

Declarations of Independence and the Law of Nations[†]

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Declarations of independence are the defining legal documents of the Age of Revolutions in the Americas. The very first declaration of independence in world history—the U.S. Declaration of Independence—appeared in British North America in July 1776. In the following decades, similar declarations were issued from Vermont to Chile and from Haïti to Paraguay as well as within the bounds of the United States on the eve of its Civil War in 1860–1. By that point, declarations of independence had already spread far beyond the Americas, with notable examples from Greece (1822), Belgium (1830), New Zealand (1835), Liberia (1847), and Hungary (1848). In our own time, more than half of the 194 states represented at the United Nations have documents they acknowledge to be declarations of independence. Some states, like Haïti (1803, twice) and Panama (1821; 1903), have declared independence more than once, especially those in the post-Soviet sphere—for example, Estonia (1918; 1991), Georgia (1918; 1991), and Latvia (1918; 1991). Moreover, the current total does not include numerous failed or pending declarations of independence. So-called “unilateral” declarations of independence cannot guarantee secession or recognition: a “declaration issued by persons within a State is a collection of words writ in water; it is the sound of one hand clapping”.¹ However, since 1945 no seceded state has secured international recognition without such a declaration.² The spread, the ubiquity, and the indispensability of declarations of independence ensure that they are now among the most durable instruments of international law whose origins can be traced back to the Americas.

[†] Chapter in Liliana Obregón, Juan Amaya-Castro, and Laura Betancur-Restrepo (eds.), *The Oxford Handbook of International Law and the Americas* (Oxford, forthcoming).

¹ James Crawford to the ICJ (10 December 2009), quoted in James Ker-Lindsay, *The Foreign Policy of Counter Secession: Preventing the Recognition of Contested States* (Oxford, 2012), pp. 1–2.

² Aleksandar Pavković, “In Search of International Recognition: Declarations of Independence and Unilateral Secession”, in Ryan D. Griffiths and Diego Muro (eds.), *Strategies of Secession and Counter-Secession* (London, 2020), pp. 15–30, at p. 15.

Declarations of independence have gone global with examples from every continent except Antarctica in the nearly two and a half centuries since 1776. Such declarations were shaped by prevailing conceptions of international law and shaped it in its turn. By their diffusion and imitation, declarations of independence helped to globalize international law. And in the ways they have tested legal norms—for example, those of sovereignty, territoriality, and state recognition—they exposed and expanded the limits of international law itself. Their eighteenth- and early nineteenth-century origins in the western hemisphere and their even greater global proliferation in the twentieth century marked international law as successively American, multiregional, and polycentric rather than as Eurocentric, diffusionist, or hierarchical. They continue to be issued to this day, though no longer within the Americas and entirely detached from their American roots.

Declarations of independence were not always emblematic of the revolutionary Americas. The former U.S. President, John Adams, for one, famously wrote in 1815 that, “[t]he last 25 years of the last Century and the first 15 years of this, may be called the Age of Revolutions and Constitutions. We began the Dance, and have produced Eighteen or Twenty Models of Constitutions”, both state and federal.³ Yet Adams’s history was both self-serving and incomplete. It was self-serving because the practice of writing constitutions—the revolutionary “Dance” he praised—had not begun in the United States but rather in seventeenth-century England and its colonies.⁴ Closer to Adams’s own time, early in the revolutionary era, constitution-writing had reignited in the 1750s on Corsica during Pascal Paoli’s revolt.⁵ By contrast, declarations of independence were entirely unprecedented before 1776, as Adams himself would have known as one of the co-authors of the first, the U.S. Declaration itself. Moreover, his history was already becoming incomplete as he wrote, when declarations of independence, both successful and unachieved, would soon outnumber even constitutions in

³ John Adams to James Lloyd (29 March 1815), in *The Works of John Adams*, ed. Charles Francis Adams, 10 vols. (Boston, 1850–6), X, p. 149.

⁴ On which see, for instance, Andrew Fitzmaurice, “The Early Modern Corporation as Nursery of Democratic Thought: The Case of the Virginia Company and Thomas Hobbes”, *History of European Ideas* (16 May 2021): <https://doi.org/10.1080/01916599.2021.1925901>.

