardians of the Constitution, to ensure that all legislative decisions are coherent with it. This idea championed by Hamilton, that the courts ensured that the Executive and Legislative

branches followed the Constitution, was later established as a principle of American jurisprudence by Chief Justice John Marshall.

The Citizen Genet Affair. George Washington became the first President of the United States, under the new Constitution, in April 1789. Hamilton was appointed the Secretary of the Treasury, which was by far the largest department. President Washington usually sought the views of the key members of his cabinet, before making important decisions on domestic and foreign policy. Hamilton relied primarily on Vattel in his writings on foreign policy.

The role of *The Law of Nations*, in the diplomacy of Hamilton and the Washington administration, is illustrated by the affair of Citizen Genet, the Ambassador from the French Republic. Both America and France were plunged into depression by the free trade policies which the British tricked them into adopting, as part of the 1783 treaty which ended the Revolutionary War. Patriots in America succeeded in solving the crisis by creating a strong central government. In France, British Intelligence head Jeremy Bentham used his agents in the Jacobin movement, to throw France into chaos, and destroy the nationalist leadership. As many as 40,000 people were killed, and 500,000 imprisoned, and France was destroyed as the world's leading nation-state. Hamilton soon realized that Jacobin anarchy led quickly to tyranny. When, in February 1793, the French declared war on Spain, Great Britain, and Holland, Washington realized that neutrality was necessary for America's survival.

Citizen Genet was given his assignment, as France was descending into the Terror, by a government which was destroying the France that had been America's key ally. Genet arrived, not in the U.S. capital, Philadelphia, but in Charleston, South Carolina. He immediately began violating America's sovereignty and neutrality, by recruiting Americans as privateers, to attack British shipping, and as mercenaries, for an attack on Spanish Florida and Louisiana.

Washington asked his Cabinet for advice on how to deal with the new government of France and its ambassador, Citizen Genet. Secretary of State Jefferson argued, that since all authority of governments was derived from the people, all prior treaties with France should remain in effect.⁴² Secretary of the Treasury Hamilton quoted Vattel at length, describing him as "the most systematic of writers on the laws of nations."⁴³ Hamilton argued that the French Constitution of 1791 was adopted with the approval of the entire French nation, and, therefore, was lawful. However, the seizure of power by extreme ele-

ments, who had suspended the Constitution, executed the King, and unleashed a wave of terror, had created conditions ripe for civil war. Therefore, the United States should hold its treaties with France in abeyance, until the situation was resolved. While every nation had the right to change its government, it did not have the right to involve other nations, absolutely and unconditionally, in those changes. Hamilton stated, "This would be to give to a nation or society, not only a power over its own happiness, but a power over the happiness of other Nations or Societies. It would be to extend the operations of the maxim, much beyond the reason of it—which is simply, that every Nation ought to have a right to provide for its own happiness."⁴⁴

Washington made repeated attempts to control Genet's actions, but Genet responded with increasing contempt, eventually threatening to bypass the President, and appeal directly to the people. On June 22, Genet exploded at the Washington administration, writing, "you bring forward aphorisms of Vattel, to justify or excuse infractions committed on positive treaties."⁴⁵ The administration eventually demanded that the French government recall Genet.

Establishing Republics in Hispanic America. Hamilton's efforts to liberate Spain's American colonies, began a long history of U.S. involvement in spreading the ideas of the United States as a sovereign constitutional republic into the movements toward nation-states in the Hispanic Americas. In a 1784 open letter presenting his case in *Rutgers v. Waddington*, Hamilton wrote that "the influence of our example" had "penetrated the gloomy regions of despotism," and "pointed the way to inquiries which may shake it to its deepest foundations."⁴⁶ Hamilton argued, in Federalist Paper No. 11, that the effects of the continuance of the union would allow the nation to develop a navy strong enough to be the arbiter of Europe in America. "Let the thirteen States bound together in a strict and indissoluble Union, concur in erecting one great American system, superior to the control of all transatlantic force or influence, and able to dictate the terms of the connection between the old and the new world!" And, in a 1793 letter to Washington, Hamilton argued that it was "lawful and meritorious to assist a people in a virtuous and rational struggle for liberty."⁴⁷

