The Philadelphian System: Sovereignty, Arms Control, and Balance of Power in the American States-Union, Circa 1787-1861

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Realism, the dominant approach to world political theory and practice, conceives of political order as a dyad and insists on a sharp divide between the domestic and interstate realms. The dominant units are states, which have hierarchical order, a monopoly on legitimate violence, and sovereignty.[1] Outside and between states is anarchy, where security is precarious and of primary concern. Interstate unions—whether called confederations, alliances, leagues, or regimes—have little institutional staying power beyond immediate self-interest and are particularly fleeting when security is at stake. Such interstate order that does exist is related closely to the balance or distribution of power.[2]

The most robust challenge to the realist school has come from several forms of liberal international relations theory.[3] Liberals argue that nation-states

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1. The term "realism" is not capitalized here, although I agree with Keohane that a distinction is necessary between the school of thought termed realism by international relations scholars and the term as generally used: "Capitalization is used to indicate that Realism is a specific school, and that it would be possible to be a realist—in the sense of examining reality as it really is—without subscribing to Realist assumptions." See Robert O. Keohane, *International Institutions and State Power* (Boulder, Colo.: Westview, 1989), p. 68 n. 17.

2. This composite picture glosses over many secondary differences. Key texts include: Kenneth Waltz, *Theory of International Politics* (Lexington, Mass.: Addison-Wesley, 1979); and Robert Jervis, "Security Regimes," in Stephen Krasner, ed., *International Regimes* (Ithaca, N.Y.: Cornell University Press, 1983), pp. 173–94.

3. For overviews of many of the different liberal international theory arguments, see David Baldwin, ed., *Neoliberalism and Neorealism* (New York: Columbia University Press, 1993); and Andrew Moravcsik, "Liberalism and International Relations Theory," working paper, Center for International Affairs, Harvard University, Cambridge, Mass., 1993.

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internally organized as democratic republics are not likely to wage war against one another and that capitalism creates economic interdependence that moderates the conflict between states and empowers other actors who supplement states on the world political stage.[4] Thus advocates of liberalism argue that cooperation can occur despite anarchy and that states and anarchy can be modified, but stop short of replacing them.

All the major liberal arguments date from eighteenth-century republican theory. The conceptual legacy of republicanism can also be seen in the realist use of balance of power as a tool to maintain a plural political order by frustrating predatory states and hence avoiding universal empire. However, these familiar liberal and realist arguments are only pieces of a more general and largely forgotten republican theory of large-scale security structures that are alternatives to the state and anarchy, rather than modifications of them.

Now we think of republics as one of many internal forms of the state, but originally *stato* and *res publica* were sharply antithetical,[5] and the European political order as a whole was frequently understood to be a type of republic.[6] Here "republic," which can mean many things, is an institutionalized system of decentralized power constraint.[7] Similarly, the term "state" now refers to a variety of political forms. But central to the early European political order and realist theory is the image of the state as a hierarchically organized protection-providing entity monopolizing violence in a particular territory and possessing sovereignty and autonomy. States were built by concentrating armed force at the center. They did so by disarming autonomous feudal lords, communal militias, mercenaries, and dueling aristocrats.[8] Out of deference to the rhetoric of realism, the state will be referred to as the "real-state." It was classically drawn by Thomas Hobbes, Leopold von Ranke, Heinrich von Treitschke, and

4. This argument is now backed by extensive empirical evidence. See Michael W. Doyle, "Kant, Liberal Legacies, and Foreign Affairs," part 1, *Philosophy and Public Affairs* 12 (Summer 1983), pp. 205–35, and part 2, *Philosophy and Public Affairs* 12 (Fall 1983), pp. 323–353; and Bruce Russett, *Grasping the Democratic Peace* (Princeton, N.J.: Princeton University Press, 1993).

5. On the definition of state, see J. H. Hexter, *The Vision of Politics on the Eve of the Reformation* (New York: Basic Books, 1973), p. 192: "*Lo stato* is not a matrix of values, a body politic: it is an instrument of exploitation, the instrument the prince uses to get what he wants." For extended analysis, see Maurizio Viroli, *From Politics to Reason of State: The Acquisition and Transformation of the Language of Politics 1250–1600* (Cambridge: Cambridge University Press, 1992).

6. Works describing the European political order in this manner include F. H. Hinsley, *Power and the Pursuit of Peace* (Cambridge, England: Cambridge University Press, 1963), pp. 107–119; and Edward Gulick, *Europe's Classical Balance of Power* (New York: Norton, 1967), pp. 120–135.

7. Everdell comes close to my definition: "Republicanism is a kaleidoscope of institutions, all with the one purpose of preventing rule by one person. This seemingly simple objective has continually demanded the most bewilderingly complex of means." See William Everdell, *The End of Kings: A History of Republics and Republicans* (New York: Free Press, 1983), p. 12.

8. For an account of this process, see Brian M. Downing, *The Military Revolution and Political Change: Origins of Democracy and Autocracy in Early Modern Europe* (Princeton, N.J.: Princeton University Press, 1992).

Max Weber.[9] Not every authoritative political order, state apparatus, territorially distinct polity, or internationally recognized sovereign is a real-state.[10]

The cases most difficult for the dominant realist paradigm are a handful of systems ranging from the Achaean League, the Hanseatic League, the Swiss Confederation, the Holy Roman Empire, the Iroquois Confederation, the Concert of Europe, and the early United States.[11] Ever since Jean Bodin and Samuel Pufendorf struggled to make sense of Switzerland and the German Empire, realist theorists have insisted that entities are either federal states or interstate confederations, but never anything in between. Of these cases, the Philadelphian system, the United States of America between the establishment of the union (1781–89) and the Civil War (1861–65), is of particular interest.[12] Due to its size and internal diversity, the United States often has been thought of as "what a United States of Europe would be," an alternative to the European Westphalian system rather than an oddly constituted state within it.[13] While it had elaborate institutions that went beyond confederation, European observers such as Alexis de Tocqueville and G.W.F. Hegel doubted the American Union was a state.[14] Its highly articulated structures combined familiar forms of popular sovereignty, formal state equality, balance of power, and division of power on the basis of a distinct structural principle. It was also designed by men with a lucid grasp of realist theories of state sovereignty and interstate anarchy, but who systematically sought to avoid the emergence of another Europe in North America.[15] This view of the American union as a structural alternative to the European state system and a prototype for new

9. For a classic synthesis, see John Herz, *International Politics in the Atomic Age* (New York: Columbia University Press, 1959), pp. 39–110.

10. Much confusion arises because both state and republic are used in a generic and synonymous sense and in more specific and opposing senses. For a useful sorting, see Nicholas Onuf, "Civitas Maxima: Wolff, Vattel, and the Fate of Republicanism," *American Journal of International Law* 88 (April 1994), pp. 288–289.

11. See Murray Forsyth, *Unions of States* (Leicester, England: Leicester University Press, 1981); and Daniel Elazar, ed., *Federalism as Grand Design* (Lanham, Md.: University Press of America, 1987).

12. On the American Civil War as a second founding, James McPherson notes: "Before 1861 the two words 'United States' were generally used as a plural noun: 'the United States' *are* a republic. After 1865 the United States became a singular noun. The loose union of states became a nation," emphasis original. "The Second American Revolution," in *Abraham Lincoln and the Second American Revolution* (New York: Oxford University Press, 1991), p. viii.

13. Frederick Jackson Turner, *The Significance of Sections in American History* (New York: Henry Holt and Company, 1932), p. 316. See also James Brown Scott, *The United States of America: A Study in International Organization* (Washington, D.C.: Carnegie Endowment, 1920).

14. De Tocqueville saw "two governments, completely separate and almost independent . . . [and] twenty-four small sovereign nations, whose agglomeration constitutes the body of the Union." See Alexis de Tocqueville, *Democracy in America* vol. 2 (New York: Knopf, 1945), p. 61. See also G. A. Kelley, "Hegel's America," *Philosophy and Public Affairs* 2 (Fall 1972), pp. 3–36.

15. See Gerald Stourzh, *Alexander Hamilton and the Idea of Republican Government* (Stanford, Calif.: Stanford University Press, 1970); and J. H. Hutson, *John Adams and the Diplomacy of the American Revolution* (Lexington: University Press of Kentucky, 1980).

Atlantic or global institutions was once widespread,[16] but it largely disappeared from international theory in the wake of the postwar debate between the schools of realism and idealism.[17]

At the core of this structural republican theory of security institutions are five very simple claims that this article aims to unfold and demonstrate through an analysis of the Philadelphian system. First, political forms are not a dyad of hierarchy and anarchy but a spectrum in the middle of which is an organized states-union, whose overall structure is what James Madison termed a "compound republic."[18] Second, this union had as much institutional thickness as a state and as much extent and diversity as a states system, but in it the states were circumscribed and embedded in a constitution of the negative—a cross-checking architecture of binded and bound authorities. Third, this union combined separation of power, popular arms control, and sectional balance of power in order to simultaneously solve insecurity threats from empire, tyranny, revolution, and war. Fourth, the generative principle of such orders is a popular sovereignty that is spatially and numerically extended. Fifth, such extended constitutions of bound power provide security and moderate conflict better than systems at either end of the spectrum.

The large and high-quality literature on the Founding and on antebellum America almost all presupposes the inside–outside distinction, neatly divides foreign from domestic, and concerns ideological milieu and economic factors more than security.[19] Important exceptions are works on the transition from British colonial status to the Constitution of 1787 that focused upon imperial

16. Streit, for example, advanced "Atlantic Union" modeled on the U.S. founding, sought to dispel the "fog over sovereignty," and attacked the "national sovereignty" of Nazi Germany and Soviet Russia. See Clarence Streit, *Union Now* (New York: Harper and Row, 1940); and Clarence Streit, *Freedom's Frontier: Atlantic Union Now* (New York: Harper and Row, 1961).

17. Morgenthau responded to this structural alternative with an argument about identity: the American founding was essentially an event in *national* history, exceptional in size but not in form. Subsequent idealist work, most notably by Karl Deutsch and associates, followed suit, focusing on identity and treating all American order after 1789 as "amalgamated" and thus otherwise undistinguished structurally from a federal state or, indeed, a totalitarian one. See Hans Morgenthau, *Politics Among Nations,* 4th ed. (New York: Knopf, 1967), pp. 496–500; David Calleo and Benjamin Rowland, *America and the World Political Economy: Atlantic Dreams and National Realities* (Bloomington: University of Indiana Press, 1973), pp. 16–84; and Karl Deutsch et al., *Political Order in the North Atlantic Area* (Princeton, N.J.: Princeton University Press, 1957), p. 29 n. 7.

18. On states-union (*Staatenbund*) versus federal state (*Bundestaat*) and on the concept of a union composed of organs, see Rupert Emerson, *State and Sovereignty in Modern Germany* (New Haven, Conn.: Yale University Press, 1928), pp. 92–125; and James Wilford Garner, *Political Science and Government* (New York: American Book Co., 1928), pp. 265–302, respectively. James Madison's quotation is from Federalist Paper no. 51, found in Clinton Rossiter, ed., *The Federalist Papers* (New York: New American Library, 1961). All Federalist documents are from this volume. Hereafter, they will be cited by document and page numbers only. See also Vincent Ostrum, *The Political Theory of a Compound Republic* (Lincoln: University of Nebraska Press, 1987).

19. For an overview of recent work on the founding period, see: Peter S. Onuf, "Reflections on the Founding: Constitutional Historiography in Bicentennial Perspective," *William and Mary Quarterly,* 3rd series, 46 (Summer 1989).

and American interstate dynamics[20] and explorations of the United States as a novel large-space polity by political geographers, most notably the first two volumes of D.W. Meinig's monumental *Shaping America* series.[21]

The argument unfolds in the following steps. First, a detailed analysis of the logic and structure of the Philadelphian system unfolds how its disposition toward sovereignty and its understanding of the multiple sources of insecurity give rise to its distinctive security institutions. The authority here is the Publius trio of Alexander Hamilton, John Jay, and James Madison.[22] The next two sections assess the roles of various structural, geopolitical, and sociological factors in the origin, evolution, and breakdown of the Union in an attempt to discern how generally applicable it might be. Finally, the last section draws comparisons between the Philadelphian and Westphalian systems.