⁵ On Paoli’s pivotal role in the Age of Revolutions, see David Bell, *Men on Horseback: The Power of Charisma in the Age of Revolution* (New York, 2020), pp. 19–52; Linda Colley, *The Gun, the Ship and the Pen: Warfare, Constitutions and the Making of the Modern World* (London, 2021), pp. 17–25.

Spanish America during the 1810s and 1820s. Some revolutionary constitutions in North America had even included declarations of independence.⁶ Perhaps if Adams had not been locked in a competitive struggle with Thomas Jefferson, the primary author of the 1776 U.S. Declaration, he might have admitted the distinctiveness of this novel, flourishing genre as a product of his era.⁷

The last twenty-five years of the eighteenth century in the Americas and the first half of the nineteenth were an Age of Revolutions and declarations of independence. In this regard, at least, the United States had indeed begun the dance. The originators of the earliest declarations from the Americas initially had neither precedent on which to draw nor any template they could follow. Two and a half centuries later, after hundreds of declarations have appeared, the defining features of these instruments of international law are much clearer: “Declarations of independence are public pronouncements, issued by individuals or collective bodies alleging to represent peoples (populations) of specific territories, which state that a new state, on that territory, has become independent.”⁸ They are public, and indeed they are customarily *published*, with “a decent Respect to the Opinions of Mankind” and “submitted to a candid World,” in the words of the U.S. Declaration of 1776. They usually speak in the voice of “one People” that seeks “to dissolve the Political Bands which have connected them with another”, as that Declaration also argued. And they almost always assert that the political body or bodies assumed by such a people “are, and of Right ought to be, FREE AND INDEPENDENT STATES” that are able to do all the “Acts and Things which INDEPENDENT STATES may of right do”, as the U.S. Declaration resoundingly concluded.⁹ That Declaration did not explicitly state a territorial claim when it

⁶ For example, the New York state constitution (1777) and the constitution of the short-lived state of Franklin (1784): *The Federal and State Constitutions, Colonial Charters and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America*, ed. Francis Newton Thorpe, 7 vols. (Washington, D.C., 1909), V, pp. 2625–8; “The Constitution of the State of Franklin” (17 December 1784), in Samuel Cole Williams, *History of the Lost State of Franklin* (New York, 1933), p. 339.

⁷ Robert E. McGlone, “Deciphering Memory: John Adams and the Authorship of the Declaration of Independence”, *Journal of American History*, 85(2) (1998): 411–38.

⁸ Aleksandar Pavković, “Self-Determination or Will of the People? Declarations of Independence and the Paradox of ‘Alien-Determined Self-Determination’”, in Matt Qvortrup (ed.), *Nationalism, Referendums and Democracy: Voting on Ethnic Issues and Independence*, 2nd edn. (Milton, MA, 2020), pp. 120–39, at p. 120. More generally, see Jure Vidmar, “Conceptualizing Declarations of Independence in International Law”, *Oxford Journal of Legal Studies*, 32(1) (2012): 153–77; Catherine Frost, *Language, Democracy, and the Paradox of Constituent Power: Declarations of Independence in Comparative Perspective* (New York, 2021).

⁹ “The Declaration of Independence as Adopted by Congress . . .” (4 July 1776), in *The Papers of Thomas Jefferson, I: January 1760 to December 1776*, ed. Julian P. Boyd (Princeton, N.J., 1950), pp. 429–32.

proclaimed the sovereignty of thirteen new states arising out of a baker's dozen of former British colonies. The continuity of boundaries was for the most part only implied, thereby foreshadowing practices in Spanish America that affirmed the principle of *uti possidetis juris* in relation to declarations of independence.¹⁰

The declarations of independence issued since 1776, in the Americas and beyond, have differed greatly in length, in material form, in the presence or absence of justifications for independence, and in their statements of fundamental principles.¹¹ Yet, like any genre, the form of a declaration of independence has remained recognizably stable amid diversity even as it has mutated over time. Since their first appearance, declarations of independence have diagnosed the existence of restrictive imperial or colonial systems and represented resistance against them: as the Trinidadian historian and politician Eric Williams wrote in 1943, “the emergence of the United States on to the stage [of] the nations of the world was itself only accomplished by an overthrow of the colonial system. The spirit of 1776 is still alive today ...”.¹² Along their global journeys, first throughout the Americas and then around the world, declarations of independence shared an identity derived from the law of nations. Their later fortunes would largely be determined by international law, ensuring that, legally at least, “the spirit of 1776” remains alive even now.¹³

