



National Conservatism, Fusionism, and the Legacy of the American Founding

Casey J. Wheatland

Opposing conservative camps often claim the American Founding as their own. This leads to confusion amongst conservatives: What exactly does the American Founding mean for today's politics? This article examines this question by focusing on the policy consensus of the Founders on the issues of foreign policy, trade, and immigration, three issues that currently divide the conservative movement. National conservatives are far closer than their opponents to early American policy on these issues.

Conservatives often like to claim the mantle of the American Founding. If asked what they are conserving, they will often reply that they are conserving the principles of the Founding. The problem is that no one can agree on what exactly the principles of the Founding demand, or if there is even a coherent political doctrine that can be gleaned from the nation's birth. Inter-conservative debates in the 20th century revolved around the question of who best understands the principles of the American Founding and their implications

Often national conservatives are less likely than movement or fusionist conservatives to make rhetorical appeals to the American Founding. Perhaps this is out of frustration with the apparent nostalgia and self-referential nature of conservatism, which at times conflates the question “what is true conservatism?” with “what is the good?” National conservatives, with Aristotle, might remind us that “in general, all seek not the traditional but the good.”¹ Perhaps it is because some leading national conservatives have a lukewarm opinion of the Founding, while others see it as incoherent or disunited.² Despite their hesitancy to embrace fully the American Founding, national conservatives have a strong claim as the true heirs to its practical politics.³

This would come as a surprise to many fusionist conservatives, who see themselves as true heirs to the Founding and consider national conservatism a dangerous deviation.⁴ Yet, on the issues of war, trade, and immigration—the issues where national conservatives most forcefully depart from fusionist conservatives—it is the national conservatives who more closely resemble the policy consensus of the early republic.

On war and foreign policy, President George W. Bush's second inaugural address represents the zenith of conservative interventionism. Bush states that the American government will "seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world" and implied that America would dedicate entire generations to this pursuit.⁵ He further claims that this is the fulfillment of the principles of America's founding. After all, if the principles are universal, then they must be enforced equally across the globe. Neoconservative scholar Robert Kagan agrees, asking rhetorically: "If rights were universal, then what about the rights of the French people in 1789? What about Latin Americans and Spaniards? What about Greeks and Poles and Hungarians? If the rights of others were being trampled, Americans were forced to confront the question of whether they had an obligation to do something about it."⁶ National conservatives disagree with Kagan in theory and Bush in practice, condemning their foreign policy as a form of "liberal imperialism" that wrongfully seeks to "gain power, influence, and wealth by dominating other nations and trying to remake them in its own image."⁷

In rejecting the interventionist foreign policy of the neoconservatives, national conservatives are far closer to the foreign policy of the American Founders.⁸ According to the Founders, the law of nations guaranteed the right of national sovereignty, "the separate and equal station" among the powers of the earth, as the Declaration of Independence states. This means that the United States has no legitimate reason to attempt regime change against non-hostile nations, even if those nations express principles contrary to those that we uphold.⁹ The Declaration of Independence has a clear and simple rule for foreign relations: Treat foreign nations as "enemies in war, in peace friends." The friend/enemy distinction animating early American foreign policy leaves little room for the contemporary obsession with "rogue states." War should be fought between uniformed soldiers, and those nations not involved with hostilities or bound by treaty have a duty to maintain strict neutrality.¹⁰ Alexander Hamilton, writing within the tradition of law of nations thinkers such as Grotius, Pufendorf, and Vattel, speaks of the "exclusive jurisdiction which every independent nation has over its own territory."¹¹ He further states that "a nation has a right to manage its own affairs as it sees fit" and "ought to have a right to provide for its own happiness."¹² No nation has a right to act as the arbiter of global affairs, even in the name of humanitarian principles. Hamilton condemned revolutionary France for fomenting rebellions, stating: "The pretext of propagating liberty can make no difference. Every nation has a right to carve out its own happiness in its own way, and it is the height of

presumption in another to attempt to fashion its political creed.”¹³ Though Hamilton and Jefferson quarreled over the legality of Washington’s 1793 Proclamation of Neutrality, they agreed that the maintenance of our own national sovereignty ought to be the cornerstone of American foreign policy.¹⁴