When Spain was reduced to the status of a satrap in France's empire in 1798, Hamilton attempted to organize the U.S. government to launch a war, which would have added Florida and Louisiana to the nation, and turned the Spanish colonies into constitutional republics. South

American revolutionary leader Francisco Miranda, who praised Vattel as “the wisest and most celebrated of modern publicists,”⁴⁸ asked Hamilton to help draw up a constitution for the liberated regions. He urged Hamilton, “At least, I am sure that your Greek predecessor Solon would not have refused.”⁴⁹

In Conclusion

In 1832, Chancellor Kent, the leading American author on law, ranked Hamilton as the nation’s greatest lawyer of that period. Still today, Hamilton can truly be ranked as the greatest American lawyer. While his “profound penetration, his power of analysis, the comprehensive grasp and strength of his understanding,” are indisputable, his greatest contribution to justice was to have designed and implemented a system of national economic development, which fulfilled the Leibnizian natural law embodied in the Constitution. He studied the writings and efforts of the mercantilist school of economics, such as the French Finance Minister he called “the great Colbert.” He worked to organize the population to support the use of machinery and an increased division of labor, to improve productivity, and increase the wealth of the entire nation. He saw the increase in wealth of the nation, not merely as an end in itself, but as a means to develop creative abilities of the people. The extension of the use of machinery would encourage men “to exert his imagination in devising methods to facilitate and abridge labor,” he wrote, and would develop the strongest and most active powers of the mind.

Hamilton launched a program to build up the new nation based on the Leibnizian concept of the development of the productive powers of labor. He designed the National Bank of the United States, to provide the nation with a stable monetary system and a source of credit for the development of the nation. This measure, and his reorganization of the nation’s debt, stabilized the economy, which had been in a severe crisis, and brought about the most rapid development in the history of America, to that time. In the “Report to the Nation on Manufactures,” Hamilton mapped out a grand design for the development of the nation, through measures to develop the labor force, protect and encourage domestic industry, and develop industry through science.

Far from receiving universal support, Hamilton faced mounting opposition, and was subjected to a massive slander campaign. Opponents to the National Bank of the United States argued that the establishment of a bank by the government was unconstitutional. Hamilton, in

his “Opinion of the Constitutionality of an Act to Establish a Bank,” developed the arguments which became the basis for the interpretation of the Constitution according to its Leibnizian character for future generations. Hamilton, like Vattel, argued that the sovereign has the duty and, therefore, the right to take actions, which are necessary for the fulfillment of his duties to the nation. In order to provide for national exigencies and promote national prosperity, Hamilton wrote in his defense of the constitutionality of the Bank, that, “the powers contained in a constitution of government, especially those which concern the general administration of the affairs of a country, its finances, trade, defense, etc., ought to be construed liberally, in advancement of the public good.” Hamilton’s writings became the basis for later arguments in defense of the American System.

The measures which Hamilton described in the “Report to the Nation on Manufactures,” were largely blocked. Much of Hamilton’s economic system was dismantled. Only crises, which threatened the nation’s existence, jolted the U.S. to readopt these measures. In the crises of 1812 and 1860, great leaders were able to rally the American people to adopt measures which built the nation.

The nation and the world are now in the worst crisis in five hundred years. The effects of the triumph of the oligarchy and, especially, the last thirty years of unprecedented decay, have put the very existence of civilization in question. To deal with this threat, Lyndon LaRouche has designed a strategy for sovereign nation-states, collaborating in a grand design of economic development, to replace the bankrupt international monetary and financial system. As LaRouche wrote recently,⁵⁰

The successful development and continued existence of the sovereign nation-state republic, as an institution, depend, unconditionally, upon the fostering of *agapē* as the characteristic feature of the relationship between the individual person and the society as a whole. It also requires, the extension of this same principle to defining the relations within a globally extended community of sovereign nation-state republics. Thus *agapē* is the principal element of hypothesis underlying all enterprises of that republican cause.

Most world leaders and, certainly, most American citizens, would consider this as “idealistic,” that is, “totally impractical.” In fact, as we have seen, it was exactly this approach which built the United States into the greatest nation on earth. It is time to reflect on the words and deeds of Leibniz, Vattel, and Hamilton, and to ensure that Lyndon LaRouche’s design is successful, so that out of this crisis will come a new beginning for the peoples of the whole world.