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From the beginning, declarations of independence have been Janus-faced instruments. As expressions of popular sovereignty, they have looked inwards to a domestic audience that

¹⁰ Steven R. Ratner, “Drawing a Better Line: *Uti Possidetis* and the Borders of New States”, *American Journal of International Law* 90(4) (1996): 590–624, at 593–5.

¹¹ Though this has changed since 1989: Argyro Kartsonaki and Aleksandar Pavković, “Declarations of Independence after the Cold War: Abandoning Grievance and Avoiding Rupture”, *Nations and Nationalism*, 27(4) (2021): 1268–85.

¹² Eric Williams, “1776 and 1943” (1943), Eric Williams Memorial Collection, Box 151, University of the West Indies, St Augustine; Adom Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination* (Princeton, NJ, 2019), pp. 110–14. My thanks to Prof. Getachew for a copy of Williams’s unpublished speech.

¹³ The following argument draws on but extends beyond David Armitage, “The Declaration of Independence and the Law of Nations”, *William and Mary Quarterly*, 3rd ser., 59(1) (2002): 39–64; Armitage, *The Declaration of Independence: A Global History* (Cambridge, MA, 2007); Armitage, “Declarations of Independence, 1776–2012”, in Armitage, *Foundations of Modern International Thought* (Cambridge, 2013), pp. 215–32.

speaks the language of municipal law or, in the anglophone world, of the common law. As statements of intent to create new polities, endowed with all the rights of independent states or similar international persons, they have also turned outward to a wider world that understands the language of the law of nations or international law. Declarations of independence were necessarily declarations of *interdependence*: accordingly, they have been legally hybrid. They have often spoken two languages at once, either by deploying ambiguous words that translate between different legal languages or by yoking legal terms of art into novel combinations. The primal example, the U.S. Declaration of Independence, did both, in its form as well as its substance. For instance, the “declaration, *narratio*, or count” was, in the words of the greatest English common lawyer of the eighteenth century, Sir William Blackstone, the statement in municipal law “in which the plaintiff sets forth his cause of complaint at length”: the bulk of the 1776 Declaration comprised just such a complaint, listing the colonists’ grievances against King George III and providing a prophylactic against tyranny ever after.¹⁴ Meanwhile, under the law of nations, a declaration meant a public expression of intent addressed to the powers of the earth, such as a declaration of war, which could be made “either by a general manifesto, published to all the world; or by a note to each particular court, delivered by an ambassador”.¹⁵ The Second Continental Congress had issued such a public statement with its “Declaration ... Setting Forth the Causes and Necessity of Taking Up Arms” in the form of a general manifesto in July 1775.¹⁶ A year later, it would publish the Declaration of Independence for domestic consumption in the British colonies and arrange for copies of it to be delivered to the French court. The document used for these two distinct but mutually reinforcing purposes was at once a domestic recounting of complaints legible in the language of the English common law and an international declaration written in the contemporary language of the law of nations.

¹⁴ William Blackstone, *Commentaries on the Laws of England*, 4 vols. (London, 1765–9), III, p. 293; Sydney George Fisher, “The Twenty-Eight Charges Against the King in the Declaration of Independence”, *Pennsylvania Magazine of History and Biography*, 31(3) (1907): 257–303; Danielle Allen, *Our Declaration: A Reading of the Declaration of Independence in Defense of Equality* (New York, 2014), pp. 191–229.

¹⁵ [Robert Plumer Ward,] *An Enquiry into the Manner in which the Different Wars in Europe Have Commenced, During the Last Two Centuries: To which Are Added the Authorities upon the Nature of a Modern Declaration* (London, 1805), p. 3.