Practically speaking, the foreign policy of early America was defined by President Washington’s advice in his Farewell Address: cultivate diplomacy and good relations with other countries (even those who do not share our principles); trade with other countries only on mutually agreeable terms; avoid political entanglements and permanent alliances; maintain neutrality in conflicts that do not directly threaten American life, property, sovereignty, or territory; and expand national power through a strong navy, merchant fleet, and robust economy.¹⁵ President Jefferson’s war against the Barbary Pirates, conducted with limited military (primarily naval) engagements and temporary alliances, and without a long-term occupation of foreign land, is a model of how Washington’s advice translated into practice. Jefferson repeated Washington’s exhortation to avoid foreign wars in his first inaugural address, writing: “Peace, commerce, and honest friendship with all nations, entangling alliances with none.”¹⁶ So much for the claim that the Founders would endorse a global crusade to spread liberal democracy.

On the issue of trade, the national conservatives similarly appear closer to the consensus view of the Founding than their fusionist or movement conservative counterparts do. National conservatives believe that tariffs and other measures to protect national manufacturing are legitimate and at times necessary not only for national defense, but also to create an economy conducive to stable family arrangements. Their free trade opponents claim that tariffs are illegitimate and economically illiterate, that free trade lifts all boats, and that any losses in wages would be outweighed by access to cheap goods. During the 2016 presidential election, *National Review* writer Kevin Williamson went even further, claiming that “right-wing critics of free-trade” are crypto-socialists who stand opposed to “the classical-liberal ideas that informed the American founding.”¹⁷

By his own standard, most of the Founders would also be socialists. As Secretary of Treasury, Hamilton devoted much of his time to promoting trade protections to foster domestic industry in order “to render the United States independent on foreign nations for military and other supplies” and to enlarge “the sphere of our domestic commerce.”¹⁸ The second law passed by Congress after the ratification of the Constitution was the Tariff of 1789. Sponsored by Congressman James Madison and signed into law by President Washington, its preamble declared that part of its purpose

was “the encouragement and protection of manufactures.”¹⁹ By the end of the War of 1812, even the agrarian Jefferson recognized the need to foster domestic industry in order to preserve national sovereignty, writing to Benjamin Austin: “He, therefore, who is now against domestic manufacturing, must be for reducing us either to dependence on that foreign nation, or to be clothed in skins, and to live like wild beasts in dens and caverns.”²⁰ President Madison’s 1815 Message to Congress proposed the industrial, infrastructure, and financial policies that would be articulated more fully by Henry Clay in his proposed American System.²¹ Though the Federalists lost the partisan battle leading up to the Era of Good Feelings, they were the quiet winners of the battle to enact trade protections for the sake of independence, prosperity, and economic stability.

On immigration, national conservatism is significantly closer to the American Founding than is the libertarian wing of the Republican Party, which often reduces immigration to a matter of legality or economic growth. Libertarian-minded conservatives are often inclined to say that they support all immigration, so long as it is legal, or that immigrants are indispensable to a dynamic and growing economy. The “National Conservative Statement of Principles” says the following about immigration:

Immigration has made immense contributions to the strength and prosperity of Western nations. But today’s penchant for uncontrolled and unassimilated immigration has become a source of weakness and instability, not strength and dynamism, threatening internal dissension and ultimately dissolution of the political community. We note that Western nations have benefited from both liberal and restrictive immigration policies at various times. We call for much more restrictive policies until these countries summon the wit to establish more balanced, productive, and assimilationist policies. Restrictive policies may sometimes include a moratorium on immigration.²²

In other words, there is no obligation for a particular country to admit new immigrants. The choice to admit or restrict immigrants is left to the citizens of the nation, who must decide whether immigration is in their national interest. In doing so, they should take into consideration the difficulties of assimilation.

