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Liberty, War, and Sovereignty in the American States-System: The Declaration of Independence at 250

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Liberty—a word and ideal most closely associated with the Declaration of Independence—came at extraordinary human cost. The Declaration led to the American Revolution, a conflict fought not only against Great Britain but also as a civil war among colonists and a continental struggle involving Native nations and imperial powers, in which approximately one percent of the population died. Less than a century later, the political order the Declaration helped establish was violently transformed in the Civil War, fought among American states as the northern states sought to preserve that system, at a cost of roughly two to two-and-a-half percent of the population. By comparison, deaths in the two world wars—often remembered as the nation's great sacrifices—amounted to far smaller proportions of the population, underscoring the demographic

severity of the wars that framed the American founding.[14]

The American founders understood this grim reality. They regarded war as the greatest threat to liberty, whether posed by foreign powers or by conflict among the states themselves. Writing in 1795, with nearly two decades of hindsight after the Declaration, James Madison warned that "of all the enemies to public liberty war is, perhaps, the most to be dreaded, because it comprises and develops the germ of every other."[15] In 1787, Alexander Hamilton likewise argued that sustained peace among independent states could not be expected, observing in *The Federalist* that "to look for a continuation of harmony between a number of independent, unconnected sovereignties in the same neighborhood, would be to disregard the uniform course of human events." He further warned that the

[14] Department of Defense, Defense Casualty Analysis System (DCAS), "U.S. Military Casualties: Principal Wars 1775–1991," accessed December 2025, https://dcas.dmdc.osd.mil/dcas/app/summaryData/casualties/principalWars.

[15] James Madison, "Political Observations, 20 April 1795," *Founders Online*, National Archives, accessed December 2025, https://founders.archives.gov/documents/Madison/01-15-02-0423.

resulting "perpetual menacings of danger" would press governments toward coercive institutions, so that "to be more safe, they at length become willing to run the risk of being less free."[16]

Whether war came from abroad or from within, the founders believed its logic was the same: liberty was endangered—and often surrendered—in the name of security. This was not only because war's violence constrained individual freedom, but because war almost always required a concentration of political power. To wage it, governments extracted men and money through conscription and taxation, placing extraordinary authority in the hands of a few. As Madison put it in the sentence following the passage quoted above, "War is the parent of armies; from these proceed debts and taxes; and armies, and debts, and taxes are the known instruments for bringing the many under the domination of the few."[17]

From the nation's outset, the American founders recognized that liberty could not endure under

[16] Alexander Hamilton, *The Federalist Papers*, Nos. 6 and 8 (1787), Avalon Project, Yale Law School, accessed December 2025, https://avalon.law.yale.edu/18th_century/fed06.asp; https://avalon.law.yale.edu/18th_century/fed08.asp.
[17] Madison, "Political Observations, 20 April 1795."

conditions of persistent war and insecurity without political institutions capable of fostering freedom while restraining both internal disorder and external violence. What was required, therefore, was a particular kind of governing arrangement—one strong enough to provide security and order, yet sufficiently constrained to preserve liberty. The Declaration of Independence of 1776, followed by the Articles of Confederation, which entered into force in 1781, and later the U.S. Constitution, which entered into force in 1789, each grappled with this challenge: how to construct a governing system capable of limiting war—by preventing it where possible and bringing it to an end once begun—while still securing the conditions of liberty.

What is often missed today about the governing orders established by the founders—precisely because the United States is now experienced as a powerful, unified nation—is that the Declaration of Independence did not lay the groundwork for a single national state, but for a confederal and later federal system of states. As the name "united States"—the spelling and capitalization used in the Declaration itself—suggests, the founders understood the thirteen colonies as independent

political communities, more comparable to France or Spain than to administrative units within a single state, united for common defense against external powers such as Great Britain.[18] This institutional arrangement was intended to preserve liberty while limiting the danger that war, whether internal or external, would extinguish it—a problem that remains central to interpreting the Declaration on its 250th anniversary and to understanding liberty in a world shaped by power and conflict.