¹⁶ “A Declaration ... Setting Forth the Causes and Necessity of Taking Up Arms” (6 July 1775), in *A Decent Respect to the Opinions of Mankind: Congressional State Papers, 1774–1776*, ed. James H. Hutson (Washington, D.C., 1976), pp. 91–7.

For the genre of a declaration of independence to emerge, independence itself had to be established as a key concept in the law of nations. It had become so barely a generation before 1776: its very novelty was one of the reasons why the U.S. Declaration of Independence was generically and nominally unprecedented before July 1776. Earlier documents sometimes cited as proto-declarations of independence, like the 1320 Scots barons' letter to pope John XXII (the so-called "Scottish Declaration of Independence") or the 1581 Dutch *Plakkaat van Verlatinge* or Act of Abjuration (the alleged "Dutch Declaration of Independence"), did not declare "independence" at all: in fact, the *Plakkaat* was substantively a declaration of *dependence*, as Dutch rebels from Spain sought to switch allegiance from one prince to another.¹⁷ The very terms "declaration of independence" and "declaration of independency" cannot be found in English, or their equivalents in any other European language, before 1775.¹⁸ One of the earliest usages pointed to the newly salient significance of the phrase. Writing in Philadelphia in January 1776, the English radical writer Thomas Paine argued in his widely distributed pamphlet, *Common Sense* (1776), that "nothing can settle our affairs so expeditiously as an open and determined declaration of Independence"; up to that point, Paine went on, "the custom of all Courts is against us, and will be so, until by an Independance, we take rank with other Nations".¹⁹ Consciously or unconsciously, Paine couched his advice in the language of the fashionable contemporary Swiss writer on the law of nations, Emer de Vattel (1714–67), whose major work, *Le Droit des gens* (1758), became the most globally influential text in the law of nations before the mid-nineteenth century, though the absence of a Spanish translation until 1820 may have blunted its reception in Spanish America.²⁰

Vattel's *Droit des gens* appeared in English in 1759 and arrived in British North America at least by 1762. It shaped John Adams' thinking about the need to cast off allegiance to Great

¹⁷ David Armitage, "1320, 1776, and All That: A Tale of Two 'Declarations'", *Scottish Historical Review*, 101(Issue Supplement) (2022); Stephen E. Lucas, "The 'Plakkaat van Verlatinge': A Neglected Model for the American Declaration of Independence", in Rosemarijn Hoefte, Johanna C. Kardux, and Hans Bak (eds.), *Connecting Cultures: The Netherlands in Five Centuries of Transatlantic Exchange* (Amsterdam, 1994), pp. 187–207.

¹⁸ Armitage, *Foundations of Modern International Thought*, p. 221.

¹⁹ Thomas Paine, *Common Sense* (Philadelphia, 1776), pp. 77–8.

²⁰ Elisabetta Fiocchi Malaspina, *L'eterno ritorno del Droit des gens di Emer de Vattel (secc. XVIII–XIX): L'impatto sulla cultura giuridica in prospettiva globale* (Frankfurt am Main, 2017); Koen Stapelbroek and Antonio Trampus (eds.), *The Legacy of Vattel's Droit des Gens* (Cham, 2019).

Britain, informed the wording of the 1775 “Declaration ... Setting Forth the Causes and Necessity of Taking Up Arms”, and it was the only book we can be certain was in the hands of the drafters of the 1776 Declaration of Independence.²¹ As Benjamin Franklin wrote to the editor of a new edition of *Le Droit des gens* in December 1775, “the circumstances of a rising state make it necessary frequently to consult the law of nations”. He secured three copies, one of them for the Continental Congress itself, and noted that it “has been continually in the hands of the members of our congress, now sitting”.²² A key lesson that the Continental Congress learned from Vattel was his frequently reiterated contention that nations among nations, or states among states, were distinguished by being “free and independent” (*libres & indépendans*).²³ Before Vattel’s time, independence had smacked of truculence and opposition to natural hierarchy; he was among the agents who changed its meaning positively to refer instead to the autonomy of a political community.²⁴ Joining this idiomatically Vattelian language of sovereign “independence” to the multivalent legal genre of a declaration created the fertile compound known ever after as a declaration of independence.