Logic and structures

Republican security structures

The provision of security by the control of violence was a primary concern of the framers of the U.S. Constitution.[23] The Declaration of Independence of 1776 lists "life" before "liberty and the pursuit of happiness" as the natural animating goals of human beings. Baron Montesquieu, the most cited authority of the era, defined political liberty as "a tranquillity of mind arising from the opinion each person has of his own safety."[24]

The first step toward security is the suspension of anarchy by the creation of a government, but the government created to provide security can itself be a threat to the security of the body politic. Government may be the protector of the citizenry in principle but is often a predator of the populace in practice.[25]

20. See Jack P. Greene, *Peripheries and Center: Constitutional Development in the Extended Polities of the British Empire and the United States, 1607–1788* (Athens: University of Georgia Press, 1986); and Peter S. Onuf, *The Origins of the Federal Republic: Jurisdictional Controversies in the United States: 1775–1787* (Philadelphia: University of Pennsylvania Press, 1983).

21. D. W. Meinig, *Atlantic America, 1492–1800* (New Haven, Conn.: Yale University Press, 1986); and *Continental America, 1800–1867* (New Haven, Conn.: Yale University Press, 1993).

22. In this article I treat Publius as one voice and as the authoritative understanding of the Constitution of 1787. For the emergence and components of the Constitution as "Grand Compromise," see Thornton Anderson, *Creating the Constitution: The Convention of 1787 and the First Congress* (University Park: Pennsylvania State University Press, 1993); and Clinton Rossiter, *1787: The Grand Convention* (New York: Norton, 1987).

23. Gottfried Dietze, *The Federalist: A Classic on Federalism and Free Government,* part 2, "The Federalist as a Treatise on Peace and Security" (Baltimore, Md.: Johns Hopkins University Press, 1960), pp. 177–254.

24. Baron Montesquieu, *Spirit of the Laws,* book 11, sec. 6, trans. Thomas Nugent (New York: Hafner, 1948), p. 151. For Montesquieu's authority, see Donald Lutz, "The Relative Influence of European Writers in Late Eighteenth Century Political Thought," *American Political Science Review* 78 (March 1984), pp. 89–97. For the place of security in liberalism more generally, see Judith Sklar, "The Liberalism of Fear," in Nancy Rosenbaum, ed., *Liberalism and the Moral Life* (Cambridge, Mass.: Harvard University Press, 1989), pp. 21–38.

25. For a recent restatement on the state apparatus as protector and predator, see Charles Tilly,

Or as Madison classically put it, "You must first enable the government to control the governed; and next place oblige it to control itself."[26] Good government optimizes security, rather than maximizes order. In designing institutions to control violence, the Founders of the U.S. Constitution sought to strike a balance between two simultaneously necessary but inconsistent goals. Like Hobbes, they sought to maintain internal order between the parts and security from outside threats. But they also sought to guard the guardians, to guarantee that the institutional solutions to the problems of internal order and external security did not themselves become security threats to the inhabitants of the country.

The key insight here is that security from violence is intimately connected to civic and political freedoms. To be a subject or slave is to be inherently insecure—vulnerable to the predations of the master or absolute ruler. For the individual, despotic state power can be more threatening than the anarchic state of nature because it is more systematic and relentless. In etching his extreme vision of the state of nature where life was "nasty, brutish and short," Hobbes emphasized that even the strongest man is vulnerable in the state of nature, because even he must sleep.[27] But in an unfree polity, even the strongest man is vulnerable to the exercise of arbitrary state power even if he is awake and actively resisting.[28]

Concentrations of unconstrained power threaten security because they are apt to be abused. This republican opposition to hierarchy is based upon assumptions of human frailty, commonly associated with realism rather than liberalism: humans generally are self-interested and rational in relating means to their ends, but particular individuals are prone to lapses in both judgment and instrumental rationality, and the opportunities of extreme power can produce corruptions. As Montesquieu observed, "Every man invested with power is apt to abuse it."[29] Advocates of authoritarian and hierarchical orders often emphasize the depravity and weakness of humans as a reason why strong government is necessary, but in doing so they raise the stakes for statecraft. Either state structures constrain the leaders or else the leaders must somehow rise above the maladies of human frailty.

The Philadelphian solution to the security problem is a rounded system of power constraints in which the states, the people, and the central government are mutually bound in what John C. Calhoun called the constitution of the

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"War Making and State Making as Organized Crime," in Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol, eds., *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985).

26. *Federalist,* no. 51, p. 322.

27. Thomas Hobbes, *Leviathan,* ed. Michael Oakeshot (Oxford: Basil Blackwell, 1960), p. 75.

28. As Locke observed, anyone is "in much worse condition, who is exposed to the arbitrary power of a man, who has the command of 100,000, than he that is exposed to the arbitrary power of 100,000 single men." See John Locke, *Second Treatise on Government,* ed. Peter Laslett (Cambridge: Cambridge University Press, 1960), p. 405.

29. Montesquieu, *Spirit of the Laws,* p. 150.

negative: "the power of preventing or arresting the action of the government, be it called by what term it may, veto, interposition, nullification, check, or balance of power."[30] Instituting a government to regulate relations between members of the polity is the first and most necessary of political tasks, but it remains incomplete—or too complete—without negatives.

Negatives are defined by what they aim to avoid, and the overall arrangement of the negatives must work to deal simultaneously with two prime and interrelated threats of anarchy and despotism, that is, of too little and too much order. Absolute opposites, anarchy and despotism are mutually generating. The threats of both anarchy and despotism arise both within and between the states, so that security threats come in four forms: domestic revolution and tyranny and external war and empire. Anarchy within states, associated with unconstrained democracy and factional strife, was ameliorated by a union guaranteeing republican government within the units and possessing a union government with the authority and capability to maintain order or repel revolution in the units. Interstate anarchy is a hydra-headed source of insecurity, both directly through war and invasion and indirectly as a stimulus to the growth of governmental power and despotism within the units. To combat this threat, the Founding Fathers formed a union among the American states that circumscribed the military autonomy of the states and a governmental apparatus focused primarily upon counterbalancing threats from other states still in an anarchical relation to the union and its members. And they also saw despotism—the accumulation of unchecked and oppressive power in the state apparatus—as a threat to security. To combat this threat they constituted the union government with an elaborate system of power-constraint devices such as popular election of officeholders, limited terms of office, and separations, vetoes, and balances of power. But fearing that such measures might ultimately fail, they relied upon the armed citizen militia to reduce the need for a large standing army in the hands of the union government and to serve as an ultimate external check to its potential for oppression. Let us examine these threats and the Philadelphian institutional solutions to them in more detail.

An extended popular sovereign

The preamble of the Constitution begins "We the People," and the Philadelphian security system rests on popular sovereignty. As Madison puts it, "The ultimate authority, wherever the derivative may be found, resides in the people alone."[31] Sovereignty is often thought of as a fundamentally contested

30. Calhoun explains, "It is, indeed, the negative power which makes the constitution, and the positive which makes the government. The one is the power of acting, and the other the power of preventing or arresting action. The two, combined, make constitutional governments." See John C. Calhoun, *A Disquisition on Government* (Indianapolis, Ind.: Bobbs-Merrill, 1953), p. 28.

31. *Federalist,* no. 46, p. 294. See also James Monroe, *The People the Sovereigns* (Philadelphia: Lippincott, 1867).

concept, but simple semantic inconsistencies and confusions obscure the lines of disagreement and make the conceptual problems much worse than they actually are. In speaking of sovereignty, I mean the ultimate source of all legitimate authority in a polity.[32] As William Blackstone put it, "There is and must be in all [forms of government] a supreme, irresistible, absolute, uncontrolled authority, in which the *jura summi imperii,* or the rights of sovereignty, reside."[33] This meaning of sovereignty is often conflated with the related questions of authority, which refers to the exercise of legitimate power, autonomy, which refers to the independence of a polity vis-à-vis other polities, and recognized autonomy, which involves the rights, roles, and responsibilities of membership in a society of states. These distinctions help clear up a number of confusions. Those who insist that freedom can survive only in political orders in which sovereignty is divided or eliminated are not making a claim about divided sovereignty; rather they are conflating sovereignty and political authority.[34] Republican talk of divided sovereignty means that authorities are exercised by several distinct bodies and retain some autonomy vis-à-vis one another. Conversely, statists do not distinguish sufficiently between authority and sovereignty and thus tend to leap from the definitional impossibility of divided sovereignty to the mistake of thinking that a system of multiple authorities not hierarchically arranged is impossible or at least inconsistent with sovereignty.[35]

Sovereign power can both in principle and in practice be located or situated in any of several places or groups in a political order, and different locations give rise to very different authority structures. Most commonly, sovereignty rests either in the hands of the people as a whole or else in the state apparatus or the leader of the state.[36] In general, the relation between the sovereign and the exercise of authority is one of salience: to what extent does the sovereign body actually wield authority? The sovereign body may be either engaged or

32. For discussions of sovereignty, see F. H. Hinsley, *Sovereignty,* 2d ed. (Cambridge: Cambridge University Press, 1986); Alan James, *Sovereign Statehood* (London: Allen and Unwin, 1986); Stephen Krasner, "Sovereignty: An Institutional Perspective," *Comparative Political Studies* 21 (April 1988), pp. 66–94; Nicholas Onuf, "Sovereignty: Outline of a Conceptual History," *Alternatives,* vol. 16, no. 4, 1991, pp. 425–446; and R. B. J. Walker and Saul Mendlovitz, eds., *Contending Sovereignties* (Boulder, Colo.: Lynne Reinner, 1990).

33. William Blackstone, *Commentaries on the Laws of England,* 4 vols., 1st ed. (Oxford: Clarendon Press, 1765–69), vol. 1, p. 156–57.

34. See, for example, Hannah Arendt, *On Revolution* (New York: Viking, 1965), p. 152: "The great and, in the long run, perhaps the greatest American innovation in politics as such was the consistent abolition of sovereignty within the body politic of the republic, the insight that in the realm of human affairs sovereignty and tyranny are the same."

35. Hobbes makes this error when he argues, "There cannot be a mixed state." See Thomas Hobbes, *De Cive,* ed. Bernard Gert (Garden City, N.Y.: Doubleday, 1972), p. 191.

36. Leading theorists of the real-state, most notably Jean Bodin and Hobbes, insist that sovereignty should reside within the state apparatus or in the head of state. They view the location of sovereignty in a body made up of many individuals rather than one or a few as inimical to maintaining practical political order. The division of sovereignty is a conceptual impossibility; its location in the people is possible in principle but is undesirable in practice. See Jean Bodin, *The Six Books of the Commonwealth,* trans. M.J. Tooley (New York: Barnes and Noble, 1967).

Salience	Location: *The state*	Location: *The people*
Engaged	Real-state (Bodin and Hobbes)	Direct democracy (Rousseau)
Recessed	Constitutional monarchy (Hume)	Compound republic (Madison)

FIGURE 1. *Alternative sovereignty configurations*

recessed in its exercise of authority. The sovereign is engaged when it wields governmental authority. (Hobbes and Jean-Jacques Rousseau, while disagreeing about much, both insisted the sovereign be engaged.) The sovereign of a polity is recessed when the exercise of authority has been delegated to some other body or bodies.

These two dimensions of sovereignty in a political system (location and salience) can be combined into four fundamentally different political orders (Figure 1). Where the sovereign is popular and engaged, we have direct democracy. Such political orders must be small, for otherwise it would not be possible for the sovereign—the people—to directly exercise political power. Alternatively, sovereignty located in the state leader or apparatus and engaged produces the real-state. The third possibility, sovereignty situated in a single individual who is not directly engaged in the exercise of political power (traditionally known as a limited monarchy or more recently as a constitutional monarchy), entails the delegation of authority from the sovereign monarch to various ministers.[37]

The fourth possibility, sovereignty located in the people but recessed, is the basis of the Philadelphian system. The governance of a recessed sovereign public must be carried out by authorities with power delegated by the people rather than directly by the people, but such a public can be much more extended.[38] A large and extensive sovereign will necessarily be recessed in its exercise of political power. The structures of the Philadelphian system aim to

37. Montesquieu and David Hume argue that such regimes differ from real-states and despotisms because they have been tamed by the incorporation of the most important power control devices borrowed from republics. See David Hume, "On the Rise and Progress of Arts and Sciences," *Political Essays,* ed. Knud Haakanssen (Cambridge, England: Cambridge University Press, 1994), p. 68.

