



Emer de Vattel: Forgotten Father of Federalism

“The sovereign who violates his engagements ... is such a sovereign, who deserves to be treated as an enemy of the human race.” — Emer de Vattel, *The Law of Nations*

Ever wonder why the lawmaking branch of the federal government is called Congress and not Parliament?

Ever wonder why members of Congress only have to be citizens of the United States, whereas the president has to be a natural-born citizen?

Ever wonder why Thomas Jefferson changed the Lockean trivium from “life, liberty, and property” to “life, liberty, and the pursuit of happiness?”

One name is the answer to all these questions: Emer de Vattel.

Emer de Vattel

Now you’re probably wondering why you’ve never heard the name Emer de Vattel, given the profound influence he had on our Founding Fathers and the documents drafted by them.

I believe that his name was purposefully erased from the curricula of public schools by the educrats who usurped power over education in the United States. These Marxists removed all mention of de Vattel and any other man whose writings motivated our ancestors to restore their liberty and to establish a confederation of independent republics. One way to express it is that the petty tyrants tasked with converting education into indoctrination knew that if we were to read what our Founders read, we might do what our Founders did: throw off the chains of tyranny!

Emer de Vattel’s influence on our Founding Fathers was so deep that Benjamin Franklin, in explaining that the states were coming together to form a union of sovereign nations, said of de Vattel’s book *The Law of Nations* (published in English in 1760): “[It] has been continually in the hands of the members of our Congress now sitting.”

Speaking of Congress, that word was chosen for our legislative branch because in *The Law of Nations*, our Founders learned that “congress” was the name given to the assembly of representatives from separate nations, with each representative being an agent and advocate of his own nation, coming together for the sole and express purpose of making laws for the general welfare of the confederation.

Parliament, on the other hand, is a deliberative meeting of one nation, with one interest — that of the whole nation. That certainly does not describe the legislative bodies created in America from the time of the Albany Plan of Union to the Stamp Act to the one created by the current Constitution.



Written by [Joe Wolverton, II, J.D.](#) on April 25, 2023

See? Just understanding the definition of that one word — congress — explains so much about the intended structure and function of the federal government, and the correct constitutional relationship between the state and federal governments.

Next, Article II requires that the president be a natural born citizen, a higher and different standard than the requirement for congressmen, that of citizen.

It is from de Vattel that our Founding Fathers derived this term, its definition, and its value in being applied to powerful magistrates.

Book I, Chapter 19, Section 212 of *The Law of Nations* reads:

Natural-born citizens, are those born in the country, of parents who are citizens. As the society cannot exist and perpetuate itself otherwise than by the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights. The society is supposed to desire this, in consequence of what it owes to its own preservation; and it is presumed, as matter of course, that each citizen, on entering into society, reserves to his children the right of becoming members of it. The country of the fathers is therefore that of the children; and these become true citizens merely by their tacit consent. We shall soon see, whether, on their coming to the years of discretion, they may renounce their right, and what they owe to the society in which they were born. I say, that, in order to be of the country, it is necessary that a person be born of a father who is a citizen; for if he is born there of a foreigner, it will be only the place of his birth, and not his country. [Emphasis added.]

Imagine if that standard were taught to and understood by American schoolchildren? The effect of such an education is astounding.

Finally, scholars have called Emer de Vattel the father of federalism. In his book *The Law of Nations*, de Vattel spends several pages laying out how confederations of sovereign nations should function. What follows are some selections from *The Law of Nations* that were used by our Founding Fathers as a blueprint for the “perpetual union” they were called on to establish.

Book 1, Chapter 1:

§9 Of two states subject to the same prince.

Two sovereign states may also be subject to the same prince, without any dependence on each other, and each may retain all its rights as a free and sovereign state.

§10 Of states forming a federal republic.

Finally, several sovereign and independent states may unite themselves together by a perpetual confederacy, without ceasing to be, each individually, a perfect state. They will together constitute a federal republic: their joint deliberations will not impair the sovereignty of each member, though they may, in certain respects, put some restraint on the exercise of it, in virtue of voluntary engagements. A person does not cease to be free and independent, when he is obliged to fulfill engagements which he has voluntarily contracted.

Book 1, Chapter 4:



§52 Thus also, according to the spirit of the Helvetic confederacy, the entire body takes cognizance of the disturbances that arise in any of the confederated states, though each of them is truly sovereign and independent.

§54 Nevertheless this ought not to be entirely a blind obedience. No engagement can oblige or even authorize a man to violate the law of nature. All authors who have any regard to conscience or decency, agree that no one ought to obey such commands as are evidently contrary to that sacred law.

It is more difficult to determine in what cases a subject may not only refuse to obey, but even resist a sovereign, and oppose his violence by force. When a sovereign does injury to any one, he acts without any real authority.

When a prince, without any apparent reason, attempts to deprive us of life, or of those, the loss of which would render life irksome, — who can dispute our right to resist him? Self-preservation is not only a natural right, but an obligation imposed by nature, and no man can entirely and absolutely renounce it.

The prince who violates all laws, — who no longer observes any measures, — and who would in his transports of fury take away the life of an innocent person, — divests himself of his character, and is no longer to be considered in any other light than that of an unjust and outrageous enemy, against whom his people are allowed to defend themselves.

Book 2, Chapter 12:

§160 Nullity of treaties which are pernicious to the state

Though a simple injury, or some disadvantage in a treaty, be not sufficient to invalidate it, the case is not the same with those inconveniences that would lead to the ruin of the nation. Since, in the formation of every treaty, the contracting parties must be vested with sufficient powers for the purpose, a treaty pernicious to the state is null, and not at all obligatory, as no conductor of a nation has the power to enter into engagements to do such things as are capable of destroying the state, for whose safety the government is entrusted to him.

§161 Nullity of treaties made for an unjust dishonest purpose

For the same reason — the want of sufficient powers — a treaty concluded for an unjust or dishonest purpose is absolutely null and void, — nobody having a right to engage to do things contrary to the law of nature. Thus, an offensive alliance, made for the purpose of plundering a nation from whom no injury has been received, may or rather ought to be broken.

And on and on and on.

Patriotic Americans are encouraged to read a few pages of a book that our Founding Fathers found so indispensable to faithfully fulfilling their mission to form a more perfect union; a book that could teach us all about how our federal system was designed to function.



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