The U.S. Declaration of Independence was the *Ur*-declaration for the Americas in the nineteenth century and for the world subsequently. In a little over 1300 words, initially confined to a single printed broadside sheet, it initiated the genre of a declaration of independence.²⁵ It comprised many of the elements that would appear in later declarations, in the western hemisphere and beyond. For example, it began with an appeal to the join the “Powers of the Earth” expressed in a spirit of Enlightened publicity and addressed to an imagined community of

²¹ William Ossipow and Dominik Gerber, “The Reception of Vattel’s *Law of Nations* in the American Colonies: From James Otis and John Adams to the Declaration of Independence”, *American Journal of Legal History*, 57(4) (2017): 521–55, at 529, 533, 535–41; Mark Somos, “Vattel’s Reception in British America, 1761–1775”, in Peter Schröder (ed.), *Concepts and Contexts of Vattel’s Political Thought* (Cambridge, 2021), pp. 203–19.

²² Benjamin Franklin to C. G. F. Dumas (9 December 1775), in *The Papers of Benjamin Franklin*, gen. eds. Leonard W. Labaree, et al., 43 vols. to date (New Haven, 1959–<2019>), XXII, p. 287.

²³ Emer de Vattel, *The Law of Nations* (1758), ed. Béla Kapossy and Richard Whatmore (Indianapolis, 2008), p. 68 (l. i. 3); Catherine Frost and Rebekah K. Pullen, “In the Eyes of All Mankind: Interests and Independence in Vattelian Statehood”, *Journal of International Political Theory* (2021): <https://doi.org/10.1177/17550882211036635>.

²⁴ Javier Fernández Sebastián, “La independencia de España y otras independencias. La transformación radical de un concepto en la crisis del mundo hispano”, in Alfredo Avilá, Jordana Dym, and Erika Pani (eds.), *Las declaraciones de Independencia. Los textos fundamentales de las independencias americanas* (México, D.F., 2013), pp. 41–79.

²⁵ *In Congress, July 4, 1776. A Declaration By the Representatives of the United States of America, In General Congress Assembled* (Philadelphia, [1776]); Frederick R. Goff, *The John Dunlap Broadside: The First Printing of the Declaration of Independence* (Washington, D.C., 1976).

mutually recognizing sovereigns. It then laid out the set of normative principles—life, liberty, and the pursuit of happiness; the right of resistance to tyranny; the associated right to instate a new government—before enumerating the charges against the British king that justified resistance against his alleged tyranny. Thomas Jefferson and his co-authors artfully structured the syllabus of crimes in the Declaration in ascending order of gravity, from offences under English common law to those against the law of nations, including violations of the *jus in bello* by “excit[ing] domestic Insurrections” (that is, slave revolts) and attempting “to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare, is an undistinguished Destruction of all Ages, Sexes, and Conditions.”²⁶ The litany would have concluded with the gravest offence of all—the charge that King George III was personally responsible for the transatlantic slave trade—but the Continental Congress omitted this passage. If it had remained, it would have made even clearer to its readers how much the Declaration owed to the contemporary law of nations, especially in its condemnation of the king’s alleged “piratical warfare” against enslaved Africans, “a distant people who never offended him”: that is, the only other “people”, apart from the sovereign people mentioned at the start of the Declaration, and, like them, presumably subject to the law of peoples, or *jus gentium*.²⁷

On this foundation, the U.S. Declaration argued that the colonists’ petitions to redress their grievances had been rebuffed: they “must, therefore, acquiesce in the Necessity, which denounces our Separation” and “solemnly Publish and Declare ... That these United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES”. A document shot through with the contemporary law of nations ended with its most resounding statement of fundamental rights: that is, the rights of states, “[t]o levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do”.²⁸ Ever after that would be what declarations of independence would declare: the hope, the desire,

²⁶ On race and the making of the U.S. Declaration, see Robert G. Parkinson, *Thirteen Clocks: How Race United the Colonies and Made the Declaration of Independence* (Chapel Hill, NC, 2021).