38. On the emergence of popular sovereignty, see Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: Norton, 1988); Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Mass.: Harvard University Press, 1967), pp. 198–229; and Michael Kammen, "Rethinking the 'Fountain of Power': Changing Perceptions of

exploit the opportunities and cope with problems that arise in this delegation. The delegated authorities of a recessed sovereign must be structured so as to serve its interests while preventing its sovereignty from being usurped.[39]

Anarchy, despotism, and union

The drafters of the Philadelphia union feared anarchy, violent disorder, and revolution within the states.[40] They were committed to popular sovereignty but saw democracy as a source of instability and insecurity. History showed the small city-state governments in ancient Greece and early modern Italy to have been "the wretched nurseries of unceasing discord," in a "perpetual vibration between the extremes of tyranny and anarchy."[41] Direct democracy slid into mob rule and then succumbed to coups and despotism. But a union of such polities with a federal government authorized and equipped to intervene to prevent revolution or coup would preserve democracy in the states by curing it of its excess. Hence, the U.S. Constitution guaranteed the members of the Union a "republican form of government" (Article 4, section 4). Here extension is crucial, because it makes unlikely turmoil in all states at once and enables the chief federal magistrate to suppress revolutions in one republican state with forces drawn from the others, which is precisely what George Washington's administration did to put down the Whiskey Rebellion.[42]

Another possible source of insecurity was violent conflict between the several states in anarchy. Summarizing what is today known as structural realism, Hamilton observed, "To look for a continuation of harmony between a number of independent unconnected sovereignties, situated in the same neighborhood would be to disregard the uniform course of human events."[43]

Popular Sovereignty, 1764–1788," *Sovereignty and Liberty* (Madison: University of Wisconsin Press, 1988), pp. 11–32.

39. A compound republic serving an extended recessed public is distinct from a majoritarian democracy because its architecture of vetoes protects minorities by requiring a concurrent majority. For discussions, see Ostrum, *The Political Theory of a Compound Republic,* pp. 12 and 23; Paul Eidelberg, *The Philosophy of the American Constitution* (New York: Free Press, 1968), p. 21; and William F. Harris II, *The Interpretable Constitution* (Baltimore, Md.: Johns Hopkins University Press, 1993). In the years leading up to the Civil War the Publius synthesis was challenged by Calhoun, who held that the peoples of the states retained sovereignty, and by Daniel Webster and other nationalists, who held that the sovereign of the union was a national democratic majority. For concise overviews, see Forsyth, *Unions of States,* pp. 112–32; and Kenneth M. Stamp, "The Concept of a Perpetual Union," *Journal of American History* 65 (June 1978), pp. 5–53.

40. The rebellion of debtors in western Massachusetts led by retired officer Daniel Shays, which the Massachusetts militia refused to suppress, galvanized support for a stronger Union government. For pervasive fears of anarchy, see Peter Onuf, "Anarchy and the Crisis of the Union," in Herman Beltz, Ronald Hoffman, and Peter J. Albert, eds., *To Form a More Perfect Union* (Charlottesville: University of Virginia Press, 1987).

41. *Federalist,* no. 9, pp. 73 and 71, respectively.

42. Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York: Oxford University Press, 1986).

43. *Federalist,* no. 6, p. 54. For fears of interstate American wars, see Onuf, *The Origins of the Federal Republic.*

The most probable scenario was that the governors of the larger states would use their militias to settle conflicts with their neighbors.[44]

Interstate anarchy is also an indirect security threat because it strengthens internal central power, risking internal despotism. In order to respond to outside threats, more concentrated power is needed. An internal imbalance of power must be created in order to address the imbalance created by the external source of power. This creates a tragic trade-off for free government. As Hamilton observed, "To be more safe they at length become willing to run the risk of being less free."[45] Interunit anarchy and the state of war stimulate preparations for war, which in turn form concentrated government power that is threatening to public security.

The solution to both the direct and indirect threats of anarchy is union. This solution is consistent with the sovereignty of an extended public. For polities in which sovereignty is situated in an extended recessed public, union extends the constitutive principle of the units to the interunit system level and reinforces sovereign prerogatives. The creation of a union security government entails the further division of authorities and the relocation of some of them in a new tier of government erected above the existing ones. Popular sovereigns can *throw over* existing governments with additional ones, as well as *overthrow* governments that have been usurped or corrupted. Union replicates the constitutive logic of recessed popular governance on a higher level. Recessed popular sovereigns use union to avoid the threat posed by the expansion of their own governmental authorities. In polities with a recessed popular sovereign, union preserves sovereignty, while the strenuous defense of their polities' full autonomy by expanding the government into a state risks compromising it.

The union formed to solve the problem of anarchy fell far short of a complete merger. The Constitution did not eliminate the independent military power of the several states but constrained the ends to which the states could employ their militias: the governors of the states could call up their militias in order to maintain order within the borders of their own states but not for activities beyond them.[46] Unrestrained by the Union, state militias were perceived to be an instrument of potential interstate conflict, but within the Union they could play a vital role of counterbalancing power centralized in the union government, a role that would be lost should they be eliminated or their control vested

44. See Jackson Turner Main, "The American States in the Revolutionary Era," in Ronald Hoffman and Peter J. Albert, eds., *Arms and Independence: The Military Character of the American Revolution* (Charlottesville: University of Virginia Press, 1981), pp. 1–30; and Merrill Jensen, *The Articles of Confederation* (Madison: University of Wisconsin Press, 1940).

45. *Federalist,* no. 8, p. 67.

46. See Lawrence Delbert Cress, *Citizens in Arms: The Army and Militia in American Society to the War of 1812* (Chapel Hill: University of North Carolina Press, 1982), pp. 94–110; Richard H. Kohn, *Eagle and Sword: The Federalists and the Creation of the Military Establishment in America, 1783–1802* (New York: Free Press, 1975), pp. 40–90; and William Riker, *Soldiers of the States: The Role of the National Guard in American Democracy* (Washington, D.C.: Public Affairs Institute, 1957).

solely in the hands of the central government. The constraint of the states was reinforced by the application of federal law upon individuals rather than states. If they sought to exercise violent power outside the parameters set in the Constitution, individual officeholders in the states were liable to criminal prosecution in the federal courts.

External threats and concentrated power

The union among states eliminated anarchy among them but was not so universal as to completely eliminate the threat from foreign powers exercised in the anarchic state of war. The newly independent American states feared European states would attempt to reassert imperial control over them.[47] In order to accomplish its assigned task, the central government was endowed with two key authorities of raising a standing army and navy and the revenues needed to support them and calling the state militias into action. The framers of the Constitution also created an office of chief magistrate, the President, whose most important power was commander-in-chief of the armed forces. Executive command of the armed forces could be an instrument of domestic oppression, but a concentration of power was a necessary accommodation to political and military realities.[48]

The union also sought to secure itself from foreign predation by gaining recognition from the European powers of its independence and rights under international law. Given the greater relative power of the European states in the late eighteenth century, Americans were forced to interact with the Europeans on terms largely established by the Europeans. But by playing the sovereignty game as it had been established by the Europeans, the Americans could reduce European intervention into their affairs.[49] The members of the Continental Congress clearly sought to achieve recognition as sovereign by the European powers, and a union government was needed in order to create a repository for this externally recognized sovereignty.

Limited and divided centralized powers

The centralized power of the union government in turn required careful constraints. An extended union encompasses more power potential, thereby greatly increasing relative power against any one actor. An extended union

47. On fear of foreign incursion as motive for the Union, see Frederick W. Marks III, *Independence on Trial: Foreign Affairs and the Making of the Constitution* (Baton Rouge: Louisiana State University Press, 1983).

48. Thought was given at the Constitutional Convention to emulating the Roman model of a dual executive, the two simultaneously serving consuls, but the necessity of unitary command of the military forces in the field, demonstrated so memorably at Cannae, convinced them to construct a unitary commander-in-chief of the armed forces. See *Federalist,* no. 70, pp. 423–31.

49. On American attitudes toward and uses of Vattelian international law, see Daniel Lang, *Foreign Policy in the Early Republic: The Law of Nations and the Balance of Power* (Baton Rouge: Louisiana State University Press, 1985); and Peter Onuf and Nicholas Onuf, *Federal Union, Modern World: The Law of Nations in an Age of Revolutions, 1776–1814* (Madison, Wis.: Madison House, 1993).

becomes formidable enough to deter aggression without a strong state. But the importance of the negative as a principle for structuring governmental agencies increases as the people are more extended. The union security government required the delegation of authorities at even greater distance from the sovereign, and all else being equal, such a move would increase the chance of usurpation unless accompanied by an increase in the extent to which the negative dominates. The further that power is removed from the people, the more power must be structurally constrained.

Both the political theorists most widely read by Americans and their own recent experience taught the citizens of the newly independent American states that standing armies were the critical tool by which central political authorities could oppress and dispossess them.[50] The colonists believed that the English constitutional constraints on the monarchical power had been circumvented or corrupted by the crown's ability to raise a standing army. The Declaration of Independence had attacked George III's effort "to render the Military independent of and superior to the Civil Power." Questions concerning the establishment of a standing army were the most hotly contested in the debates over ratification, with the antifederalists painting it as a grave threat to the citizenry.[51]

To combat this security threat, the Founders went to extraordinary lengths to prevent the central government from initiating war on its own accord. The election of the officeholders within the central government was an important but incomplete restraint. Because elections were infrequent, war-making authority was divided between the legislature and the executive. Although they felt compelled to centralize command of the armed forces, they vested the authority to declare war, raise taxes, set military policy, and ratify treaties in the Congress.[52] By carefully separating the war-making authority between the executive and the legislature, the Founders sought to ensure that the decision to make war would involve a process with checks and balances and that the authority to initiate and then to sustain war were removed from the hands of the commander-in-chief and vested in the branch of the central government closest to the people.[53]

The armed people and the antistate balance

The Founders were not content to rely upon elections and the separation of powers within the federal government but also sought to guarantee that a

50. *Federalist,* no. 8, pp. 67–69.

51. Herbert Storing, *What the Antifederalists Were For* (Chicago: University of Chicago Press, 1981).

52. As Henken observed: "Every grant to the President . . . relating to foreign affairs, was in effect a derogation from Congressional power, eked out slowly, reluctantly, and not without limitations and safeguards." See Louis Henken, *Foreign Affairs and the Constitution* (New York: Norton, 1975), p. 33.

53. Francis D. Wormuth and Edwin B. Firmage, *To Chain the Dog of War: The War Power of Congress in History and Law* (Dallas, Tex.: Southern Methodist University Press, 1986).

robust and permanent counterbalance to the central government continued to exist in the hands of the several states and the citizenry. Echoing Hobbes's admonition that covenants without the sword are unreliable, the Founders were unwilling to rely solely upon parchment barriers. Instead, they sought to guarantee that the sword would remain firmly in the hands of the sovereign, the people. Blackstone had insisted that all citizen rights ultimately were dependent upon the possession of arms by the citizen body.[54] The history of state building in early modern Europe also seemed to demonstrate that an armed people and militia make up a vital bulwark against monarchical absolutism.[55] The maintenance of a robust military capacity in the hands of the citizenry served as the ultimate counterweight against a despotic concentration of power in the federal government. Should the limitations on the government fail, the people retained the capacity to balance against it, which was enshrined in the Second Amendment's guarantee: "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." The Constitution did not legalize rebellion, but it did legalize the instruments necessary to do so. Maintaining a significant proportion of the polity's armed force in the militia also constrained the ability of the central government to wage unpopular foreign wars because it required the active mobilization of civil society in order to wage war.

The distribution of military capability within the Philadelphian system had important implications for its relations with outside groups, particularly the Indian tribes. The union government in Washington had limited ability to regulate violence at its periphery. As American citizens pushed steadily westward into Indian territories, the central government often was unable to compel American citizens to abide by the treaty agreements that it had signed with the Indians.[56] In "filibustering," the most unregulated populist imperialism, Americans (including members of Congress) sought to seize control of Cuba, Nicaragua, and large parts of Mexico and Canada.[57]

54. See Blackstone, *Commentaries on the Laws of England,* vol. 1, pp. 136–40: "To protect and maintain inviolate the three great and primary rights of personal security, personal liberty, and private property . . . when actually violated or attacked" required courts, the right of petition and "the right of having and using arms for self-preservation and defense."

55. See Lois G. Schwoerer, *"No Standing Armies!" The Antiarmy Ideology in Seventeenth Century England* (Baltimore, Md.: Johns Hopkins University Press, 1974); Joyce Lee Malcolm, *To Keep and Bear Arms: The Origins of an Anglo-American Right* (Cambridge, Mass.: Harvard University Press, 1994); and Stephen P. Halbrook, *That Every Man Be Armed: the Evolution of a Constitutional Right* (Albuquerque: University of New Mexico Press, 1984).

