



## “The Immortal” Hugo Grotius: Lessons on Law That We Could Use

God created man free and a law unto himself, so that the actions of each individual and the sue of his possessions were not made subject to another’s will, but only to his own. Moreover, what is that well known concept “natural liberty” other than the power of the individual to act in accordance with his own will? And liberty in regard to actions is equivalent to ownership in regard to property. Hence the saying, “Every man is the governor and arbiter of affairs relating to his own property.”

— Hugo Grotius, *Law of Prize and Booty* (1603)

You wouldn’t think that a writer so influential on the founding generation as to be described by John Adams as “an immortal patriot,” and “the best author on natural law,” and by his wife, Abigail, as a “writer calculated to inform the mind and instruct the judgment”; quoted often during the congressional debates preceding the Declaration of Independence; and cited by James Madison in *The Federalist*, No. 20 would be completely unknown to us today.

Hugo Grotius

Sadly, he is.

His name is Hugo Grotius. Well, that’s the Latin form of his name. His real name is Huig de Groot and every member of the Varsity Squad of Founding Fathers had his book *On the Law of War and Peace* (1625) on their shelves and it was included in the first library of Congress. To say he was influential would be a gross understatement.

Not only were the words of Grotius influential on the Founding Fathers, but so was his valor and his fearless defense of liberty.

As a result of his support for a return of state sovereignty (federalism) in his native Holland, in 1619 Grotius was arrested, imprisoned, and then sentenced to life in prison in Loevestein Castle. One of his companions and colleagues in that conflict, Johan van Oldenbarnenvelt, was tried with Grotius, found guilty, and beheaded. The fact that Grotius escaped execution was described by Thomas Jefferson as



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“miraculous” and Grotius’s support for state and local sovereignty in this ordeal led John Adams to describe him as a “father of republicanism.”

One last bit about that story is that in 1621, Grotius’s wife and a maidservant managed to sneak him out of the castle hiding in a chest they claimed was full of books! He lived the rest of his life in exile.

Now, on to the writings of Grotius that our Founding Fathers found so powerful and so persuasive.

Much of what Grotius wrote about war and peace would be of immense and timely benefit to us today. Perhaps that is why his books have been purposefully erased from the history curriculum of American schools. Regarding the value of the study of history, Grotius himself wrote:

To look into the Manners of Antiquity, and recover the Memory of preceding Ages, is an Entertainment of the highest Pleasure and Advantage to the Mind, it establishes very lasting Impressions of Virtue in us, enlarges the Soul, and moves our Emulation to follow and excel the leading Characters before us; when we are tracing the Exploits of some Worthy of Old, with what Delight do we pursue him in every Circumstance of Action, we admire the Example, and transmit the Beauties of his Life into our own Conduct by Practice and Imitation.

Read that again slowly. So much of what Grotius identifies as the advantages of studying history are woefully lacking in our society, and, again, could point to the purpose for his books having been hidden from generations of American students.

Another contemporary conflict that could benefit from Grotius’s writings is the concept of how to become and remain a peaceful people. In *On the Law of War and Peace*, Grotius wrote:

Now amongst the things peculiar to man is his desire of society, that is, a certain inclination to live with those of his own kind, not in any manner whatever, but peaceably, and in a community regulated according to the best of his understanding....

This sociability, which we have now described in general, or this care of maintaining society in a manner conformable to the light of human understanding, is the Fountain of Right, properly so called; to which belongs the abstaining from that which is another’s, and the restitution of what we have of another’s, or of the profit we have made by it, the obligation of fulfilling promises, the reparation of a damage done through our own default, and the merit of punishment among men.

It must therefore be agreeable to human nature, that according to the measure of our understanding we should in these things follow the dictates of a right and sound judgment, and not be corrupted either by fear, or the allurements of present pleasure, nor be carried away violently by blind passion. And whatsoever is contrary to such a judgment is likewise understood to be contrary to natural right, that is, the laws of our nature.

Imagine if the past five generations of American school children had been taught these principles of peace and good government and the source and purpose of law, rather than the soft socialism that masquerades as “history” in the country’s classrooms. Would we still be suffering from the near constant conflict between the acts of the government toward the people and their acts in violation of the U.S. Constitution?



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Next, with regard to the rush to war and the danger of prosecuting unjust military action, Grotius taught:

What is done in an unjust War is unjust in itself.

We then first declare, if the cause of the war be unjust, tho' it be undertaken in a solemn manner, yet all the acts of hostility done in it are unjust in themselves. So that they who knowingly do these acts, or join in the acting of them, are to be accounted in the number of those, who without repentance cannot enter into the Kingdom of Heaven.

Were these truths still taught, would we have held our elected officials accountable for so many lives and so much treasure wasted on unjust — and unconstitutional — armed conflicts carried on by the United States around the world?

Finally, and perhaps most apropos to our time, Grotius remarked on the character of men who should be chosen to serve in government:

He knows not how to rule a kingdom, that cannot rule a province; nor can he rule a province, that cannot rule a city; nor he rule a city, that knows not how to rule a village; nor he a village, that cannot rule a family; nor can that man govern well a family that knows not how to govern himself.

The inability to govern one's family well seems particularly applicable to our day, a day in which a congressional committee is investigating suspicion of gross misdeeds committed by the sitting president and his family.



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