²⁷ “The Declaration of Independence as Adopted by Congress . . .”, in *The Papers of Thomas Jefferson*: I, pp. 429–32; Armitage, *The Declaration of Independence*, pp. 56–8. For George III’s actual knowledge of the *jus gentium* and his views on slavery, see David Armitage, “George III and the Law of Nations”, *William and Mary Quarterly*, 3rd ser., 79(1) (2022): 3–30.

²⁸ “The Declaration of Independence as Adopted by Congress . . .”, in *The Papers of Thomas Jefferson*: I, pp. 429–32.

and ultimately the right of an autonomous group—a people or a nation—to take their place among the powers of the earth as a sovereign community among equal sovereign communities: “by act and right, Free, Sovereign, and Independent States” (*de hecho y de derecho Estados libres, Soberanos é independientes*), as the 1811 Venezuelan declaration of independence later put it.²⁹ In short, the British Americans, like their successors in declaring independence, announced their aim to be deemed “treaty-worthy” partners in a mutating and expanding international realm increasingly defined by the contemporary law of nations.³⁰

The U.S. Declaration of Independence was “performed in the discourse of the *jus gentium*”.³¹ In due course, it soon joined part of the repertoire of the modern law of nations. The Declaration itself had not been sufficient to transform the former “United Colonies” of British America into independent states: that would demand French military and commercial assistance, Dutch loans, military alliances, the defeat of the British war strategy on land and sea, and ultimately British recognition of American independence in the Peace of Paris (1783). Thereafter, the Declaration was included alongside treaties, diplomatic manifestoes, and the U.S. Articles of Confederation in the collections of European publicists such as Charles Jenkinson’s 1785 British treaty collection or Georg Friedrich von Martens’s *Précis du droit des gens* (1789).³² The stage was set for the Declaration’s bifurcated reception history. Once its work was done in helping to secure American independence, in the Vattelien sense of the sovereignty of states among states, the Declaration’s descent from the law of nations would be overlooked within the United States and the promises of its second paragraph—“Life, Liberty, and the Pursuit of Happiness”—accentuated instead.³³ Outside the United States, the opening and closing paragraphs—the

²⁹ “Acta de Independencia” (5 July 1811), in *Interesting Official Documents Relating to the United Provinces of Venezuela* (London, 1812), pp. 16, 17.

³⁰ Eliga H. Gould, *Among the Powers of the Earth: The American Revolution and the Making of a New World Empire* (Cambridge, MA, 2012), pp. 1–13.

³¹ J. G. A. Pocock, “Political Thought in the English-Speaking Atlantic: I, The Imperial Crisis”, in Pocock (ed.), *The Varieties of British Political Thought, 1500–1800* (Cambridge, 1995), p. 281.

³² Charles Jenkinson, *A Collection of All the Treaties of Peace, Alliance, and Commerce between Great-Britain and Other Powers, From the Treaty Signed at Munster in 1649, to the Treaties Signed at Paris in 1783*, 3 vols. (London, 1785), III, pp. 237–41; Georg Friedrich von Martens, *Summary of the Law of Nations, Founded on the Treaties and Customs of the Modern Nations of Europe*, trans. William Cobbett (Philadelphia, 1795), p. 362.

³³ Eric Slauter, “The Declaration of Independence and the New Nation”, in Frank Shuffelton (ed.), *The Cambridge Companion to Thomas Jefferson* (Cambridge, 2009), pp. 12–30.

appeals to “the Opinions of Mankind”, the enumeration of the rights of states rather than individuals—became the most influential.³⁴

The subsequent history of declarations of independence, in the Americas and beyond, revealed the modularity of the U.S. Declaration. Its various elements could be detached from one another, remixed, and combined with other features according to legal contexts and political needs. For example, the Declaration’s enumeration of rights inspired no imitations in the western hemisphere: truths that were “self-evident” to former British Americans were clearly not so obvious to settlers, creoles, and self-emancipated peoples in French, Spanish, and Portuguese America or the Caribbean. (A lost Haitian declaration of independence of 1803, allegedly modelled on Jefferson’s text, may have been an exception, but even that seems quite unlikely.)³⁵ By contrast, lists of grievances stated as facts in support of autonomy appeared in some of the earliest Spanish American *actas de independencia*, from Venezuela (1811), Cartagena (1811), and New Granada (1811), though later *actas* tended to avoid them.³⁶ The Vattelien assertions of free and independent statehood were transmitted either through the U.S. example or through the broader tradition of modern natural law to appear in the declarations from Venezuela, the United Provinces of the Rio de la Plata (1816), and Chile (1818), for instance.³⁷ Despite the efforts of Spanish American authorities to prevent its circulation, translations of the U.S. Declaration into Spanish did penetrate South and Central America. Those versions appeared in textbooks of revolution produced by exiles such as Manuel Garcia de Sena and Vicente Rocafuerte in Philadelphia, who bundled the Declaration—“the true political decalogue” (*el verdadero decálogo político*), according to Rocafuerte—variously with translations of North American constitutions, selections from Thomas Paine, and other inflammatory documents.³⁸ In this way,