NOTES

1. For the historical roots of the concept of natural law set forth by Leibniz, in the Platonic Christian tradition of man as *imago Dei* first developed by St. Augustine, elaborated upon by St. Thomas Aquinas, and developed further by Nicolaus of Cusa, see William F. Wertz, Jr., "Man Measures His Intellect Through the Power of His Works": Nicolaus of Cusa's Revolution in the Platonic Christian Concept of Natural Law," *Fidelio*, Winter 1994 (Vol. III, No. 4).
2. Emmerich de Vattel, *Questions de droit naturel, et observations sur le Traité du droit de la nature de M. le baron de Wolf* (Berne: Societé typographique, 1762).
3. Emmerich de Vattel, *The Law of Nations; or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns*. All quotes are from the edition published by Joseph Chitty, Esq. (Philadelphia: T.&J.W. Johnson & Co., Law Booksellers, 1857). Chitty was an ardent promoter of Vattel. The Carnegie Institution's 1916 translation by Charles Fenwick, who expressed hostility to Vattel in published articles, seems stilted and designed to destroy the beauty of the work.
4. John Locke, *An Essay Concerning Human Understanding* (New York: Dover Publications, 1959), Vol. I, p. 145.
5. Thomas Jefferson, Letter to John Trumbull, Feb 15, 1789, in *Thomas Jefferson: Writings* (New York: Library of America, 1984), pp. 939-40.
6. Thomas Jefferson, Letter to Jean Baptiste Say, Feb. 1, 1804, in *Writings, op. cit.*, pp. 2243-44.
7. Thomas Jefferson, Letter to James Madison, Oct. 1, 1792, in *The Papers of Thomas Jefferson*, ed. by John Catanzariti (Princeton, N.J.: Princeton University Press, 1990), pp. 432-33.
8. Thomas Jefferson, *Notes on the State of Virginia*, in *Writings, op. cit.*, p. 290.
9. Leibniz wrote *New Essays on Human Understanding* as an explicit refutation of Locke's *An Essay Concerning Human Understanding*.
10. "On Platonic Enthusiasm," in *Gottfried Wilhelm Leibniz: Philosophical Papers and Letters*, ed. by Leroy E. Loemker (Dordrecht: Kluwer Academic Publishers, 1989), pp. 592-95.
11. "Elements of Natural Law," in Loemker, *op. cit.*, p. 133.
12. "On the Radical Origination of Things," in Loemker, *op. cit.*, pp. 486-91.
13. "Discourse on Metaphysics," in Loemker, *op. cit.*, pp. 316-17. Leibniz cites sections 97-99 of Plato's *Phaedo*.
14. Hugo Grotius, *De jure belli ac pacis libri tres (On the Law of War and Peace, Book III)* (Oxford: Clarendon Press, 1925), p. 40.
15. "Preface of the 'Codex Juris Gentium Diplomaticus,'" in Loemker, *op. cit.*, pp. 421-24.
16. "On Natural Law," in Loemker, *op. cit.*, pp. 428-30.
17. See Philip Valenti, "The Anti-Newtonian Roots of the American Revolution," *Executive Intelligence Review*, Dec. 1, 1995 (Vol. 22, No. 48); H. Graham Lowry, *How the Nation Was Won, America's Untold Story. Vol. I: 1630-1754*, (Washington, D.C.: Executive Intelligence Review, 1987); Renate Müller de Paoli, "Gottfried Wilhelm Leibniz: A Guide for Europe's Future" and "Leibniz and the American Revolution," *The New Federalist*, July 8, 1996 (Vol. X, No. 21).
18. Grotius, *op. cit.*, p. 105.
19. *Ibid.*, p. 40.
20. Christian Wolff, *Jus gentium methodo scientifica pertractatum (The Law of Nations Treated According to a Scientific Method)* (Oxford: Clarendon Press, 1934), p. 91.
21. See John Locke, *Two Treatises of Government* (Cambridge: Cambridge University Press, 1988), pp. 285-302.
22. Grotius, *op. cit.*, p. 648.
