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A Journal of Tradition, Place, and Things Divine



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Foreign Policy Principles of The Declaration of Independence

Thomas G. West

On this 250th anniversary of the Declaration of Independence, we ask: what are the foreign policy principles of the Declaration? Do they lead inevitably to America's recent policy of world-wide interventionism, as some say? Or, as others ask, does the Declaration contain any foreign policy principles at all?

One common argument is that as soon as America became a major power, these principles led directly to today's so called "rules-based international order," in which America strives to impose its version of liberalism on the world. Stephen Walt writes: "John Quincy Adams may have recognized that the early republic was too weak to 'go out in search for monsters to destroy,' but the temptation to spread liberal ideals became more alluring as the United States grew stronger. Once the country stood at the pinnacle of power, it was impossible to resist."¹

To respond to this common modern error, I will quickly summarize the political theory of the Declaration of Independence and then turn to its bearing on foreign policy.

PRINCIPLES: "created equal"; "laws of nature"; "secure these rights"; "consent"

To begin: "All men are created equal." Or, as paraphrased in Virginia's Bill of Rights, "by nature equally free and independent." From this equal natural liberty, specific rights and duties follow. First, in the Declaration, all human beings everywhere are endowed with inalienable rights. Second, all are equally duty bound to respect those rights in others. In the founders' language, the "laws of nature and of nature's God" are both the source of those rights AND establish moral limits on their exercise of those rights. Liberty is not license. All have a right to liberty, but no one has a right to take liberty away from another by ruling him without his consent.

We need government "to secure these rights" because outside of government, our rights are insecure, and our duties are not enforced. Hamilton explains: "Why has government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice, without constraint" (*Federalist 15*). Madison adds: "in a state of nature, ... the weaker individual is not secured

¹ Stephen Walt, *The Hell of Good Intentions* (New York: Farrar, Straus, and Giroux, 2018), paraphrasing John Mearsheimer. Also Robert Kagan, *The Jungle Grows Back*. (New York: Vintage, 2018).

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against the violence of the stronger” (*Federalist 51*). It follows, as the Declaration says, that “to secure these rights, governments are instituted among men, deriving their just powers from consent of the governed.”

Why must governments derive their just powers from consent? If we are born free, then voluntary agreement, consent, can be the only basis of the “just powers of government.” Slaves are ruled without their consent. But who is doing the consenting? “The governed.” The rights of mankind belong to everyone everywhere. But the consenters are only those who (as it were) secede from the rest of the human race and choose to subject themselves to be governed by a particular government. The preamble of the 1780 Massachusetts Constitution explains: “The body politic is formed by a voluntary association of individuals: It is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good.” The compact is for citizens only, “the individuals who compose it.” Americans are no more responsible for securing the inalienable rights of Libyans or Ukrainians than Libyans or Ukrainians are for securing the rights of Americans.

FOREIGN POLICY CONSEQUENCES

The Declaration of Independence does not describe the distinctive roles of foreign and domestic policy in securing our rights. Here the Massachusetts Constitution preamble is helpful. It clarifies government’s specific duties in both areas. Government’s first task, which Massachusetts states as the sole purpose of foreign policy, is “to secure the existence of the body politic, [and] to protect it.” This is immediately followed by a statement of government’s sole domestic policy task: “to furnish the individuals who compose it with the power of enjoying ... their natural rights and the blessings of life.” The first task, protection of the society’s very being from external harm, is obviously the condition for the second but higher task. The protection of life, liberty, and property against harm from other citizens, most importantly by means of criminal and civil law, enables the enjoyment of “the blessings of life.”

The Declaration vividly portrays the existential importance of foreign policy in its complaints against the king of Britain. He has declared us “out of his protection and [is] waging war against us.” “He has ... burnt our towns, and destroyed the lives of our people.” He has “constrained our fellow citizens ... to bear arms against their country.” That is, he has violated the fundamental duty of government, “to secure these rights,” not only by failing to protect the natural rights of “the *lives* of

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our people,” the liberty of our “fellow citizens,” and our property (“burnt our towns”), but worse, by treating us instead as his enemy, going to war to deprive us of these rights.

In contrast with the Declaration’s focus on defense as the sole purpose of foreign policy is the later view that it is America’s responsibility to save the world. Franklin Roosevelt’s Four Freedoms included the mission to establish freedom from want and freedom from fear “everywhere in the world.”² President Eisenhower echoed FDR’s pledge when he called on “all peaceful nations to a new kind of war. This would be a declared total war, not upon any human enemy but upon the brute forces of poverty and need.” This, said Eisenhower, is “the greatest task” of foreign policy.³ These sentiments have been echoed by almost all presidents since then.