The argument unfolds in three parts. First, it establishes liberty as the Declaration's enduring principle, showing how an exclusive focus on liberty can obscure the Declaration's institutional claim about how it was to be secured through a system of sovereign states. Second, the essay shows how liberty, as articulated in the Declaration, created a problem of governance among states: by declaring thirteen united yet distinct polities "Free and Independent," the founders constituted a states-system rather than a consolidated nation.[19]

[18] Declaration of Independence, transcript, National Archives, accessed December 2025, https://www.archives.gov/founding-docs/declaration-transcript
[19] Declaration of Independence.

Third, it examines how the founders wrestled with the challenges of liberty, security, and interstate governance after independence across three successive orders—the Provisional States-System of the unsettled years following 1776, the Confederal States-System constituted by the Articles of Confederation (drafted in 1777 and ratified and entering into force in 1781), and the Federal States-System constituted by the U.S. Constitution as a revised interstate compact (drafted in 1787, ratified in 1788, and entering into force in 1789), whose fragility was later exposed in the American Civil War (1861–1865). The essay concludes by explaining why recovering these dimensions of the Declaration is essential for liberty and security today.

Before proceeding, a brief clarification of terms and method is in order. Throughout the essay, a distinction is drawn between federalism as a constitutional mode of governance and divided sovereignty among the American states as a states-system—one in which ultimate authority, allegiance, and coercive capacity remained contested among coequal states rather than definitively consolidated in a central authority. Terms such as *compact* and *states-system* are

therefore used analytically, not to attribute a fully articulated or self-conscious theory to the founders themselves. On this view, both the Articles of Confederation and the Constitution (through 1865 and the end of the Civil War) are treated not as national constitutions in the modern sense, but as successive interstate compacts governing relations among continuing sovereign states within a states-system—a usage that underscores the persistence of divided sovereignty across changing institutional forms and highlights that it was ultimately resolved not by constitutional agreement, but by force in 1865. Quotations from founding-era documents are reproduced verbatim, preserving original spelling, capitalization, and usage, including period forms of American state names (e.g., *Massachusetts Bay* rather than *Massachusetts*), as they appear in the sources.

Liberty as the Declaration's Enduring Principle

Liberty will be at the center of the many reflections marking the 250th anniversary of the Declaration of Independence. Few political documents are as familiar to Americans, and few have been quoted as often, especially for their opening lines. "We hold these truths to be self-evident," the second sentence

declares, "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."[20] America was founded, and its raison d'état announced, in the primacy of liberty—understood as personal security, freedom, and the conditions necessary for human flourishing.

From that premise, the Declaration moves quickly to its core claim. Governments exist to secure these rights, and their authority is legitimate only insofar as it rests on the consent of the governed. When a government persistently violates those ends, the Declaration concludes, "it is the Right of the People to alter or to abolish it, and to institute new Government."[21] The signers were not making a merely theoretical claim. They were justifying a decisive break with Great Britain—then the most powerful state in the eighteenth-century world—and doing so on principled rather than purely practical grounds. Explicitly tied to the preservation of liberty, this decision all but guaranteed a prolonged and devastating war against a stronger power.

[20] Declaration of Independence.
[21] Ibid.

Because the colonies prevailed, liberty endured as the Declaration's most celebrated ideal even as its meaning became increasingly contested. The term is so familiar to Americans that it often goes undefined. Yet when pressed, its meaning quickly fragments: liberty has carried different connotations, reflected divergent moral intuitions, and underwritten markedly different political arrangements over time. The founders themselves operated within an intellectual world shaped by Enlightenment political theory, English constitutional practice, and a suspicion of concentrated power.

Debates about liberty at the founding also cannot avoid the Declaration's contradictions. The universal language of natural rights coexisted with social and legal systems that denied liberty to large portions of the population, including enslaved Africans, Native Americans, and women. These exclusions were embedded in the political order the Declaration helped bring into being. Any serious assessment of the Declaration must therefore ask not only what it proclaimed in 1776, but how the United States has, over time, attempted—often imperfectly—to reconcile its practices with its principles.