³⁴ Armitage, *The Declaration of Independence*, pp. 112–23.

³⁵ Thomas Madiou, *Histoire d’Haïti* (1847–8), 8 vols. (Port-au-Prince, 1989–91), III, pp. 144–5; David Geggus, “Haiti’s Declaration of Independence”, in Julia Gaffield (ed.), *The Haitian Declaration of Independence: Creation, Context, and Legacy* (Charlottesville, 2016), pp. 33–4.

³⁶ Armando Martínez Garnica, “Las declaraciones de independencia en Venezuela y la Nueva Granada”, Alejandro San Francisco, “Chile y su independencia. Los hechos, los textos y la declaración de 1818”, and Marcela Ternavasio, “Las laberintos de la libertad. Revolución e independencias en el Río de la Plata”, in Avilá, Dym, and Pani (eds.), *Las declaraciones de la Independencia*, pp. 155–82, 183–212, 213–40.

³⁷ Compare Jaime E. Rodríguez O., “Sobre la supuesta influencia de la independencia de los Estados Unidos en las independencias hispanoamericanas”, *Revista de Indias*, 70(250) (2010): 691–714.

³⁸ *La independencia de la Costa Firme justificada por Thomas Paine treinta años há*, trans. Manuel García de Sena (Philadelphia, 1811), pp. 157–62; [Vicente Rocafuerte,] *Ideas necesarias á todo pueblo americano independiente*,

what was initially a distinctively *Norteamericano* document of the law of nations was by the second decade of the nineteenth century a truly pan-American genre, spanning North, Central, and South America, as well as the Caribbean. It was thereby already on its way to becoming a global instrument of international law well beyond its matrix in the Americas.

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The variety of declarations of independence in the Americas is as striking as their similarity. Independence was the quality of far more forms of political community than in the era of the triumph of the nation-state after 1945. In the Americas' earlier age of imperial revolutions, the redistribution of authority was more often at stake than any teleology of modern statehood. The profusion of *actas de independencia* issued by Spanish America's municipal councils, regional *juntas*, cities, provinces, and kingdoms during the late 1810s and 1820s drew on Spanish understandings of sovereignty as residing in the autonomy of specific *pueblos* before it became imagined as residing in particular nations or states. Independence could be declared on behalf of political communities from local *ciudades*, *pueblos*, and *naciones* to states and grand federations, foreshadowing a later mid-twentieth-century age of anti-colonial "worldmaking" populated by multifarious imagined communities.³⁹ The vehicles for such pronouncements were equally variegated. In the anglophone world, they were characteristically "declarations" in the double sense that marked them as hybrids of municipal law and the law of nations. The first such documents to appear after 1776 sprang from Saint-Domingue in 1803–4, where they followed French documentary protocols and were called *actes* or *proclamations*.⁴⁰ In Spanish America, similarly, they were rarely dubbed *declaraciones* but instead called *actas*.⁴¹ Throughout the Americas, such documents appeared alongside, folded into, or in the guise of manifestos, those

que quiera ser libre (Philadelphia, 1821), pp. 3 (quoted), 103–11; Danielle Zaslavsky, "Las traducciones de la declaración de independencia de Estados Unidos de América en Hispanoamérica", in Avilá, Dym, and Pani (eds.), *Las declaraciones de la Independencia*, pp. 414–21.