“Separate and equal station”; “things which independent states may of right do”

Sovereignty—complete independence in the conduct of all policies foreign and domestic—is a necessary consequence of the founders’ theory of consent as the only legitimate basis of government. Either we rule ourselves or others rule us. The United States, says the Declaration, are ready “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.” That “separate and equal station” must be respected by Britain and other nations, without leave or hindrance. Composed of individuals “created equal” who are now citizens, the United States therefore have a right to retain the original freedom of its members by acting collectively as a nation free from any obligation to any other nation in the world. Near the end of the Declaration, the conclusion is made explicit: “as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.”

War is a necessary instrument of national policy to resist attack. The “full power to levy war” is a necessary ingredient of national sovereignty. The Massachusetts Constitution, describing the need for a state militia, explains the connection between war and security of natural rights: the governor must be ready “to assemble in martial array, and put in warlike posture, the inhabitants thereof, and ... to kill ... and conquer, ... such person and persons as shall, ... attempt ... the destruction, invasion, detriment, or annoyance of this Commonwealth.”

The power to “contract alliances” also follows from the sovereign right of national defense.

² Franklin Roosevelt, Annual Message to Congress, January 6, 1941.

³ Dwight D. Eisenhower, “The Chance for Peace,” April 16, 1953.

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Mutual defense agreement with other nations can be useful in wartime. And the power to “levy war” must include the power to end a war, to “make peace” through negotiations and diplomacy. All of this is to be in the service of the overall purpose of government, “to secure these rights” by protecting the nation from foreign threats and attack.

“Enemies in war, in peace friends”

The right to national sovereignty is also a duty to recognize other nations’ sovereignty. In the language of the Declaration, the “laws of nature and of nature’s God” affirm a right of America 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 reciprocal American duty to other nations follows from the same principle. Britain and all other countries also must be given the respect due to “free and independent states.”

Toward the end, the Declaration sums up the proper understanding of America’s relations with other nations in this phrase: “enemies in war, in peace friends.” In other words, as long as you are not attacking us, we will treat you as “friends.” This applies even if we believe your government fails to protect the liberties of your own subjects, or if your government is engaging in unjust war with its neighbors.

Two maxims follow. First, a presumption of non-interventionism. No American imperialism or involvement in the internal affairs of other nations is allowed—no ruling other nations without their consent and no “regime change.”

Second, a presumption of neutrality. When other nations are at war with each other, America is obliged to remain neutral. The only exception would be if another nation’s conduct threatens or harms America’s territory, people, or government.

In the 1790s debate over whether America should support the French revolution, the founders strongly endorsed the non-intervention principle. The French, wrote Hamilton, “declare that they will grant fraternity and assistance to every people who wish to recover their liberty.” This “extraordinary decree amounted exactly to ... an interference by one nation in the internal government of another.... This decree was little short of a declaration of war against all nations having princes and privileged classes.” Jefferson also denounced the French for “endeavoring to force liberty on their neighbors in their own form.”⁴ Thirty years later, the Monroe Doctrine renounced

⁴ Alexander Hamilton, *Pacificus* No. 2, July 3, 1793; Jefferson to Thomas Randolph, June 24, 1793.

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any idea that America would involve itself in European affairs, as long as they were no threat to us.

That policy held until 1917. As Wilson said in his War Message to Congress, America's object in this war is not primarily to defend itself as a nation. No, "Our object ... is to vindicate the principles of peace and justice in the life of the world as against selfish and autocratic power." Our only goal is "for a universal dominion of right." As Hamilton said in *Federalist* 6, only a man "far gone in utopian expectations" could engage in such a "deceitful dream of a golden age." In the 1928 Kellogg-Briand Pact, Calvin Coolidge, following Wilson's lead, pledged that the United States would never again to engage in war "as an instrument of national policy." Implied is that wars fought as an instrument of *international* policy—wars "for a universal dominion of right"—are permitted. Of course, the United States has fought a number of wars since then, and many of them did serve America's national defense. But the view that foreign policy must serve the interests of the whole world, and not only the United States, continues to inform that policy up to the present.

In sum, then, the founders would be called "nationalists" or "isolationists" in today's pejorative use of those terms. They prioritized the American nation. They did not believe that the social compact authorizes government to concern itself with the internal affairs of other nation by replacing "autocratic power" with democracy. Nor was government authorized to interfere in the wars of other nations, as long as those wars did not threaten or harm America.

LAW OF NATIONS

The U.S. Constitution implicitly adopts the political theory of the Declaration in its foreign policy. The purpose of foreign policy is announced in its preamble: "to provide for the common defense." And there is a near-explicit reference to the social compact theory of the Declaration in Article I, where Congress is given the power "to define and punish ... offences against the law of nations." The *law of nations* was then understood as a legal term of art that refers directly to the founders' social compact theory. In this clause, the law of nations is taken to be authoritative.

Today, this clause is little noticed and much misunderstood. Eugene Kontorovich, a modern scholar, writes, "The term 'law of nations' is synonymous with what is today called 'customary international law.' These rules," he continues, "are created not by treaty, but by the general consent and practice of states through their mutual dealings."⁵ In other words, the law of nations, in today's

⁵ Eugene Kontorovich, "Offenses Against the Law of Nations Clause," *Heritage Guide to the Constitution*, 3rd ed., ed. Josh Blackman and John Malcolm (Washington, DC: The Heritage Foundation, 2025), 192.