Still, one point is unlikely to be abandoned in American political and social life: liberty, however defined or disputed, was meant to endure. Many interpreters have understood the Declaration through what would later be recognized as a classical liberal—or what might be described as a libertarian-leaning—sensibility. Such readings often presume that sovereignty was settled at either 1776 or 1789, a presumption this essay seeks to reconsider. On this view, liberty is preserved not by a commanding central state, but by divided authority, institutional friction, and a sustained wariness of power. As the next section shows, the Declaration's signers sought to secure these ends not through a single national sovereign, but through a union of thirteen states acting together while retaining their separate political identities. That principle, as articulated in the Declaration, did not merely authorize resistance; it required a governing structure capable of preserving freedom without recreating the concentration of power that had made resistance necessary in the first place.

Liberty and Order: The Declaration as a System of Sovereign States

Much can be missed about the Declaration of Independence and the American founding when analysis focuses primarily on debating the ideology of liberty and how the founders interpreted it. A large share of twentieth-century scholarship developed within a context of expanding professionalization and institutional stability, as long-tenured scholars working within elite academic institutions exercised sustained influence over how the founding was studied and taught. This work often privileged the reconstruction of ideas over the analysis of how political institutions constrained behavior and enforced decisions—how authority actually worked in practice, rather than how it was justified in theory. As a result, the founders have frequently been approached as reflective political thinkers refining abstract principles, rather than as political actors operating under acute conditions of uncertainty, coercion, and risk. While important exceptions exist—including historians attentive to constitutional structure, political theorists concerned with divided authority, and scholars of interstate relations who have emphasized the governing consequences of

sovereignty—the problem of how liberty was to be coordinated and sustained across multiple sovereign states has remained comparatively underexplored.

Yet the Declaration's commitment to ideas and ideals such as liberty did not resolve the central political problem the founders faced; it changed its form. By dissolving allegiance to the British Crown and declaring the colonies "Free and Independent States," the Declaration elevated liberty while simultaneously fragmenting authority.[22] Dependence under an imperial sovereign was replaced not by a new commanding center, but by the problem of coordination among sovereign equals. What followed was not the creation of a single, consolidated state, but a constellation of thirteen self-governing polities bound together by principle rather than power. Liberty thus became not merely a moral aspiration but a problem of governance: how independent states could preserve freedom while coordinating action, maintaining order, and defending themselves in a world of rival powers.

This point becomes clear with even a cursory reading of the Declaration of Independence. Phrases

[22] Declaration of Independence.

and grammatical constructions that strike modern readers as archaic are often dismissed as mere eighteenth-century style, yet they carry foundational significance. The document opens by announcing itself as "The unanimous Declaration of the thirteen united States of America," signaling from the outset that independence is being asserted by distinct political communities acting in concert rather than by a single national sovereign.[23] Throughout the Declaration, political authority is consistently treated in the plural—not as the expression of one unitary state, but as the joint action of multiple sovereign states united for a common purpose.

The same institutional logic is evident in the long catalogue of grievances that occupies the center of the Declaration. Introduced with the instruction that "Facts be submitted to a candid world," this section is framed not merely as a domestic appeal, but as a public justification addressed outward, in a register familiar to sovereign states explaining the grounds for rupture with another power.[24] Britain is treated not as a constitutional superior within a shared political order, but as a foreign sovereign whose actions—legislative obstruction, judicial

[23] Declaration of Independence.
[24] Ibid.

manipulation, military coercion, and the waging of war—are presented as systematic violations warranting the dissolution of political ties. In this respect, the grievances function less as moral denunciation than as a bill of particulars: a diplomatic indictment meant to establish the legitimacy of separation, to justify resistance and war, and to explain to other powers why normal political remedies were no longer available.

The Declaration also adopts the language and institutional form of diplomacy ordinarily used among sovereign states. Its final paragraph begins, "We, therefore, the Representatives of the united States of America, in General Congress, Assembled," identifying the authors not as a national legislature exercising sovereign authority, but as delegates of distinct political communities assembled in congress for joint action.[25] In that role, they issue a declaration addressed outward to other powers and inward to their own peoples, announcing both their several sovereignties independent of Great Britain and the compact they had formed with one another. This was not merely stylistic formality. It reflected an understanding that

[25] Declaration of Independence.

liberty would now have to be preserved through interstate coordination rather than hierarchical command.