This, in essence, is the approach the Founders took to immigration.²³ Gouverneur Morris stated the issue succinctly at the Constitutional Convention: “[E]very society from a great nation down to a club had the right of declaring the conditions on which new members should be admitted.”²⁴ Though the Founders believed in a universal natural law, they recognized the importance of national character and were wise to the fact that homogeneity is beneficial to well-ordered regimes.²⁵ They would not endorse

the notion, popular among certain opponents of national conservatism, that America is an “idea” or a “propositional nation” to which one could emigrate for merely holding the right opinions. One need look no further than *Federalist* No. 2, wherein John Jay makes the case for American union on shared customs, habits, religion, ethnicity, revolutionary history, and principles of government.²⁶ Jay’s description of American homogeneity was repeated by President Washington in his Farewell Address: “With slight shades of difference, you [American citizens] have the same Religion, Manners, Habits and political Principles.”²⁷

One could also look to the earliest immigration and naturalization laws, which restricted immigration to free Europeans “of a good moral character, attached to the principles of the Constitution of the United States and happiness of the same.”²⁸ Though the Founders saw need for some immigration—the vastness of the country and the precarious geopolitical situation made rapid population growth a priority—they were concerned about the quantity and quality of immigrants admitted into the nation. Alexander Hamilton, quoting his rival Jefferson from the *Notes on the State of Virginia*, warned that immigrants

will bring with them the principles of the government they leave, imbibed in their early youth; or if able to throw them off, it will be in exchange for an unbounded licentiousness. . . . Their principles with their language, they will transmit to their children. In proportion to their numbers, they will share with us in the legislation. They will infuse into it their spirit, warp and bias its direction, and render it a heterogeneous, incoherent, distracted mass.²⁹

Hamilton goes on to say that “to admit foreigners indiscriminately to the privileges of American citizens” would “break down every pale which has been erected for the preservation of a national spirit and a national character, and to let in the most powerful means of perverting and corrupting both the one and the other.”³⁰ He and Jefferson both feared that mass immigration would lead to a form of ethnic spoils politics that is contrary to the common good. Even those national conservatives who support an immigration moratorium would find it difficult to speak as frankly about this issue as the Founders did.

Although the Founders quarreled over important policies, there was a general consensus on many matters, including the need for trade protections, restrictions on immigration, and a foreign policy that avoided entanglements in unnecessary wars. This should make both national conservatives and their opponents pause. National conservatives should ask themselves how the political theory of the American Founding—built upon on a particular doctrine of natural law, natural rights, and social

compact—resulted in so many of the same practical policies that their movement advocates.³¹ They might find it worthwhile to embrace their American identity more fully. Opponents of national conservatism should similarly reassess the Founding and ask themselves why many early American policies seem to be incompatible with their ideology. Perhaps they do not understand what they claim to represent.

Notes

1. Aristotle, *Politics*, trans. Carnes Lord (Chicago: The University of Chicago Press, 2013), 1269a4–5.

2. From this first group, consider Patrick Deneen, “Unsustainable Liberalism,” *First Things*, August 2012, <https://www.firstthings.com/article/2012/08/unsustainable-liberalism> with *Why Liberalism Failed* (New Haven, Conn.: Yale University Press, 2018). From the second group, see Yoram Hazony, *Conservatism: A Rediscovery* (Washington D.C.: Regnery, 2022). Hazony divides the Founding between conservative Hamiltonians and progressive Jeffersonians and claims that the former are the heirs of the British legal and political tradition and the latter the precursors to contemporary progressives. Much could be said about this mistaken view, but it suffices for our purposes here simply to note that Hazony overlooks much of what the Hamiltonians and Jeffersonians held in common, such as a common understanding of natural law and natural rights, and certain important agreements in policy matters that will be discussed here.

3. For the purposes of this article, I largely set aside the question of theoretical or philosophical foundations of the Founding, fusionist/movement conservatism, and national conservatism. Practically speaking, addressing this question would result in a much longer article. More fundamentally, doing so would demand more theoretical unity than actually exists in both the fusionist and national conservative camps. National conservatism in particular has to be understood as a coalition that unites various figures from diverse theoretical backgrounds around practical political issues. See the introduction to this symposium.