56. See Meinig, *Atlantic America, 1492–1800,* p. 407–9; and Meinig, *Continental America, 1800–1867,* pp. 170–196. Given that the Amerindian tribes had extensive participatory democracy, the numerous aggressions of the United States against them calls into question the strength of the "democratic peace" hypothesis.

57. See William O. Scroggs, *Filibusters and Financiers* (New York: Russell and Russell, 1969); Basil Rauch, *American Interest in Cuba, 1848–1855* (New York: Columbia University Press, 1948); and Donald F. Warner, *The Idea of Continental Union: Agitation for the Annexation of Canada to the United States, 1849–1893* (Lexington: University of Kentucky Press, 1960).

Sections, extension, and unnatural borders

The union ultimately floundered on the consequences of sectional rivalry between the North and the South. Sections were understood to be large regions differing in climate and divided by topographic features such as mountain ranges and large rivers. Sections had sufficient size to be real-states and sufficient internal homogeneity to be nation-states[58] and were thus, as Frederick Jackson Turner put it, "the faint image of a European nation."[59] For many observers, the principle alternative to the union has never really been dozens of fully independent states, but rather their consolidation into a handful of nation-states based upon sections. Sectional rivalry, whether in or out of a union, posed a major security threat, and the viability of the union depended upon balance-of-power dynamics between the sections.[60]

Madison's famous mediation on faction and extension, *Federalist* no. 10, lays out the Philadelphian strategy toward sectional differences and rivalries.[61] The smaller the number of large groups with intense preferences, the greater the possibility that a majority will oppress a minority and the greater the possibility that a faction will be big enough to successfully secede from the union, a particularly acute danger when the factions are territorially segmented as sections. But when numerous factions exist, they serve as an important bulwark against the accumulation and corruption of central power. In the language of international theory, the Philadelphian union is strengthened by a multipolar distribution but threatened by a bipolar one. The great appeal of territorial expansion to continental scope was that the union would contain a multipolar sectional balance-of-power system.[62]

A second strategy for dealing with sectionalism was to construct a system of states whose borders were eccentric to those of sections. Here accidental

58. See David M. Potter and Thomas G. Manning, eds., *Nationalism and Sectionalism in America, 1775–1877* (New York: Holt, Rinehart and Winston, 1949); Fulmer Mood, "The Origin, Evolution, and Application of the Sectional Concept, 1759–1900," in Merrill Jensen, ed., *Regionalism in America* (Madison: University of Wisconsin Press, 1952), pp. 5–98; and Cathy D. Matson and Peter S. Onuf, *A Union of Interests* (Lawrence: University of Kansas Press, 1990).

59. Turner, *The Significance of Sections in American History,* p. 50.

60. On the continuing sectional influence, see Joel Garreau, *The Nine Nations of North America* (Boston: Houghton Mifflin, 1981); and Peter Trubowitz, "Sectionalism and American Foreign Policy: The Political Geography of Consensus and Conflict," *International Studies Quarterly* 36 (June 1992), pp. 173–90.

61. *Federalist,* no. 10, pp. 77–84. Three of the most influential readings of the American Constitution in the twentieth century, by Charles Beard, Robert Dahl, and William Riker, attack Madison's strategy to check faction as an antidemocratic protection of economic interest, thus ignoring the intergroup security dynamic that is cumulatively addressed in *Federalist* nos. 1–14. See Charles Beard, *An Economic Interpretation of the Constitution* (New York: Macmillan, 1913); Robert Dahl, *Preface to Democratic Theory* (Chicago: University of Chicago Press, 1956), pp. 4–33; and William Riker, *Federalism: Origin, Operation, Significance* (Boston: Little, Brown, 1964).

62. This explains the "supreme paradox" of the years before the Civil War. Potter observes: "Northern unionists who believed in American nationalism resisted most proposals for further territorial growth of the nation, while states' rights southerners who denied that the Union was a nation sought to extend the national domain from pole to pole." See David M. Potter, *The Impending Crisis, 1848–1861* (New York: Harper and Row, 1976), p. 197.

inheritance from the colonial period played a vital role, for the borders of the thirteen states were based upon colonial charters and land grants that had little or no relation to military defense or economic viability. This inheritance was understood to counteract sectional tendencies and to be replicated where possible. Jay argued that redrawing state borders and consolidating regional states would lead to disunion and war.[63] Similar concepts of eccentric states and designs for unnatural borders were embodied in the Northwest Ordinance of 1787, which established the procedures by which additional states could form and join the union.[64] For the Philadelphian system, the ideal constitutive state had borders shaped by geometry rather than natural morphology and contained a range of topographies, economic activities, and political orientations. If the constitutive states lacked the size to be viable autonomous states and the homogeneity to be distinct nations, the union would be viable and a Westphalian anarchical society would be avoided in North America.

States bound and preserved

What role remained for the states in this states-union? The union preserved states from elimination, a fate that surely would have befallen many of them without it. The union also incorporated an important element of state equality, and it was customary to speak of the states retaining sovereignty in certain spheres.[65] The Senate was designed to be a body representing the states, a role reinforced by the election of senators by state legislators rather than by the peoples of the states directly.[66] In addition to the militia, the Philadelphian system left policing and criminal law enforcement almost entirely in the hands of the states, where it remained until the establishment of the Federal Bureau of Investigation in the twentieth century. The crucial question of whether the states could secede was not explicitly answered in the Constitution, and elaborate interpretations on this question were developed as sectional rivalry between the North and South festered.

63. *Federalist,* no. 2, p. 41.

64. See Peter Onuf, *Statehood and Union: A History of the Northwest Ordinance of 1787* (Bloomington: University of Indiana Press, 1987); Frederick D. Williams, ed., *The Northwest Ordinance: Essays on Its Formulation, Provisions, and Legacy* (East Lansing: Michigan State University Press, 1989).

65. Concerning the Senate, Madison writes, "The equal vote allowed to each State is at once a constitutional recognition of the portion of sovereignty remaining in the individual States, and an instrument for preserving that residual sovereignty." See *Federalist,* no. 62, p. 378. This language implies that sovereignty is being divided, but is an attempt to express that the authorities divided by the Constitution are fundamental within it. See also Paul C. Nagel, *One Nation Indivisible: The Union in American Thought, 1776–1861* (New York: Oxford University Press, 1961); and James Alexander, "State Sovereignty in the Federal System," *Publius* 16 (Spring 1986), pp. 1–15.

66. The decisive events in the weakening of the Senate as an assembly of the representatives of the states were the rise of transstate political parties and the failure of the "doctrine of instruction," according to which state legislatures could instruct Senators how to vote and recall them during their terms if they failed to obey. For discussion, see William Riker, "The Senate in American Federalism," *American Political Science Review* 49 (June 1955), pp. 452–469.

The Philadelphian system also contained many features commonly associated with a confederation, and the relations of the units to one another retained similarities with interstate diplomacy. The relationship between the several states and the union government was a hybrid of diplomatic practices carried out between sovereign states and representation between constituencies within a federal state. The representative system was more an evolutionary than a revolutionary departure from the patterns of British colonial and inter-American interaction during the colonial period.[67] During the British colonial era the governments of the several colonies had sent what were known as agents both to London and to each others' capitals.[68] As agents both Benjamin Franklin and Edmund Burke served as able spokesmen for colonial interests before Parliament, the ministries, elite society, and the press.[69] These agents occupied a role somewhere inbetween that of diplomatic ambassador and parliamentary representative. They did not formally present diplomatic credentials to the British government, but they had official papers of authorization from the colonial governments specifying the length of service and range of their authorities.

The relations between the several states resembled an interstate anarchy with regard to policing. State law enforcement agencies rarely coordinated their activities, and until well into the twentieth century they generally would not arrest or extradite suspects accused of crimes in other states.[70] With so little interstate cooperation and coordination, it was possible for the famous gangsters Bonnie and Clyde to achieve safety by crossing state lines.

While the Philadelphian system certainly was federal, it was as much an antistate as a state. It had a government but was not a state. In this regard, it is revealing that within the union government one bureau, the Department of State, was established to handle diplomatic intercourse with the European states. The state-constraint features of the new American Union were more

67. Greene, *Peripheries and Center.*

68. On the workings of the agency system, see Michael G. Kammen, *A Rope of Sand: The Colonial Agents, British Politics, and the American Revolution* (Ithaca, N.Y.: Cornell University Press, 1968); and James Tapier Lowe, *Our Colonial Heritage: Diplomatic and Military* (Lanham, Md.: University Press of America, 1987).

69. Although unelected to Parliament, Franklin spoke directly to Parliament, and his intervention was widely credited with resolving the political crisis caused by the First Stamp Act. Since Franklin also served as organizer of the abortive Albany Plan of Union in 1754 and the Constitutional Convention of 1787, a careful examination of how he was able to say what to whom would provide a revealing picture of the nature of diplomatic, representational, and constitutional discourse and practice. A comparison between the multiple-access lobbying of the agency system and the Europeans and Japanese in Washington over the last generation would be revealing. See Edmund S. Morgam and Helen M. Morgam, *The Stamp Act Crisis* (Chapel Hill: University of North Carolina Press, 1953).

70. Interstate rendition and extradition was made possible by interstate treaties and compacts, which are remarkably similar to those that sovereign nation-states have employed in recent years to fight criminal activity occurring across international borders. See John Bassett Moore, *A Treatise on Interstate Extradition and Rendition* (Boston: Boston Book Company, 1891); and Ethan Nadelmann, *Cops Across Borders: The Internationalization of U.S. Criminal Law Enforcement* (University Park: Pennsylvania State University Press, 1993).

important and more articulated than in any previous political order of its size and diversity, but the American union was not completely bereft of statist features. This government could perform some tasks of states. Most notably, it had the ability to secure its territory from outside invasion, devastation, and occupation—an ability that had been demonstrated during the War for Independence and that the Constitution sought to put on a firmer basis. Internally, however, the United States was clearly not a real-state. With the armed citizenry institutionalized, the central government of the Union explicitly lacked a monopoly of violence and of legitimate violence. This arms control system was designed to prevent a real-state to the degree possible and balance it to the degree necessary.

Conversely, the young United States was not a confederation because central government was too elaborate and the states were too circumscribed. Union between the units ended anarchy, but the ultimate ruler of this order, the sovereign people, was so abstract, extended, diverse, and divided that the people could not hope to rule. The Philadelphian system had significant resemblance to both a confederation and a federation but differed from them in that its union was organized. The union government decisively penetrated into the states, leaving the units, the union organs, and the people coordinated and mutually constrained.

Structural negarchy

More than a confederation of states in anarchy, and less than a state with extensive devolution, the complex structure of the Philadelphian system seems to defy simple classification, in contrast to the simplicity and elegance of anarchy and hierarchy as structural principles.[71] The overall system architecture negates, so it is appropriate to call the structural principle of such orders "negarchical" and the overall order a "negarchy." The tasks that define security negarchies are not arbitrary and are intimately connected to the logics of both hierarchy and anarchy. Negarchy is the arrangement of institutions necessary to prevent simultaneously the emergence of hierarchy and anarchy. In a workable negarchy, the particular configurations of negatives vary with the relative strengths of multiple threats, but the antithesis to hierarchy and anarchy remains constant. Thus understood, negarchy is a third—and liberal—structural principle of political order, along with hierarchy and anarchy.[72]

71. The signal contribution of structural analysis in system theory is that it allows us to see a system-level logic arising from how the parts are situated vis-à-vis one another. See Waltz, *Theory of International Politics,* pp. 81–82.

72. The recent liberal emphasis upon microfoundations has led to the neglect of structural liberalism: "In contrast to Marxism and realism Liberalism is not committed to ambitious and parsimonious structural theory." See Robert O. Keohane, "International Liberalism Reconsidered," in John Dunn, ed., *The Economic Limits to Modern Politics* (Cambridge: Cambridge University Press, 1991), pp. 165–94 and pp. 172–73.