The document culminates in a fateful decision—one with immediate consequences in the form of a perilous war with Great Britain, and with long-term significance, as evidenced by the fact that it remains the subject of sustained analysis 250 years later. The Declaration's concluding language makes clear that this decision was made not by a single unified state, but by thirteen distinct political entities. Acting in that capacity, the representatives "solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States," that they are "Absolved from all Allegiance to the British Crown," and that "all political connection between them and the State of Great Britain, is and ought to be totally dissolved."[26]

As "Free and Independent States," they assert their "full Power to levy War, conclude Peace, contract Alliances, establish Commerce." They close by pledging, "And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our

[26] Declaration of Independence.

Lives, our Fortunes and our sacred Honor."[27] These were the classic powers and commitments of sovereign states, now exercised jointly yet severally—both in relation to one another and in their dealings with foreign powers.

In asserting these powers and commitments in the plural, the Declaration did more than justify independence; it can be understood as having brought into being, in practice, a functioning states-system among sovereign states. From 1776 forward, the American states came to operate, in practice, within what can be described as a provisional union, defined by the Declaration itself, their newly adopted state constitutions, the coordinating practices of the Continental Congress, and shared wartime and diplomatic activity, even as the precise contours of that system remained unsettled. Independence thus inaugurated not a single constitutional moment, but an extended period of institutional experimentation, during which the problem of preserving liberty through cooperation among sovereign states would be addressed through successive arrangements rather than resolved all at once. The Articles of

[27] Declaration of Independence.

Confederation emerged from this context as the first effort to formalize what had already begun to operate in practice.

Liberty, Security, and Three American States-Systems

What followed independence—and the Declaration of Independence that proclaimed it—was not a single institutional solution to the problem of liberty and security, but a succession of governing arrangements through which the American states sought to reconcile sovereign independence with the demands of war, diplomacy, and collective action. The Declaration inaugurated a problem of governance rather than a finished political order, initiating an extended period of institutional experimentation among states that understood themselves to be free and equal political communities. This sequence was not foreordained by the Declaration itself, but emerged from the interaction of divided sovereignty among the American states with escalating political and security stakes.

The term states-system is used here to describe a recurring systemic political condition: multiple self-governing polities interacting under conditions

of anarchy, understood not as disorder but as the absence of any generally accepted final authority capable of compelling compliance among them. The point is not that the founders articulated a theory of such a system, but that they operated within it.

Here, sovereignty turns not on the routine administration of government, but on questions of ultimate allegiance, the capacity to coerce, and the possibility of withdrawal from common arrangements. What mattered in practice was therefore not abstract theorizing or institutional design alone, but the concrete work of coordination, enforcement, and survival among political equals operating without any generally accepted superior authority, in a dangerous international environment.

Describing the American founding as a states-system is meant to distinguish it from several familiar constitutional categories that can obscure what is most politically at stake in this account. Terms such as confederation, compound republic, and federal union describe particular institutional vocabularies through which Americans organized governance after independence, but they tend to frame the problem primarily in constitutional

terms—by emphasizing design, structure, or the allocation of powers—rather than in terms of the underlying political condition in which those arrangements operated. In doing so, they implicitly treat the location of ultimate authority as settled within a constitutional framework, whether weakly or strongly centralized.

From a states-system perspective, the crucial point is that the states operated as the ultimate sources of political authority, and were treated as such in key arenas, while the common institutions they created functioned primarily to coordinate their joint action rather than to stand above them as a sovereign superior. This perspective also brings into view the central role of diplomacy and external recognition as modes of governance for managing relations among states and between the compact of American states and other powers, as well as the fact that sustained warfare—from the Revolutionary War onward—functioned not as an exceptional breakdown of order but as a formative condition shaping political authority from the outset.

On this account, the American founding is best understood as an extended sequence of institutional experiments within a continuing problem-space:

preserving liberty while maintaining sufficient collective capacity to survive under conditions of anarchy in a world of rival powers and persistent security threats. That sequence can be sketched as three successive orders. First, a Provisional States-System (1776–1781), in which interstate cooperation operated largely through practice—wartime coordination, diplomacy, and congressional management—prior to the adoption of any binding interstate compact. Second, a Confederal States-System (1781–1788), constituted by the Articles of Confederation as a confederal compact among sovereign states, which formalized state sovereignty and sharply limited central authority in the name of liberty, even as it exposed acute problems of enforcement and finance. Third, a Federal States-System (1789–1861), constituted by the Constitution as a revised interstate compact, which strengthened central capacity to correct the Confederation's security failures while preserving state governments and the continued claim that ultimate sovereignty remained with the states—an equilibrium that would later be tested, and ultimately resolved, by civil war.