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view, is wholly conventional, not based on any principles of right outside itself. That was not the founders' view.

The authorities that the framers most often consulted argued that the law of nations is grounded in the law of nature. Blackstone's *Commentaries* was the most quoted book on politics in America in the 1790s. He explains that the law of nations has two sources: first, "the rules of natural law," and second, "mutual compacts, treaties, leagues, and agreements" between nations. The second source is what Kantorowicz calls the law of nations—purely voluntary agreements among nations. But the first source of the law of nations is natural law. Blackstone adds that when it comes to the interpretation of treaties and agreements, "we have no other rule to resort to, but the law of nature; being the only one to which all the communities are equally subject."⁶

Emer de Vattel explains more fully than Blackstone how the law of nations is grounded in the law of nature.⁷ His *Law of Nations* was probably the book most often consulted on this subject during the founding era.⁸ I quote Vattel here to show the tight connection between reasoning behind the founders' conception of the law of nations and the political theory of the Declaration. Vattel begins with the Declaration's principle of natural equality and the laws of nature:

all men inherit from nature a perfect liberty and independence, of which they cannot be deprived without their own consent.... As men are subject to the laws of nature,—and as their union in civil society cannot have exempted them from the obligation to observe those laws, since by that union they do not cease to be men,—the entire nation, whose common will is but the result of the united wills of the citizens, remains subject to the laws of nature, and is bound to respect them in all her proceedings.... We must therefore apply to nations the rules of the law of nature, in order to discover what their obligations are, and what their rights: consequently, the *law of nations* is originally no other than the *law of nature applied* to nations.

From this premise, Vattel goes on to deduce the basic rights and duties of nations towards each other:

[N]ations composed of men, and considered as so many free persons living together in the state of nature, are naturally equal, and inherit from nature the same obligations and rights. Power or weakness does not in this respect produce any difference. A dwarf is as much a man as a giant; a small republic is no less a sovereign state than the most powerful kingdom....

⁶ William Blackstone, *Commentaries on the Laws of England*, orig. pub.1765 (Chicago: University of Chicago Press, 1979), Introduction, sec. 2.

⁷ Emer de Vattel, *The Law of Nations, Or, Principles of the Law of Nature*, 1758 (Indianapolis: Liberty Fund, 2008); quotations are taken from the Introduction.

⁸ Bernard Natelson, "The Power to Restrict Immigration and the Original Meaning of the Constitution's Define and Punish Clause," *British Journal of American Legal Studies* 11, no. 2 (2022): 220.

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The consequence, says Vattel, is that

a nation then is mistress of her own actions so long as they do not affect the proper and perfect rights of any other nation.... If she makes an ill use of her liberty [in her internal or foreign policy], she is guilty of a breach of duty; but other nations are bound to acquiesce in her conduct, since they have no right to dictate to her.

Vattel anticipates here the non-intervention and neutrality policies called for by the Declaration, based on the right of every nation to a “separate and equal station”—the right to national sovereignty. This principle has been routinely violated by American foreign policy since 1898, when the Spanish-American War was waged to stop Spanish mistreatment of Cubans and to uplift the supposedly backward Filipinos into modern civilization.

On the basis of the same natural law arguments, Vattel concludes that morally just war must be defensive war: The “consequence of the [my] premisses is, that if a nation takes up arms when she has received no injury, nor is threatened with any, she undertakes an unjust war. Those alone, to whom an injury is done or intended, have a right to make war.” In other words, “enemies in war, in peace friends” is the proper stance of nations toward each other.

CONCLUSION

Today’s international relations theorists tend to argue that there are two leading foreign policy approaches: realism and idealism. Although the founders have sometimes been called realists because of their hard-headed and unapologetic concern with national defense, it is nevertheless true that they were idealists in their sincere attempt to ground foreign policy on principles of justice. Their understanding of the law of nations means that they conceived nations to be bound by genuine moral duties.

Hamilton provides a clear example in an essay arguing for repayment of America’s Revolutionary War debts owed to European nations. Hamilton writes,

The established rules of morality and justice are applicable to nations as well as to individuals; that the former as well as the latter are bound to keep their promises, to fulfil their engagements, to respect the rights of property which others have acquired under contracts with them. Without this, there is an end of all distinct ideas of right or wrong justice or injustice in relation to Society

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or Government. There can be no such thing as rights—no such thing as property or liberty.... Every thing must float on the variable and vague opinions of the Governing party of whomsoever composed.⁹

This is as remarkable a rejection of “realism” as one could wish. But it was the same Hamilton who “realistically” warned that wars will always be with us, and that it is a “deceitful dream” for a nation to base its foreign policy on anything other than national defense.

⁹ Hamilton, *The Vindication*, no. 3, 1792.