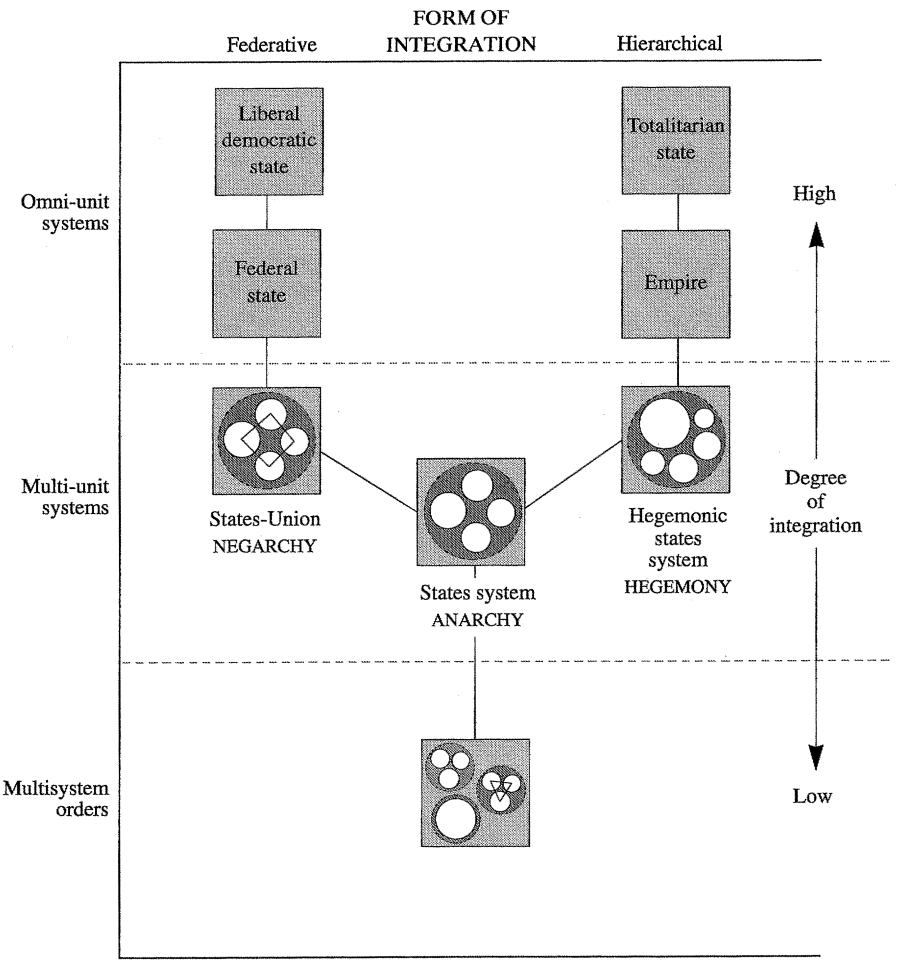

FIGURE 2. *A typology of world security orders*

A simple typology of security orders helps to visualize the system structure of state-unions and its relation to more familiar international and domestic orders (see Figure 2).[73] Eight types of world security order are distinguished by degree of integration (several systems, one system, one unit) and the principle of integration (coercive or federative).[74] (I refer to these as orders so that I may

73. For other typologies, see Morton A. Kaplan, *System and Process in International Politics* (New York: John Wiley, 1957), pp. 21–53; Richard N. Rosecrance, *Action and Reaction in World Politics* (Boston: Little, Brown, 1963), pp. 219–75; Richard Falk, *A Study of Future Worlds* (New York: Free Press, 1975), pp. 150–223; and Adam Watson, *The Evolution of International Society* (London: Routledge, 1992), pp. 13–18.

74. The distinction here is between *Genossenschaft* (association) and *Herrschaft* (lordship)

include the situation in which multiple but noninteracting systems exist.) This schema has several virtues. External and internal governance forms are treated as ends of a spectrum with an articulated middle rather than as a dyad, thus registering the missing link between federal states and the interstate anarchies. The three types of multiunit systems (hegemony, anarchy, and negarchy) occupy the middle ranges of a spectrum stretching from omniunit orders to multisystem orders.

Origins

In the opening of the first *Federalist* paper, Hamilton proclaims that the American experiment will answer whether it is possible to establish good government by "reflection or choice" rather than "accident and force."[75] Despite its careful design, the Union was powerfully shaped by contextual circumstances: geopolitical environment, institutional structures, and social identities. Because of its rarity and short life span, it is essential to identify the contextual factors in its origin, development, and breakdown and to assess whether they were rare or common.[76]

Geopolitical separation and entanglement

The position of the American states relative to each other and the international system profoundly shaped the Union. The Union's viability was aided by the geopolitical circumstance of relative isolation from the great powers of Europe. Effective military distance and the relative military weakness of the Amerindians meant that security threats were small enough that the military capacities of the polity, and hence the strength of the executive, could be kept small enough for its internal limits and militia counterbalance to work.[77]

The American Union was militarily separated from Europe but was not fully isolated: it was still economically connected to it, and extensive Atlantic maritime activity meant that it remained entangled with the European

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derived from Otto von Gierke, *Das deutsche Genossenshaftrecht* 4 vols. (Berlin: Wiedmann, 1868, 1873, 1881, and 1913); and Adolph Gasser, *Geschichte der Volksfrieheit und der Demokratie* (Aarau, Switzerland: Verlag H. R. Sauerlaender, 1939).

75. *Federalist,* no. 1, p. 33.

76. For overviews, see Allan Nevins, *The American States During and After the Revolution, 1775–1789* (New York: Macmillan, 1924); and Richard B. Morris, *The Forging of the Union, 1781–1789* (New York: Harper and Row, 1987).

77. For the importance of geopolitical separation in the American founding, see *Federalist,* no. 9, pp. 70–71; Felix Gilbert, *To the Farewell Address* (Princeton, N.J.: Princeton University Press, 1961); Arnold Wolfers and Laurence Martin, *The Anglo-American Tradition in Foreign Policy* (New Haven, Conn.: Yale University Press, 1956), pp. i–xxvii; and Otto Hintze, "The Preconditions of Representative Government in World History," in Felix Gilbert, ed., *The Historical Essays of Otto Hintze* (New York: Oxford University Press, 1975), pp. 302–56.

neutrality regime. A major impetus for the Union was to put these commercial and maritime relations with Europe on a firmer basis. In these entanglements, different parts of the Union had different interests. The New England states dependent upon maritime commerce gave serious consideration to secession during the War of 1812, and the interests of the agrarian staple economy of the South and West continually clashed with the North's desire for tariff protection to promote indigenous manufactures.[78]

At the Western frontier, entanglement rather than separation helped catalyze the Union. In the 1783 Peace of Paris, Britain ceded the lands stretching from the Appalachians to the Mississippi, but state claims to them overlapped on the basis of original colonial land grants and some states had claims to enormous areas, while others had none (see Figure 3). These conflicts could lead to war, resulting in even greater inequality in state size. Because of these overlapping claims, no one state could capture this valuable resource without significant conflict. The fact that these lands soon would be heavily populated meant either that new and fully independent states, of uncontrollable character and foreign orientation, would arise or else the confederate union had to be expanded and strengthened. Virginia, the state with the largest population and land claims, ceded its Western claims to the Continental Congress, thus precluding the loss of control of its state to Westerners or the corruption of its republican constitution through imperial rule in the West. Further impetus for pooling of the Western lands came from the so-called landless states, most notably Maryland, that refused to ratify the Articles of Confederation without cessions of Western lands. The republican temper and extensive arms of the Western settlers made the latter task as formidable as it was odious.[79] In order to deal with these problems during the confederation, the states agreed to abandon their claims and negotiated the Northwest Ordinance to govern the creation of additional states in these territories. Once ceded to the Continental Congress, the Western lands were joint property. By developing a regime to manage these lands, the several states found their fates intertwined. The union was thus built on two tracks—one that culminated in the Constitutional Convention of 1787, the other in the Northwest Ordinance.[80]

78. Robert O. Keohane, "Associative American Development, 1776–1860: Economic Growth and Political Disintegration," in *International Institutions and State Power* (Boulder, Colo.: Westview, 1989), pp. 183–214; and J. Ann Ticknor, *Self-Reliance Versus Power Politics* (New York: Columbia University Press, 1987), pp. 71–132; and John Agnew, *The United States in the World-Economy: A Regional Geography* (Cambridge: Cambridge University Press, 1987).

79. At the same time, this vast frontier meant that pervasive land hunger could be met through migration and purchase rather than popular imperialism of the sort Thucydides described at work in democratic Athens. See Thucydides, *The Peloponnesian War,* trans. Rex Warner (Baltimore, Md.: Penguin, 1975).

80. See Meinig, *Continental America, 1800–1867,* p. 432–447; and Onuf, *The Origins of the Federal Republic.*

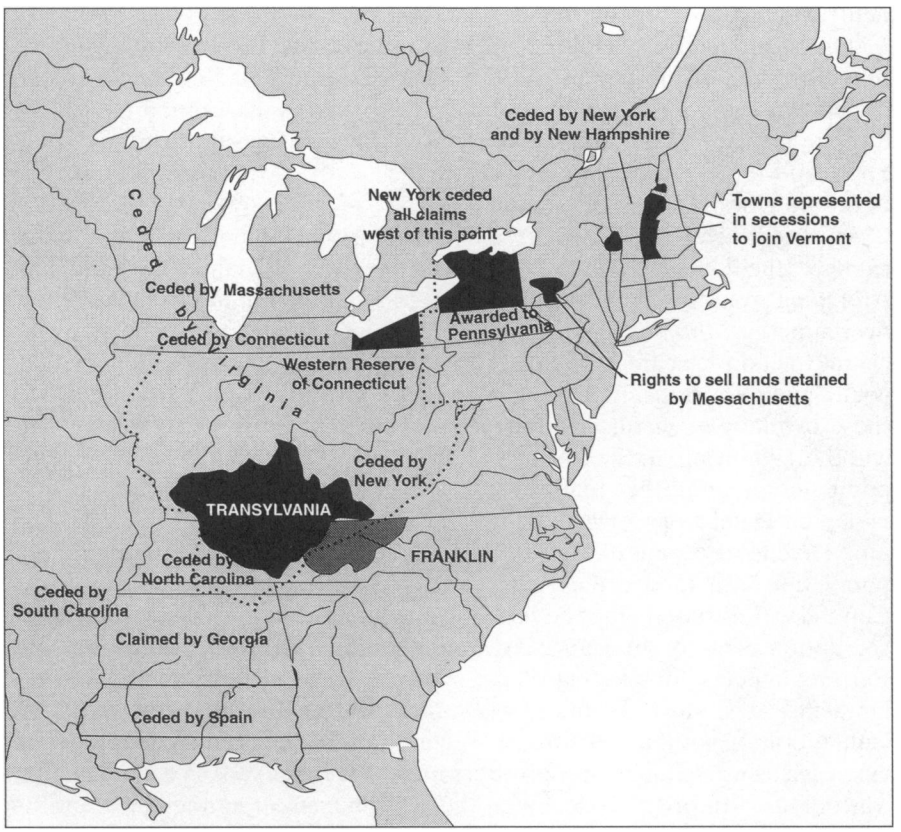

FIGURE 3. *States' claims*

Source. Adapted with permission from D. W. Meinig, *Atlantic America, 1492–1800* (New Haven, Conn.: Yale University Press, 1986), p. 350.

Domestic regimes, state strength, and hegemony

Structural factors in and between the states also played an important role. The character of the political regimes in the states facilitated the formation of the Union. On the eve of the War of Independence, the internal regime types of the thirteen British colonies were quite unlike one another. The colonies had been established over more than a century (1607–1733) without coordination and coherence, and they exhibited bewildering variety: governors were appointed in London (for Georgia, South Carolina, and Virginia), radical religious groups had fled Europe (to Massachusetts), private families granted land charters (in Maryland and Pennsylvania), and even a facsimile of feudalism existed (in New York). Their diversity encompassed many of the classes and religions (most notably Cavalier and Puritan) that had clashed in

the English civil wars of the seventeenth century. But between 1776 and 1787 the constitutions of all the states were rewritten in a great wave, producing political orders that were much more similar to each other.[81] The delegates that met in Philadelphia all represented states with governments that rested ultimate power on the people and with limited powers spelled out in written constitutions. The federal Constitution was thus written for a union of states of similar domestic political regime types.

The states that entered the union all were relatively weak. The sizes and shapes of the thirteen British colonies that sought and achieved independence from the British crown in 1783 varied greatly. At one extreme were the tiny colonies like Delaware and Rhode Island that were unlikely to survive long in a competitive military environment. At the other extreme were giants like New York, Pennsylvania, Virginia, and Georgia, each possessing charter grants for even larger areas in the West. (The borders of several states were set by charters drawn in Europe with only the sketchiest knowledge of American geography and terrain.) Efforts during the colonial period to consolidate colonies and rationalize administration had been half-hearted and notably unsuccessful.[82] In this juridical jumble, state borders had little relation to colonial patterns of economic life or military viability.[83] The establishment of viable real-states along Westphalian lines would have entailed a massive redrawing of borders, a process that would have been difficult to accomplish without recourse to war.