The Provisional States-System (1776–1781)

In the years immediately following independence, the American states operated within what can be described as a provisional states-system—a union brought into being by declaration rather than by a settled interstate compact, and sustained through practice rather than settled law. Its foundations lay in the Declaration itself, the newly adopted state constitutions, the coordinating practices of the Continental Congress, and shared wartime and diplomatic activity.

Even before independence was formally declared, Congress assumed that governing authority resided in the colonies themselves, resolving in May 1776 that "all the powers of government exerted, under the authority of the people of the colonies."[28] In eighteenth-century usage, "the people of the colonies" referred not to a single national people, but to the peoples of distinct political communities,

[28] Founders Online, *Preamble to Resolution on Independent Governments*, 15 May 1776, https://founders.archives.gov/documents/Adams/06-04-02-0001-0006. The preamble was drafted by John Adams but formally adopted by the Continental Congress on 15 May 1776.

each exercising governing authority within its own territorial bounds. Together, these elements enabled the states to act collectively while retaining their status as sovereign political communities.

Internationally, this arrangement functioned in a dangerous and uncertain environment dominated by empires and rival states. Congress conducted diplomacy, sought recognition, negotiated alliances, and coordinated the war effort against Great Britain, even as the states remained the primary holders of political authority. That status was not merely asserted at home.

In the Treaty of Alliance with France (February 6, 1778), the parties framed their pact between "The most Christian King and the United States of North America, to wit, New Hampshire, Massachusetts Bay, Rhodes island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia." France guaranteed to the United States—understood in the treaty itself as a union of composed of enumerated states acting jointly—its "liberty, sovereignty, and independence absolute and unlimited," language that reflects, for diplomatic purposes, an understanding of the American union

not as a single national sovereign but as a polity composed of distinct states acting together in international law.[29]

In the Provisional States-System, liberty was preserved largely through dispersed power, while security remained comparatively fragile. The founding dilemma was already visible.

The Confederal States-System (1781–1788)

This provisional arrangement was given formal expression with the Articles of Confederation. Drafted in 1777, the Articles did not enter into force until ratification in 1781, marking the first attempt to stabilize interstate cooperation while preserving the sovereignty of the states. They did so explicitly by affirming in Article II that "Each state retains its sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this

[29] Treaty of Alliance between the United States of America and France, February 6, 1778, Avalon Project, Yale Law School, accessed December 2025, https://avalon.law.yale.edu/18th_century/fr1788-2.asp. Spelling and capitalization of states in the quote follow the Avalon Project transcription of the 1778 Treaty.

confederation expressly delegated to the United States, in Congress assembled."[30]

Within that framework, the states described their union as a "firm league of friendship" formed "for their common defence, the security of their Liberties, and their mutual and general welfare," binding themselves by compact to assist one another "against all force offered to, or attacks made upon them."[31]

Congress possessed authority over war, peace, and treaties as an instrument of collective state action—serving as a common diplomatic and military agent of the states rather than as an independent sovereign. This delegation of authority was set out most clearly in Article IX of the Articles of Confederation: "The united states, in congress assembled, shall have the sole and exclusive right and power of determining on peace and war … of sending and receiving ambassadors—entering into treaties and alliances …."[32]

[30] Articles of Confederation, National Archives, accessed December 2025, https://www.archives.gov/milestone-documents/articles-of-confederation.
[31] Ibid.
[32] Ibid.

That allocation of external authority was also reflected in the peace settlement that concluded the Revolutionary War. In the Treaty of Paris (1783), Great Britain acknowledged "the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free sovereign and Independent States; that he treats with them as such …."[33]

Yet Congress lacked independent means to raise revenue, regulate commerce, or compel state compliance. The Articles required that "All charges of war, and all other expenses that shall be incurred for the common defence or general welfare … shall be defrayed out of a common treasury, which shall be supplied by the several states …," leaving taxation to the state legislatures.[34]

These limitations reflected a deliberate effort to restrain central authority in the name of liberty, even as they constrained the capacity to manage security in a competitive international environment.