23. Jeremy Bentham, Letter to Jabez Henry, quoted in the Introduction by Albert de Lapradelle to the Carnegie Institution edition of Vattel's *The Law of Nations* (Washington D.C.: The Carnegie Institution, 1916), p. xliv.
24. Voltaire, Letter to La Chalotais, Feb. 28, 1763, quoted in *ibid.*, p. xxxii.
25. Valenti, Lowry, Müller de Paoli, *op. cit.*
26. Arthur Nussbaum, *A Concise History of the Law of Nations* (New York: Macmillan Company, 1947), pp. 161-62.
27. *Diary and Autobiography of John Adams*, ed. by L.H. Butterfield (Cambridge, Mass: The Belknap Press, 1961), Vol. 1, p. 235.
28. Butterfield, *op. cit.*, Vol. 1, p. 278.
29. *The Papers of Benjamin Franklin*, ed. by William B. Willcox (New Haven: Yale University Press, 1959-), Vol. 31, pp. 261-65.
30. John Jay, Letter to Gouverneur Morris, in *John Jay: Winning the Peace, Unpublished Papers 1745-84*, ed. by Richard B. Morris (New York: Harper and Row, 1980), Vol II, pp. 108-10.
31. Benjamin Munn Ziegler, *The International Law of John Marshall* (Chapel Hill, N.C.: University of North Carolina Press, 1939), p. 9.
32. Letter from William Bradford to James Madison, Oct. 17, 1774, in *The Papers of James Madison*, ed. by William Hutchinson and William Rachal (Chicago: University of Chicago Press, 1962), Vol. I, p. 126.
33. Charles William Frederick Dumas was a native of Switzerland, who lived most of his life in The Netherlands. He was one of the most important agents and diplomats working for the American cause in Europe. Dumas corresponded constantly with Franklin, using his edition of *The Law of Nations* as a cipher for coding his communications. Franklin had to use his copy of *The Law of Nations* to decipher Dumas' letters.
34. Willcox, *op. cit.*, Vol. 22, pp. 287-91.
35. Thomas Jefferson, Letter to Robert Skipwith, Aug. 3, 1771, in *Writings, op. cit.*, pp. 740-45.
36. See Bernard Bailyn, *Pamphlets of the American Revolution* (Cambridge, Mass: Belknap Press, 1965), pp. 476-77.
37. *The Writings of Samuel Adams*, ed. by Harry Alonzo Cushing (New York: Octagon Books, 1968), Vol. II, pp. 325-26.
38. *The Legal Papers of John Adams*, ed. by Robert J. Taylor (Cambridge, Mass: Belknap Press, 1977), Vol. I, p. 327.
39. *The Law Practice of Alexander Hamilton*, ed. by J. Goebel (New York: Columbia University Press, 1964-69).
40. Alexander Hamilton, Letter to James Duane, in *The Papers of Alexander Hamilton*, ed. by Harold C. Syrett (New York: Columbia University Press, 1961-77), Vol 2, pp. 400-18.
41. Forrest McDonald, *Alexander Hamilton, A Biography* (New York: W.W. Norton & Company, 1979), p. 97.
42. "Opinion on the French Treaties, Apr. 28, 1793," in *Writings, op. cit.*, pp. 422-34.
43. Syrett, *op.cit.*, Vol. 14, pp. 367-96.
44. *Ibid.*, pp. 374-75.
45. Quoted in Stanley Elkins, *The Age of Federalism* (New York: Oxford University Press, 1993), p. 348.
46. "Second Letter from Phocion," in Syrett, *op.cit.*, Vol. 3, p. 557.
47. Quoted in Gilbert L. Lycan, *Alexander Hamilton and American Foreign Policy* (Norman, Okla.: University of Oklahoma Press, 1970), p. 88.
48. Quoted in William Spence Robertson, *The Life of Miranda* (New York: Cooper Square Publishers, 1969).
49. Letter from Miranda to Hamilton, April 6, 1798, in Syrett, *op. cit.*, Vol. 21, pp. 339-402.
50. Lyndon H. LaRouche, Jr., "SDI: The Technical Side of 'Grand Strategy,'" *Executive Intelligence Review*, July 19, 1996 (Vol. 23, No. 29).