Another structural variable, hegemony, played an indirect role in the emergence of the union. Some realists hold that order, both within polities or between them, derives from concentrations of power.[84] Among the several states, power was not concentrated in anything approaching a hegemonic level. At most the largest and most populous states were potential hegemons within their regions. Thus, the creation of order did not depend on the direct application of concentrated power. However, hegemony did play an indirect role in the union's formation. During British rule, the colonies had enjoyed the benefits of hegemonic power but had suffered few adverse consequences from it, despite their heated polemics about despotism. British rule in North America was episodic, incoherent, and distant.[85] Even in the colonies where the crown's authority was most extensive (the crown had more legal authority in

81. Gordon S. Woods, *The Radicalism of the American Revolution* (New York: Knopf, 1993).

82. See Henry M. Ward, *The United Colonies of New England, 1643–1690* (New York: Vantage Press, 1961); and Henry M. Ward, *"Unite or Die": Intercolony Relations, 1690–1763* (Port Washington, N.Y.: Kennikat Press, 1971).

83. The juridical inheritance of the British Empire in North America poses interesting similarities with the situation in postcolonial Africa and the post-Soviet successor states.

84. See Thucydides, *The Peloponnesian War,* pp. 45–56; E. H. Carr, *The Twenty Years' Crisis* (New York: Macmillan, 1939); and Robert Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1981).

85. See Greene, *Peripheries and Center;* and Richard Koebner, *Empires* (Cambridge, England: Cambridge University Press, 1961) pp. 61–193.

some colonies than in Britain), the effective distance from London meant that the exercise of British power was quite lax. Due to the absence of territorial contiguity and large effective distance, Britain was a separated hegemon. Like the God of the Deists, London set the American world in motion, provided basic services at low cost, but lightly directed. This separated hegemon cast the mold within which the colonies matured, and when they broke from it, they were eager to provide a functional equivalent to it. The Union was a self-generated replacement for this peculiar combination of order without strong central direction.

People, class, and nation

Because the Philadelphian system rested upon the people, identity played an important role. As noted earlier, the American Union was rejected as a structural alternative after both realists and liberals in the 1950s concluded that identity preceded structure. But in constituting the people, social class, republican civic identity, and regime principle played a much more central role than either ethnic or national identity.

Americans first and foremost thought of themselves as free and virtuous. At a time when individual freedom, political democracy, and social egalitarianism were rare and widely perceived to be precarious, this fundamental liberalism of the American people was both a potent and distinguishing basis of political identity.[86] Liberty, in turn, was seen as sustained by virtue, a mixture of self-restraint and norms of compromise, and by a skilled knowledge of procedures and mechanisms, both of which were objects of extensive educational effort.[87] This republican civic identity was reinforced and reproduced through mass public education, ceremonies and rituals, and public architecture and iconography. President Washington, the exemplar of republican virtue, was a founder representing self-restraint and was immortalized as a Cincinnatus rather than a Caesar.[88]

This political identity was connected intimately to a social class and economic system that the states held in common. Feudal vestiges were few and steadily shrinking, particularly after the flight of many royalists.[89] The dominant social class in America comprised property owners who purchased rather than inherited land, and this interstate network of business elites was a bastion

86. Hans Kohn, *American Nationalism* (New York: Collier Books, 1957); and Merle Curti, *The Roots of American Loyalty* (New York: Columbia University Press, 1946).

87. For compromise as a constitutive norm, see Peter B. Knupfer, *The Union As It Is: Constitutional Unionism and Sectional Compromise, 1787–1861* (Chapel Hill: University of North Carolina Press, 1991).

88. For republican symbols, see Wilbur Zelinsky, *Nation into State: The Shifting Foundations of American Nationalism* (Chapel Hill: University of North Carolina Press, 1988); and Garry Wills, *Cincinnatus: George Washington and the Enlightenment* (Garden City, N.Y.: Doubleday, 1984).

89. Richard Hofstader, *America at 1750: A Social Portrait* (New York: Vintage, 1973).

of Union support. The land tenure and criminal justice systems were served by a large number of lawyers, and as de Tocqueville observed, the "American aristocracy" was the "bench and the bar."[90] Lawyers were the Gramscian organic intellectuals of capitalist society, and their standards of legitimation and conflict resolution by independent courts applying tort law gave a distinctively pacific cast to American politics. These societal elements moderated the anarchical aspects of the system.

The strength of the institutions of common law and private property was demonstrated in the territorial conflict between Connecticut and Pennsylvania over the Wyoming Valley (in what is now northeastern Pennsylvania) that stemmed from overlapping charter grants. Several violent skirmishes indicated that this conflict would be resolved by armed struggle, but both states accepted legal arbitration of the dispute by a special court in Trenton established by the Confederation Congress.[91] For Americans the crucial element in land ownership was juridical recognition rather than hereditary right, and this societal orientation made recourse to interstate violence less appealing than contracts and arbitration. The resolution of conflicts between states over frontier settlements incorporated this concept: landowners from the losing side were guaranteed their property rights, even as their statehood changed.

The least important feature of identity in the Philadelphian system was ethnic and national. Such identity patterns do not explain the major patterns of North American political development.[92] First, the British colonies that claimed independence in 1776 were filled with people whose language, "race," religion, and political differences were not very different from those of Britain.[93] As Meinig observes, "The rebellion of the 1770s did not arise as an ethnic protest against a foreign ruler, as in the most common imperial disintegrations, but as a civil war over the treatment of overseas 'Englishmen.' "[94] Second, sectional identities were strong, and the southern states that sought to achieve independence in the war of 1861–65 claimed to constitute a separate nation and met many of the criteria normally associated with a

90. De Tocqueville, *Democracy in America,* vol. 1, p. 178.

91. For discussion of the Wyoming Valley and other similar conflicts, see Onuf, *The Origins of the Federal Republic,* pp. 49–73; Meinig, *Atlantic America, 1492–1800,* p. 290; and Morris, *The Forging of the Union, 1781–1789,* pp. 222–23.

92. For general analyses of nationalism in antebellum America, see David M. Potter and Thomas G. Manning, eds., *Nationalism and Sectionalism in America, 1775–1877* (New York: Holt, Rinehart and Winston, 1949); and Kohn, *American Nationalism.*

93. As Middlekauf writes, "There was . . . a standard culture throughout the colonies, not strictly American, but one heavily indebted to England. For the most part the institutions of politics and governments on all levels followed English models; the 'official' language, that is the language used by governing bodies and colonial leadership, was English; prevailing social values were also English." See Robert Middlekauf, *The Glorious Cause: The American Revolution, 1763–1789* (New York: Oxford University Press, 1982), p. 28.

94. Meinig, *Atlantic America, 1492–1800,* p. 385. If ethnic identity had been the motive for independence, the French Canadians rather than colonial Englishmen would have rebelled against British rule.

nation.[95] This war was more an international war within a states-union than a war of national unification.[96] Had the Confederacy been militarily successful, adherents to the European nation-state paradigm surely would insist that the United States had been an artificial international union. Third, the differences of national identity between Canada and the United States do not appear to be as great as the difference among Americans. Either the United States was part of a multistate nation or the United States was a multinational union.

It is difficult to assign relative weights to the factors that facilitated the creation of the Philadelphian system, but it is possible to assess their uniqueness. Although the isolation of the United States in this period is unlikely to be replicated today, nuclear weapons may decrease the difficulty of balancing, producing much the same effect. States that are weak and have borders eccentric to their economies and security are numerous. Likewise, capitalism is now very widespread. But it seems unlikely that other polities will have so valuable, large, and proximate a piece of land to exploit as the American frontier, although the global commons could play this role. (The absence of significant returns from the outer space and deep ocean commons has so far kept this potential avenue to a states-union unrealized.)

Expansion and breakdown

Despite its auspicious beginnings, the Union did eventually fall into a great sectional war that ended with the complete conquest of one section by another and a recast Constitution. Did this breakdown reflect flaws in its structure or the influence of exogenous—perhaps rare—circumstances? The early nineteenth-century United States is a case study in the effects of rapid expansion upon the balance-of-power dynamics of a states-union. Union expansion was facilitated by the absence of effective balancing against the Union, and expansion disturbed the internal balance of power between the sections within the Union.

Expansion and external imbalance

The rate and extent of U.S. expansion in the early nineteenth century has few historical precedents. In 1787 the thirteen American states were located only upon the Atlantic coast, but by 1861 Union territory stretched to the Pacific, covering an area nearly five times as large, and the number of states in the

95. See Drew Gilpin Faust, *The Creation of Confederate Nationalism: Ideology and Identity in the Civil War South* (Baton Rouge: Louisiana State University Press, 1980); Emory M. Thomas, *The Confederate Nation: 1861–1865* (New York: Harper and Row, 1979); John McCardell, *The Idea of a Southern Nation: 1830–1860* (New York: Norton, 1979); and Avery Craven, *The Growth of Southern Nationalism: 1848–1861* (Baton Rouge: Louisiana State University Press, 1953).

96. Carl N. Degler, "One Among Many: The United States and National Unification," in Gabor S. Boritt, ed., *Lincoln: The War President* (New York: Oxford University Press, 1992), pp. 89–119.

Union had nearly tripled (to thirty-three). At the time of the Founding the presumption that white Europeans would expand into the vast interior regions of North America—a presumption that came to be known as Manifest Destiny—was generally held.[97] But the extension made possible by the union architecture was still limited by the distance representatives had to cover between the electorate and the capital. Many thought this distance to the interior of North America meant there would be independent states outside the union.[98] The invention and rapid construction of the railroad and telegraph, however, dramatically shrunk effective distance across the great western mountain ranges to the Pacific coast.[99]

The speed and extent of expansion also resulted from a power vacuum at the frontier. In treating American expansion purely as a domestic event, we overlook this as a case of nonemergence of a state system where there might have been one. Three types of actors might have resisted American expansion: European or Asian states, other white settler colonies in North America, and the indigenous population.[100] A plural balance-of-power state system did not emerge in North America in part due to the failure of other states to coalesce and then balance either among themselves or with outsiders.

The failure of a Westphalian balance-of-power system to form in North America was also the result of the gravitational attraction and assimilative capacity of the Philadelphian system. In the annals of realpolitik, it is often forgotten that the Philadelphian union absorbed peacefully Utah and Vermont, two quasi-independent states, and California and Texas,[101] which were independent and recognized as such by both the United States and the European powers. These states did not seek to preserve their independence by

97. For an analysis of the role expectations of this expansion played in motivating the break with Britain, see Marc Egnal, *A Mighty Empire: The Origins of the American Revolution* (Ithaca, N.Y.: Cornell University Press, 1988).

98. For such speculations, see David M. Potter, *The Impending Crisis, 1848–1861* (New York: Oxford University Press, 1976), p. 10 n. 16.

99. See George Rogers Taylor, *The Transportation Revolution, 1815–1860* (New York: Holt, Rinehart and Winston, 1951), chap. 7; and Albert Fishlow, *American Railroads and the Transformation of the Antebellum Economy* (Cambridge, Mass.: Harvard University Press, 1965).

100. Demographic, technical, and organizational factors hobbled Amerindian resistance. But had the American expansion not been so rapid, these groups might have been able to defensively modernize. On British attempts to employ Amerindians as a break to American expansion, see Leitch J. Wright, Jr., *Britain and the American Frontier, 1783–1815* (Athens: University of Georgia Press, 1975); and Malcolm J. Rohrbaugh, *The Trans-Appalachian Frontier* (New York: Oxford University Press, 1978).