[33] Treaty of Paris (1783), National Archives, accessed December 2025, https://www.archives.gov/milestone-documents/treaty-of-paris
[34] Articles of Confederation.

The resulting tensions were structural rather than accidental. In practice, the confederal system depended on voluntary compliance at precisely the moment when sustained war, fiscal pressure, and interstate rivalry made coercive power most necessary, without any overarching authority capable of enforcing compliance. As Hamilton later put the point in diagnosing the Confederation's basic enforcement problem: "If there be no penalty annexed to disobedience, the resolutions or commands which pretend to be laws will in fact amount to nothing more than advice or recommendation."[35]

The Federal States-System (1789–1861)

The Constitution, which entered into force in 1789, inaugurated a third interstate political order: a federal states-system established by compact among the states designed to correct the security failures of the confederal arrangement while preserving divided authority. By strengthening shared institutional capacity without eliminating state

[35] Alexander Hamilton, *The Federalist* No. 15 (1 December 1787), Founders Online, National Archives, accessed December 2025, https://founders.archives.gov/documents/Hamilton/01-04-02-0168.

sovereignty, it reduced—though did not eliminate in practice—the risk that war would force a choice between liberty and survival. Under this compact, the states delegated specific and enumerated powers to common institutions, including authority "to lay and collect Taxes," "to raise and support Armies," and "to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions," while authority not so delegated was explicitly reserved.[36] As the Tenth Amendment later affirmed, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."[37]

What distinguished the federal arrangement from its predecessors was not the elimination of interstate rivalry, but its partial containment through mechanisms created under the Constitution compact that depended on continued political restraint. The

[36] U.S. Constitution, art. I, §8, National Archives, accessed December 2025, https://www.archives.gov/founding-docs/constitution-transcript.
[37] U.S. Constitution, amend. X, National Archives, accessed December 2025, https://www.archives.gov/founding-docs/bill-of-rights-transcript.

federal states-system strengthened shared authority while grounding its legitimacy in the continuing sovereignty of the states themselves. As James Madison explained in defending the Constitution's ratification, "Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act."[38] Federal power, on this account, remained limited and delegated—rather than inherent in the federal government itself—a point Madison captured succinctly: "The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite."[39] Even the supremacy of federal law was framed as conditional rather than absolute, extending only to measures "made in Pursuance thereof" of the Constitution and enacted in accordance with—rather than in excess of—its delegated authority.[40]

[38] James Madison, *The Federalist* No. 39 (1788), Avalon Project, Yale Law School, accessed December 2025, https://avalon.law.yale.edu/18th_century/fed39.asp.
[39] James Madison, *The Federalist* No. 45 (1788), Avalon Project, Yale Law School, accessed December 2025, https://avalon.law.yale.edu/18th_century/fed45.asp.
[40] U.S. Constitution, art. VI, cl. 2 (Supremacy Clause), National Archives, accessed December 2025,

What remained unsettled was not the durability of federal institutions as such, but whether divided sovereignty among the states could continue to function as a political condition without being resolved by force.

This arrangement is best understood not as an early form of consolidated nationalism, but as a system of divided sovereignty in which strengthened central authority operated within—and not above—a continuing plurality of sovereign states. Internationally, the Constitution enabled the states collectively to act as a single treaty-making entity, but this external unity did not resolve divided sovereignty among the states; instead, it displaced that tension inward, into the politics of the interstate compact rather than diplomacy with foreign powers. That unresolved character became unmistakable during the Civil War, when European powers explored diplomacy and treaty relations with both the Union and the Confederacy, treating the conflict as one between rival political communities rather than as a purely domestic rebellion.

https://www.archives.gov/founding-docs/constitution-transcript.

In this respect, the federal states-system represented neither a repudiation of the provisional and confederal arrangements that preceded it nor their simple continuation, but an effort to stabilize divided sovereignty by institutional design under the Constitution compact rather than by voluntary cooperation alone.

That equilibrium, however, proved sustainable only so long as the political stakes remained limited. Once conflicts over slavery, territorial expansion, and the scope of authority delegated to central institutions became existential, the federal states-system confronted the same dilemma that had shadowed earlier arrangements: preserving liberty among states without resorting to the coercive resolution of sovereignty itself.