4. See for example Henry Olsen, “Beware of ‘National Conservatives’ who Dispense with American Ideals,” *The Washington Post*, July 18, 2022, <https://www.washingtonpost.com/opinions/2022/07/18/beware-national-conservatives-who-dispense-with-american-ideals/>; David Tucker, “National Conservatism and the Declaration,” *Law & Liberty*, August 10, 2022, <https://lawliberty.org/is-national-conservatism-defensible-is-the-claremont-institute/>; Tyler Syck, “Conservatism, National or Constitutional?” *Law & Liberty*, July 14, 2022, <https://lawliberty.org/conservatism-national-or-constitutional/>; Mark Tooley, “A National Conservative Faith?” *Law & Liberty*, July 26, 2022, <https://lawliberty.org/a-national-conservative-faith/>.

5. George W. Bush, “Second Inaugural Address,” January 20, 2005, <https://www.npr.org/templates/story/story.php?storyId=4460172>.

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6. Robert Kagan, *Dangerous Nation* (New York: Alfred A. Knopf, 2006), 46.

7. Edmund Burke Foundation, “National Conservatism: A Statement of Principles,” <https://nationalconservatism.org/national-conservatism-a-statement-of-principles/>.

8. Cf. Kagan, *Dangerous Nation*, 77. Kagan claims that “there was . . . something unplanned and haphazard in the conduct of American policy with respect to foreign nations” and that territorial expansion was the *modus operandi* of early American foreign policy. His intention is to contrive a historical tradition of interventionism that draws back to the Founders. He fails to recognize that territorial expansion was primarily a means to the end of protection against European intrigue in North America and that American policy was remarkably consistent for much of the 18th and 19th centuries. For better historical studies, see the following: Walter A. McDougall, *Promised Land, Crusader State: The American Encounter with the World Since 1776* (Boston: Houghton Mifflin Company, 1997), 1–98; Angelo M. Codevilla, *America’s Rise and Fall among Nations: Lessons in Statecraft from John Quincy Adams* (New York: Encounter Books, 2022), 3–75; Patrick J. Buchanan, *A Republic, Not an Empire: Reclaiming America’s Destiny* (Washington, DC: Regnery Publishing, 1999), 59–141.

9. See Thomas G. West, *The Political Theory of the American Founding: Natural Rights, Public Policy, and the Morals* (Cambridge University Press, 2017), 141–46.

10. On the bracketing of war to uniformed soldiers, consider the following grievance from the Declaration of Independence: “[The King] has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.” The colonists complained that warfare on the American continent was more destructive than on the European continent because the long-established rules of *jus in bello* were ignored. On the duty to observe strict neutrality, see James Wilson, *Lectures on Laws*, in *The Collected Works of James Wilson*, ed. Kermit Hall and Mark David Hall (Indianapolis: Liberty Fund, 2007), 1:540–41 and Alexander Hamilton to George Washington, Cabinet Paper of May 15, 1793, in *The Works of Alexander Hamilton*, ed. Henry Cabot Lodge (New York: G.P. Putnam’s Sons, 1904), 4:411.

11. Alexander Hamilton to George Washington, Cabinet Paper of September 15, 1790, in *Works*, 4:313.

12. Alexander Hamilton to George Washington, Cabinet Paper of April 1793 in, *Works*, 4:374–75.

13. *Ibid.*, 4:407.

14. See Thomas Jefferson, “Opinion on the French Treaties,” April 28, 1790, in *The Works of Thomas Jefferson*, ed. Paul Leicester Ford (New York: G.P. Putnam’s Sons, 1904–1905), 7:283–301 and Thomas Jefferson to Thomas Mann Randolph, June 24, 1793, in *Works*, 7:316–18.

15. George Washington, “Farewell Address,” in *George Washington: A Collection*, ed. W.B. Allen (Indianapolis: Liberty Fund, 1988), 522–27.