101. Before Vermont joined the Union in 1791, "Influential Vermonters began to discuss special relationships with Britain, some envisioning an imperial protectorate, others a Switzerland-like neutrality." See Meinig, *Continental America, 1492–1800,* p. 349. Also see Onuf, *The Origins of the Federal Republic,* pp. 127–145; and Chilton Williamson, *Vermont in Quandary: 1763–1825* (Montpelier: Vermont Historical Society, 1949). On the incorporation of Texas, see Andreas V. Reichstein, *Rise of the Lone Star: The Making of Texas,* Jeanne R. Willson, trans. (College Station: Texas A&M Press, 1989); David Pletcher, *The Diplomacy of Annexation: Texas, Oregon, and the Mexican War* (Columbia: University of Missouri Press, 1973); and Meinig, *Continental America, 1492–1800,* pp. 128–158.

balancing against the United States but instead sought and achieved admission to the union. Both Texas and California had good reason to fear attack by Mexico or European states, but both could have employed classic Westphalian strategies of balancing and alliance formation, particularly with Britain, in order to sustain their status as independent states. In part their vigorous pursuit of *Anschluss* can be attributed to the fact that they were not fully extinguished as states by joining the union but rather were preserved as semiautonomous units within it and shared in union government in proportion to their population.[102]

External expansion and internal imbalance

The expansion of the union redistributed power between the two sections, triggering an extremely violent war of secession. Admission of new states in the West had important ramifications for the balance of power between slave-holding and free states in the Senate and Electoral College. In 1820, 1833, and 1850, sectional Great Compromises saved the Union. These wide-ranging and multisided agreements were similar to interstate alliances and regimes.[103] Had compromise not been reached, the new states aspiring to be admitted, although located on American land, would gradually have formed an interstate system. The Great Compromises depended on roughly pairing each new slave-holding state with a free state,[104] but during the 1850s, the establishment of new slave states fell behind that of "free soil" states, portending eventual elimination of the South's veto power.[105] The open civil war that raged between settlers from the North and South on the frontier in "bleeding Kansas" was a rehearsal for great conflict that was to engulf the core regions of the union.[106]

Despite the great importance that the Founders had attached to the balance of power, they had not included a Constitutional device to provide sections with an ultimate veto against changes that they saw as fundamentally threatening. As the conflict between the North and the South grew more intense,

102. An even earlier precedent, the union of Scotland with Britain in 1707, was facilitated by the ability of the Scots to send representatives to Parliament in proportion to their numbers and thus participate in the exercise of British power rather than being oppressed by it. For a discussion, see George S. Pryde, *The Treaty of Union of Scotland and England* (London: Thomas Nelson, 1950).

103. For descriptions, see Potter, *The Impending Crisis, 1848–1861,* and Knupfer, *The Union As It Is.* For the similarities with European treaties, see Turner, *The Significance of Sections in American History,* p. 88.

104. On pairing of new entrants to the union, see Meinig, *Continental America, 1492–1800,* p. 449.

105. Two free-soil state admissions (Minnesota and Oregon) in a row made the Southern position seem irrecoverable without expansion into the Caribbean. See Robert E. May, *The Southern Dream of a Caribbean Empire, 1854–1862* (Baton Rouge: Louisiana State University Press, 1973).

106. See James Monaghan, *Civil War on the Western Border, 1854–1865* (Boston: Little, Brown, 1955); and James A. Rawley, *Race and Politics: "Bleeding Kansas" and the Coming of the Civil War* (Philadelphia: Lippincott, 1969).

Southerners developed reinterpretations of the Constitution and proposals such as a dual presidency to preserve sectional veto on major measures of the federal government.[107]

The persistence of the division between free and slave states meant that expansion had failed to achieve the dilution of interest groups that an extended union had seemed to promise at the founding. It is possible, however, that the South might have stayed in the Union past the threshold of the Union's transformation into a multipolar sectional system, except for the coincidental surge in militant abolitionist sentiment in the North that seemed to portend a changed agenda of the North for the use of federal government power.

Of course, slavery was the deeper cause of the war. The American Civil War was a social revolutionary conflict over the status of slavery within market capitalism. Slavery was not simply a regional variation within the liberal social order, but a relic of preliberal society, and thus the Civil War completed the social revolution that had begun in England and deepened in the struggle for American independence. Except at the frontier, the slavery question had been almost entirely a state matter, but increased economic integration meant that the working classes in the North, while often quite racist, came to actively oppose African slavery as a competitive threat to their economic prospects.

The geopolitics of the Union's internal balance-of-power system has interesting parallels with the unusually harmonious order of Europe during the Concert period. In part the Concert had been made possible by the great reduction in great power rivalry outside of Europe produced by the relative insulation of Europe resulting from British naval and colonial hegemony, thus briefly mimicking American insulation.[108] The Concert gradually declined in the middle and later years of the nineteenth century mainly for two reasons. First, the domestic regime types of the members (absolutist monarchical versus constitutional monarchical) lay in opposition, a situation analogous to the slavery conflict in America. Second, the expansion of Austria and Russia at the expense of the declining Ottoman Empire affected the relative power positions of the core members of the system.[109] The Concert institutions continued to successfully moderate conflicts among the European powers over colonial areas during the renewed scramble for empire during the later years of the century. But the Concert's record at resolving conflicts was much better overseas than at the eastern frontiers of Europe. Here, like on the American steppe, the consequences of uneven growth were so proximate as to tilt the core balance.

107. For visions of constitutional modifications to avert secession, see Robert G. Gunderson, *Old Gentleman's Convention: The Washington Peace Conference of 1861* (Madison: University of Wisconsin Press, 1961); and Meinig, "Geopolitical Alternatives," *Continental America, 1492–1800,* pp. 489–502.

108. Paul Schroeder, "The Nineteenth Century International System: Changes in Structure," *World Politics* 39 (October 1986), pp. 1–26.

109. Paul Schroeder, *Austria, Great Britain, and the Crimean War: The Destruction of the European Concert* (Ithaca, N.Y.: Cornell University Press, 1972), pp. 392–427.

The importance of these two factors—very rapid expansion and feudal remnants—in causing the Civil War suggests that the outbreak of this conflict is not indicative of some flaw integral to its architecture per se, but rather to the particular geopolitical context and social inheritance of the Union. The universal elimination of slavery and the unlikelihood that any polity will be able to expand as rapidly as did the Union suggest that the two main causes of the Union's crisis are unlikely to be widely occurring obstacles to the stability of states-unions.

From states-union to federal state

The impact of what I term the War of Southern Secession (known more commonly as the American Civil War) upon the American political order was revolutionary. The United States entered the war a states-union in crisis and emerged from it a federal state with an intensified national identity.[110] In saving the Union, Abraham Lincoln also transformed it. The relationship between the parts and the whole was redefined by establishing definitively that the parts could not secede, and citizenship changed fundamentally. The federal government grew in size and power, and the executive branch was strengthened at the expense of the legislative.[111] But much of the earlier architecture remained, and so after military demobilization and the end of Reconstruction, the United States reverted to the weak-state polity of "parties and courts," marked by atrophy of the capacities of the federal government.[112]

By the turn of the century new security pressures and opportunities further weakened the several states and strengthened the federal government. Industrial communication and transportation unimagined at the founding created extensive integration and mobility, contributing to the growth of a strong American national identity. The industrial economy created demands for a more substantial governmental role that was often frustrated by the Constitution's elaborate power-constraint machinery. The American system came to exhibit, as Lord Bryce put it, "excessive friction," causing "a waste of force in the strife of various bodies."[113] Progressive and New Deal reformers fought these constraining features as archaic hindrances to the necessary mobilization

110. As James McPherson puts it, "The United States went to war in 1861 to preserve the *Union;* it emerged from war in 1865 having created a *nation.*" *Abraham Lincoln and the Second American Revolution* (New York: Oxford University Press, 1990), p. viii, emphasis original. See also Harold M. Hyman, *A More Perfect Union: The Impact of the Civil War and Reconstruction on the Constitution* (New York: Knopf, 1973).

111. See Leonard P. Curry, *Blueprint for Modern America: Non-military Legislation of the First Civil War Congress* (Nashville, Tenn.: Vanderbilt University Press, 1968); Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859–1877* (Cambridge: Cambridge University Press, 1990); and Mark E. Neely, Jr., *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (New York: Oxford University Press, 1991).

112. Stephen Skrowronek, *Building a New American State: The Expansion of National Administrative Capacities* (New York: Cambridge University Press, 1982).

113. James Bryce, *The American Commonwealth,* 3d ed., vol. 1 (New York: Macmillan, 1888), p. 78.

of public purpose.[114] Through a series of constitutional amendments and an elastic interpretation of the commerce clause, the federal government was further enlarged and strengthened.

In the twentieth century the external situation also changed greatly, generating new demands that required the state-constraint features of the American political system to be weakened further. In the three great world struggles of the twentieth century—World War I, World War II, and the cold war—the central government's war-making powers also were enhanced substantially. The state militias gradually were transformed into the National Guard and subject almost completely to federal government control.[115] Direct conscription and a large, technically sophisticated standing military force also altered the security order.[116] As war became total in intensity and global in scope, constraints on the central state were weakened and compromised in the rush to mobilize and coordinate the economy and populace.[117] The need for grand strategic and civil–military integration conflicted with the elaborate system of constraints upon executive war-making. Although elections and Congress continued to constrain the President, the demands of speed, secrecy, and complexity tended to invest great power in the executive and the security apparatus.[118] With the permanent mobilization of the cold war and the nuclear age, the original republican order regulating violence capability had been altered beyond recognition and come to resemble a European real-state.

Given the opponents the United States faced, this evolution was probably inevitable, but this is not the entire story. A recurring American reaction to the end of isolation has been an effort to refashion the external world in ways compatible with American values and institutions by exporting constitutional representative democracy and establishing international organizations. The liberal internationalist agenda aims to preserve essential American institutions from corruption by external pressures.[119] From this essentially conservative impulse has sprung a steady stream of proposals for international organiza-

114. For classic indictments, see Herbert Crowly, *The Promise of American Life* (New York: Macmillan, 1909); and John Dewey, *The Public and Its Problems* (New York: Henry Holt, 1927).

115. For this evolution, see Louis Smith, *American Democracy and Military Power* (Chicago: University of Chicago Press, 1951); and John K. Mahon, *History of the Militia and the National Guard* (New York: Macmillan, 1983).

116. For a succinct overview, see Harold Koh, *The National Security Constitution* (New Haven, Conn.: Yale University Press, 1990), pp. 67–100.

117. Edward Corwin, *The Constitution and Total War* (Ann Arbor: University of Michigan Press, 1947).

118. Koh concludes, "Growing American hegemony and growing presidential power fed upon one another." See *The National Security Constitution,* p. 97. It would be more accurate to say that increasingly intensive American competitive interaction with the rest of the world produced the effect Koh identifies. To the extent the United States' interactive relationship with the rest of the world has been hegemonic, the tendency for interaction to strengthen the President at the expense of Congress has probably been moderated.

119. As Edward S. Corwin observed, "The maintenance of constitutional government in the United States becomes linked with the broader cause of its restoration and preservation elsewhere." See *The Constitution and International Organization* (Princeton, N.J.: Princeton University Press, 1944), p. 55–56.

TABLE 1. *A comparison between the Westphalian and the Philadelphian systems*

	Westphalian system	*Philadelphian system*
Technical description	Real-state system (anarchical state system)	States-union (compound republic; negarchy)
Unit level	Real-state	Semi-autonomous republics
System level	Anarchy and society of states	Federal government
Instrument of system-level institution	Treaty and alliance	Constitution
Sovereignty	Located in state and engaged	Located in extended public and recessed
Disposition of violence	Popular disarmament and concentration in real-state apparatus and minimum regulation between units	Regulated popular armament and limited central concentration with extensive separation
Role of separation	Minimized within units and maximized between units	Extensive within states and federal government and weak between states
Units extinguished?	Yes	No
Mechanisms for change	War and compensation	Elections, reapportionment, and amendment
Dominant social strata	Feudal aristocracy	Layers, merchants, and property owners

tions, most notably the Hague Conferences, the League of Nations, the United Nations, the Baruch Plan, and nuclear arms control regimes, whose basic purpose is to muffle the dynamics of anarchy through security unions whose government is nonstatist.

The Philadelphian versus the Westphalian systems

A brief comparative glance at the Westphalian system will complete the analysis herein (see Table 1). Among all the differences between the two, four stand out: sovereignty and union, separation and union, conflict and balance, and classes and norms.

Sovereignty and union

The disposition of sovereignty in the two systems had very different implications for their ability to form unions. Federal unions were thought to

exist in Europe in the eighteenth and early nineteenth centuries: Europe as a whole was widely called a republic, and the great settlements that emerged from the diplomatic congresses of Westphalia, Utrecht, Vienna, Versailles functioned as constitutions for Europe.[120] Like them, the Philadelphian system was created in the wake of war and revolution that had created both new opportunities and needs for the creation of political order.[121] But the European settlements did not produce an organized union because of the configuration of sovereignty in the real-state. When sovereignty is engaged and located in the state apparatus, union government runs directly against their grain. In contrast, recessed popular sovereigns harness the interplay between closer and more distant authorities. For real-states, unions are acts between sovereigns, while for recessed sovereigns they are delegative acts of the newer and broader popular sovereign. The only unions consistent with real-states are fleeting and contingent alliances that bound the real-state sovereign authority only so long as convenience dictates. (After accepting Hobbes's move of situating sovereignty in the state apparatus, Samuel Pufendorf and Emmerich de Vattel constructed the modern international law in which acts of "foederation" or alliance could never have the same status as the acts that generated the sovereign.)