That arrangement ultimately proved unstable. The same compact-based political order that enabled the states collectively to survive and expand in a world of powerful foreign states also contained unresolved conflicts over sovereignty and coercion. These tensions culminated in the Civil War (1861–1865), when the problem that had shadowed the American founding from the beginning—the relationship between liberty, security, and political order among

states—was finally tested at catastrophic human cost.

The Civil War marked not the preservation of the federal states-system created in 1789 under the Constitution, but its collapse as a political condition of divided sovereignty capable of being sustained without force. This claim does not deny the survival of the Constitution as a legal framework after 1865; rather, it distinguishes between the endurance of federalism as a mode of governance and the disappearance of divided sovereignty as a condition that could be asserted without recourse to arms. In affirming that settlement, the Supreme Court later declared that "the Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States," preserving the language of statehood while foreclosing any claim to ultimate sovereignty.[41]

After Appomattox, federalism endured primarily as an administrative arrangement within a single sovereign polity rather than as a system of coequal political communities. By resolving the question of

[41] Texas v. White, 74 U.S. (7 Wall.) 700, 725 (1869), Supreme Court of the United States, https://supreme.justia.com/cases/federal/us/74/700/.

secession through war, the conflict extinguished the possibility that the American states remained sovereign actors capable of ultimate resistance or withdrawal. States continued to exist, but no longer as constituent members of a states-system. The political world inaugurated by the Declaration of Independence—a world of multiple self-governing polities bound together by consent rather than coercion—ceased to operate as a viable system of coequal sovereign states. What followed was not another states-system, but a single national constitutional polity in which federalism survived as a mode of administration rather than as a condition of sovereignty.

Conclusion

With the defeat of secession in 1865, the American experiment in divided sovereignty among coequal states came to an end, closing the political world first opened by the Declaration of Independence. Federalism persisted thereafter as a constitutional arrangement, but no longer as a condition of divided sovereignty capable of resisting central authority. Recovering the Declaration of Independence as the founding act of a states-system rather than the birth certificate of a consolidated nation helps explain

why liberty has remained inseparable from problems of war, security, and political order in American history. The founders did not imagine liberty as self-sustaining; they understood it as dependent on institutional arrangements capable of restraining power without disabling collective action. The succession of American states-systems—from provisional coordination, through confederal restraint, to federal consolidation—reflects a sustained effort to manage that tension under changing conditions of danger and scale. At 250, the Declaration's significance lies not only in the ideals it proclaimed, but in the enduring governance problem it set in motion: how free political communities can cooperate for security without surrendering the liberty they seek to preserve.

This argument is intended to clarify a structural dilemma rather than to recover or vindicate a lost political order. It does not call for the restoration of secession, the revival of confederal weakness, or the rejection of post-1865 constitutional authority. Instead, it highlights the tradeoffs that accompanied liberty under conditions of divided sovereignty. Throughout, this essay has treated the Articles of Confederation and the Constitution not as national

constitutions in the modern sense, but as successive interstate compacts through which sovereign states sought—under mounting pressure—to reconcile liberty with security. The American experience suggests that multiplying self-governing political communities can preserve freedom only at the cost of heightened insecurity, while consolidation can secure order only by limiting certain forms of political autonomy. Seeing this tension clearly does not resolve it, but it does make clear what liberty demands of political institutions as authority expands and power is consolidated.

This dilemma recurs in confederal unions, post-imperial orders, and contemporary experiments in shared sovereignty, from the European Union and post-Soviet federations to looser security and economic compacts formed under conditions of persistent geopolitical pressure. Read in this way, the Declaration of Independence illuminates not only a founding moment in American history, but a recurrent problem in world politics. Efforts to secure liberty through the multiplication of self-governing political communities often generate the insecurity that threatens their survival, forcing a choice between coercive consolidation and political breakdown. In this respect, the American founding

reveals not a uniquely national paradox, but a recurring dilemma: the challenge of preserving liberty among free political communities without either fragmenting into insecurity or consolidating into domination. The American experience does not offer a solution to this dilemma, but it does illuminate its underlying structure: liberty is endangered not only by its enemies, but also by the institutional burdens it places on the political orders that seek to preserve it.

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