16. Thomas Jefferson, "Inaugural Address," March 4, 1801, in *Works*, 9:197.
17. Kevin D. Williamson, "The Father-Führer," *National Review*, published online March 28, 2016, <https://www.nationalreview.com/magazine/2016/03/28/father-f-hrer/>.
18. Alexander Hamilton, *Report on the Manufacturers*, in *Works*, 4:70. See further West, *Political Theory*, 146–47.
19. "An Act for Laying a Duty on Goods, Wares, and Merchandise imported into the United States," July 4, 1789, *Public Statutes at Large of the United States of America*, ed. Richard Peters (Boston: Charles C. Little and James Brown, 1845), 1:24.
20. Thomas Jefferson to Benjamin Austin, January 9, 1816, in *Writings*, ed. Merrill D. Peterson (New York: Library of America, 1984), 1371.
21. James Madison, "Seventh Annual Message to Congress," December 5th, 1815, in *Writings*, ed. Jack N. Rakove (New York: The Library of America, 1999), 716.
22. Edmund Burke Foundation, "National Conservatism."
23. See West, *Political Theory*, 118–19, 147–48, 266–67.
24. Gouverneur Morris, quoted in James Madison, *The Journal of the Constitutional Convention*, Aug. 9th, 1787, in James Madison, *The Writings of James Madison*, ed. Gaillard Hunt (New York: G.P. Putnam's Sons, 1903), 4:150.
25. Despite the regional differences inherited from British colonial experience—see for instance David Hackett Fischer, *Albion's Seed: Four British Folkways in America* (New York: Oxford University Press, 1989)—the characteristics shared by early Americans were more important and suffice to reasonably consider them a homogenous people. As Samuel P. Huntington pointed out in response to Fischer: "Virtually all of [the early settlers], however, spoke English, were Protestant, adhered to British legal traditions, and valued British liberties." *Who are We? The Challenges to America's National Identity* (New York: Simon & Schuster, 2004), 42.
26. John Jay, *Federalist* No. 2, ed. Clinton Rossiter (New York: Signet Classics, 2003), 32–33.
27. Washington, "Farewell Address," 515.
28. "An Act to Establish an Uniform Rule of Naturalization, and to Repeal the Act Heretofore Passed on the Subject," January 29, 1795, *Public Statutes at Large*, 1:414.
29. Alexander Hamilton, "Examination of Jefferson's Message to Congress of December 7th, 1801," No. VII, January 7, 1802, in *Works*, 8:285. Hamilton is quoting from Thomas Jefferson, *Notes on the State Virginia* in *Works*, 3:497–88.
30. Hamilton, "Examination," 8:292.
31. On the broad consensus on natural law, natural rights, and social contract doctrine in the American Founding, see West, *Political Theory*, 4–162 along with Michael P. Zuckert, *The Natural Rights Republic: Studies in the Foundation of the American Political Tradition* (South Bend: Notre Dame University Press, 1997) and Paul A. Rahe, *Republics Ancient and Modern* (Chapel Hill: The University of North Carolina Press, 1994), 3:3–30. For a good historical summary of how

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the natural rights tradition informed early American republicanism, see Kevin Slack, *War on the American Republic: How Liberalism Became Despotism* (New York: Encounter Books, 2023), 15–64. The clearest evidence that Americans at the time of the Founding shared a broad consensus on the purpose of government can be found in the state constitutions formed in the first two decades of American independence. These constitutions were themselves social contracts formed and agreed upon by the people of each state. Most of these constitutions contain preambles and declarations of rights which reflect the language of the Declaration of Independence. The Pennsylvania Constitution of 1776 is typical in declaring that “all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals who compose it, to enjoy their natural rights, and the other blessings which the author of existence has bestowed upon man; and whenever these great ends of government are not obtained, the people have a right by common consent to change it, and take such measures as to them may appear necessary, to promote their safety and happiness.” For similar statements, see the New Jersey Constitution of 1776, preamble; Virginia Constitution of 1776, Declaration of Rights art. 1–3; Delaware Constitution of 1792, preamble; Massachusetts Constitution of 1780, preamble, Declaration of Rights art. 1, 4–5, 7, 10, 18; Vermont Constitution of 1786, preamble, Declaration of Rights art. 1, 6, 10; Georgia Constitution of 1777, preamble; New York Constitution of 1777, preamble (which quotes at length from the Declaration of Independence); Maryland Constitution of 1776, Declaration of Rights art. 1.