Separation of power and union

Both orders depended heavily upon the division or separation of powers. In Europe separation was constitutive, although underregistered in theory: topography (mountain chains and the English Channel) divided power; Westphalia pacified by separating church and state and frustrated Hapsburg hegemony by codifying Dutch secession; and Utrecht maintained equilibrium by separating the French and Spanish thrones. Division and separation of powers also pervade the Philadelphian system: violence capabilities and authorities are divided among the people, the states, and the federal government. Within the central government, war-making, military command, and foreign affairs are divided between the Congress and the President, and even the legislature is separated. The legislature, judiciary, and executive are divided. The Constitution is separated from governmental law making, and the church is separated from the state. But these divisions do not produce autonomous powers, because they are partially shared as well, in effect giving

120. For suggestions along these lines, see J. G. A. Pocock, "States, Republics, and Empires: The American Founding in Early Modern Perspective," in Terence Ball and J. G. A. Pocock, eds., *Conceptual Change and the Constitution* (Lawrence: University of Kansas Press, 1988), pp. 55–77. The European treaties and settlements were *foedera* and the American union was *foederal,* derived from Latin *foedus,* for covenant or alliance. See Daniel Elazar, *Exploring Federalism* (Tuscaloosa: University of Alabama Press, 1985), pp. 115 and 122.

121. On order building in the wake of war and revolution, see Kalevi J. Holsti, *Peace and War: Armed Conflicts and International Order, 1648–1989* (Cambridge: Cambridge University Press, 1991); and G. John Ikenberry, "International Order Building and Peace Settlements," manuscript.

one body veto over acts of the other, thus paralyzing action without concurrent authorization.[122] Thus paradoxically, separation and division were much more precarious in Europe because of the weakness of union, while division and separation were more secure in the Philadelphian system because of the strength of the union.

Conflict and balance

Conflict and balance of power played central but very different roles in both systems. In the Westphalian model, hierarchies within units suppress conflict, while anarchies between the units give it wide rein. The American Union sought to prevent homogenization and consensus by territorial extension and then to channel and harness conflict by setting power against power. Tottering between anarchy and universal monarchy, the European system persisted only through periodic wars. The American Union had an embedded balance-of-power system.[123] The ultimate balancer, the armed people, remained recessed and was never employed, unlike in Europe where cycles of class hegemony within the real-state evoked periodic armed popular revolution.

Because of these different degrees of embeddedness, the relationships between polarity and system stability were very different in their balancing mechanisms. In an anarchy, the complexity of multipolarity leads to destabilizing misperceptions, in contrast to the simplicity and stability of bipolarity. In a states-union, a bipolar distribution means that one faction or section has a majority, while the other has enough power to make armed secession viable.

Classes and norms

The political identity and social ethos of the American people were, respectively, republican and capitalist. In contrast, in Europe the most significant continent-wide social formation was international aristocracy—the interlocking network of feudal houses and dynasties. European capitalist institutions were spliced onto a feudal social structure, and the ethos of the functionally archaic "aristocracy of the sword," the economically parasitic descendants of the feudal warrior classes, gave European politics its distinctive cast.[124] As Joseph Schumpeter and Arno Mayer have emphasized, the social hegemony of the aristocracy imparted to European life a concern for honor, prestige, hierarchy, and violent competition that heavily influenced interna-

122. M. J. C. Vile, *Constitutionalism and the Separation of Powers* (Oxford: Oxford University Press, 1967).

123. On the problem internal balancing poses for the image of the state as hierarchically organized, see Helen Milner, "The Assumption of Anarchy in International Relations: A Critique," *Review of International Studies* 17 (January 1991), pp. 67–85.

124. V. G. Kiernan, *The Duel in European History: Honour and the Reign of the Aristocracy* (New York: Oxford University Press, 1986).

tional political life.[125] The feudal character of the European units was particularly pronounced in the Concert system that emerged from the Congress of Vienna. While marking the least anarchical Europe-wide security order prior to the post–World War II American reconstruction, the Concert had a strongly reactionary social character.

Conclusions

Theoretical implications

The record of the Philadelphian system suggests a revised understanding of security in both the liberal and realist schools of thought. Contrary to the realist view, the security-from-violence problem is not alien to liberalism, is not an area of failure, is not something that must be solved before liberal theory and practice become relevant, and is not best delegated to real-statists. Security concerns sit at the very core of liberalism because avoidance of the ultimate individual evil—violent death—is the first and foremost negative freedom that liberalism aims to secure. This republican variant of liberalism combines a commitment to popular sovereignty with an accumulated tradition of political science and institutional engineering to generate a robust and distinctive institutional strategy—the control of violence by the people, the maximum feasible avoidance of centralized power, and circumscribed states bound in a union of negatives. In its republican forms, liberalism claims an understanding of the security problem that is superior to realism's because it is more complete: it addresses the full insecurity quadrangle of revolution, tyranny, war, and empire, and it understands that the statist solution is itself a potential threat. Given this, structural republicanism is security liberalism and should be added to Robert Keohane and Joseph Nye's four types of liberalism (the commercial, democratic, regulatory, and sociological varieties).[126]

The Philadelphian record and approach also suggest modifications in realist understandings of the relationship between anarchy and interstate security unions. The designers of the Philadelphian system understood the dynamics of anarchy, but the interstate anarchy of Europe was a model of what they sought to avoid, not an inevitability to which they sought to adjust. The thirteen original states joined the Union despite near formal anarchy between them, so anarchy can be overcome under certain conditions.[127] More tellingly, fear of

125. Joseph Schumpeter, *The Sociology of Imperialisms* (1919; reprint New York: Meridian, 1972); and Arno J. Mayer, *The Persistence of the Old Regime: Europe to the Great War* (New York: Pantheon, 1981).

126. Joseph Nye, "Neorealism and Neoliberalism," *World Politics* 40 (January 1988), pp. 235–51 and p. 246 in particular.

127. But Wendt's characterization of anarchy as "what states make of it" is too permissive, for the negarchical structures of the Philadelphian system were carefully designed avoidances based on a knowledge and fear of anarchy's syndromes. See Alexander Wendt, "Anarchy is What States Make of It," *International Organization* 46 (Spring 1992), pp. 391–425.

anarchy partially motivated union, and knowledge of its dynamics was essential to structure the institutions to overcome it.

Realism overemphasizes anarchy because of its inability to conceptualize political forms as a spectrum with a distinctive middle. When political forms are conceptualized as either anarchy or hierarchy, jealous maximization of state autonomy seems to be the exclusive path to security, for its only alternative is vulnerable subordination. In a states-union with a negarchical structure, this severe Hobson's choice is overcome, and compromised autonomy becomes a means to achieve security.

Ironically, the real-state distrust of union as a security strategy is intimately connected to its theoretical underappreciation of separation and division of power. The realist tradition has incorporated the republican legacy of the balance of power but has curiously neglected division and separation of power, in part as a result of its commitment to an engaged sovereignty situated in a real-state apparatus. But without a robust theory and practice of division and separation, it is difficult to construct fuller unions that are not hierarchical.

The recovery of the full and distinctive negarchical republican theory of security structure also reveals that familiar liberal arguments about pacific democracy and world federalism are but fragments of the full republican alternative that have been incorporated as modifications of real-state systems. In Immanuel Kant's vision of pacific democracy, the unit remains the national state, and the system-level structure remains anarchical, but the dynamics of system-level anarchy are muffled by unit-level democracy, and the Westphalian order is modified rather than replaced. The Philadelphian order entails a fuller alternative in which system-level anarchy has been replaced with a union governance structure that is more substantial than an alliance but that falls far short of a state. At the root of this difference are very dissimilar orientations to democracy, sovereignty, and unit autonomy. The Philadelphian system is based on popular sovereignty but fears and seeks to constrain democracy. At the same time it relies upon the people in well-regulated militias as the ultimate guarantee of popular sovereignty. Kant relies upon the pacific character of the people; the Philadelphian system relies upon their violence capabilities and prerogatives. The Kantian wishes to restrain intervention and interaction across interstate lines; the Philadelphian wishes democratic states to protect themselves against coups and revolutions by institutionalizing the authority and capability of a union government to intervene against usurpation or revolution.

More recent liberal world government thinking is also a republican modification to real-statism rather than a full republican alternative to it. The world federalists looked to the founding of the U.S. Constitution as a model for their world federation, but they conflated the founding process with the New Deal progressive state, erroneously concluding that the thirteen states joined to create a federal state, when in fact they federated only to erect an organized

states-union.[128] Ironically, the liberal internationalist image of the federal state as the only full alternative to anarchy reinforces the more essential realist claim about the universal applicability of the state form.

Research questions

The above analysis suggests several major research questions. First, the extensive literatures and complex theories of republicanism should be examined for their insight into nonstate security governance. Taking seriously the image of Europe as a whole as a republic could suggest that the society-of-states tradition is more republican than Grotian. Given the rich use to which the republican concept of balance of power has been put in international theory, we should also examine more closely separation of power, mixture, and virtue in European public order. It would also be valuable to reexamine the now marginalized ideas and proposals of Anglo–American world international government, arms control, disarmament, arbitration, collective security, world law, and neutralization as extensions of the antistatist practice and animus of the Philadelphian system to deal with the new material environment of industrial total war.

Rethinking security in republican theory also puts into a new light the "republican revival" that has occurred in political theory and history over the last several decades.[129] This large and sophisticated movement has mostly respected, if not reinforced, the inside–outside distinction. It has paid far more attention to the rise of capitalism than the binding of state and violent power as the crucial move in the eclipse of republicanism and the rise of liberalism in the late eighteenth century. When security practice is put back into the center of republicanism, the emergence of liberalism may look like a possibility created by the success of republican state constraint practice to carve out an expansive domain where life and property were safe from state appropriation. The revivalists have emphasized ideological context; an analysis of the interplay between geopolitical context and institutional practices may reveal that some institutional forms now taken to be quintessentially republican may in fact be only adaptations to long-lasting, but eventually changed material circumstances.

The role of republican negarchical forms in recent and unfolding events also merits analysis. Instead of thinking of the European Union inevitably moving—or failing to move—toward a federal state, we should begin to develop a

128. On the world federation, see Charles von Doran, *The Great Rehearsal* (Boston: Little, Brown, 1948); Emery Reeves, *The Anatomy of Peace* (New York: Harper and Row, 1945); Cord Meyer, Jr., *Peace or Anarchy* (Boston: Little, Brown, 1947); and G. A. Borgese, *Foundations of a World Republic* (Chicago: University of Chicago Press, 1953).

129. For a concise tour, see, Daniel T. Rodgers, "Republicanism: the Career of a Concept," *Journal of American History* 79 (June 1992), pp. 11–38.

theory of political order in which it ceases to be such an anomaly.[130] Analysts of the nuclear peace often employ republican terminology and describe republican antistate situations without ever doubting the continuing centrality of the real-state. Balance is the central republican power constraint mechanism incorporated into realism, but it is widely seen as analytically insufficient in the nuclear era. A more complete appreciation of the full range of republican violence constraint practices, particularly separation, union, and mixture, may help us better to decipher the implications of the nuclear revolution, the role of distinctively real-state institutions in its wake, and the logic of the various arms control and nuclear no-use practices.[131]

130. On the European Union as anomaly, see Alberta M. Sbragia, "Thinking about the European Future: The Uses of Comparison," in Alberta M. Sbragia, ed., *Euro-politics* (Washington, D.C.: Brookings Institution, 1992), pp. 257–91; and Anne-Marie Burley, "Law Among Liberal States: Liberalism and the Act of State Doctrine," *Columbia Law Review* 92 (December 1992), pp. 1907–96.

131. For further thoughts along these lines, see Daniel Deudney, "Dividing Realism: Security Materialism vs Structural Realism on Nuclear Security and Proliferation," *Security Studies* 2 (Spring/Summer 1993), pp. 7–36; and Daniel Deudney, "Nuclear Weapons and the Waning of the Real-State," *Daedalus* (Spring 1995), forthcoming.