³⁹ Jeremy Adelman, "An Age of Imperial Revolutions", *American Historical Review*, 113(2) (2008): 319–40; Getachew, *Worldmaking after Empire*.

⁴⁰ David Geggus, "La declaración de independencia de Haití", in Avilá, Dym, and Pani (eds.), *Las declaraciones de la Independencia*, pp. 121–31; Gaffield (ed.), *The Haitian Declaration of Independence*.

⁴¹ *Las Actas de Independencia de América*, ed. Javier Malagón (Washington, D.C., 1955).

public justifications by sovereign agents of their most disruptive actions: war, revolution, and even secession.⁴² These different names reflected distinct genres of legal utterance but they all had the claim to independence/*indépendance*/*independencia* as their common conceptual core and ultimate goal.

Across the Americas, insurgents against empire, whether British, French, or Spanish, used declarations of independence to transform civil wars into international conflicts. As Thomas Paine reminded British Americans in 1776, “we must in the eyes of foreign Nations be considered as Rebels” until they had declared their independence and could be considered potential partners for international alliances.⁴³ Writing in 1812, the Mexican independence leader José María Cos likewise aimed to change a civil “war between Europeans and Americans” (*guerra entre europeos y americanos*) into one conducted under the “law of nations and of war” (*[l]os derechos de gentes y de guerra*) by asserting New Spain’s sovereign equality with metropolitan Spain.⁴⁴ Four years later, in April 1816, José de San Martín similarly advised the congress convened in Tucumán to declare independence swiftly: “Our enemies, and with good reason, treat us as insurgents, while we declare ourselves vassals. You can be sure no-one will aid us in such a situation”.⁴⁵ Rebels could not become legitimate belligerents unless external powers acknowledged their independence. That claim to independence and the quest for recognition were directed toward a fundamental transformation in the legal norms relevant to their situation. Struggles conducted under domestic law, and hence treated by their imperial masters as illegitimate rebellions to be suppressed, if necessary by force, had to be pursued instead under the law of nations and, hence, the laws of war. Declarations of independence, themselves written in the language of *jus gentium*, were to be the instruments of that legal transmutation.

The practice of declaring independence was a distinctive achievement of Creole political and legal thought in the Americas.⁴⁶ It became routine, first in the western hemisphere and then

⁴² Martin Puchner, *Poetry of the Revolution: Marx, Manifestos, and the Avant-Gardes* (Princeton, NJ, 2006).

⁴³ Paine, *Common Sense*, pp. 148–56.

⁴⁴ José María Cos, “Plan de guerra” (10 June 1812), in *Textos insurgentes (1808–1821)*, ed. Virginia Guedea (México, D.F., 2007), pp. 52–5.

⁴⁵ José de San Martín to Tomás Godoy Cruz (12 April 1816), quoted in John Lynch, *San Martín. Soldado argentino, héroe americano*, trans. Alejandra Chaparro (Barcelona, 2009), 131.

⁴⁶ Joshua Simon, *The Ideology of Creole Revolution: Imperialism and Independence in American and Latin American Political Thought* (Cambridge, 2017).

more generally across the world, when the common legal culture of Spanish America fused with the continent's emerging public spheres to generate ritualized forms of political proclamation in the 1810s and 1820s. In the quarter-century after Britain's acknowledgement of American independence by the Peace of Paris (1783), only a handful of further declarations had been issued, from Vermont (1777) and Haïti (1803–4) in the Americas and, back in Europe, from the Austrian province of Flanders (1790). In hindsight, both Vermont and Haïti may be said to have represented false starts. Vermont's was the first act of secession from a territory that had itself seceded, as its inhabitants declared in January 1777 their independence of both New York state and Great Britain; they did not join the United States until 1791.⁴⁷ Meanwhile, Haïti's declaration of 1 January 1804 marked the end, not the beginning, of the process of independence; it was initially spoken rather than printed;⁴⁸ and it was the *third* instance of such a declaration, after another issued in November 1803 in the name of Saint-Domingue (not yet Haïti), and the rejected declaration possibly patterned more closely on the U.S. document.⁴⁹ The resistance the so-called "civilized" nations showed towards recognizing Haïti's independence for fifty years after its declaration would later starkly expose "the implicit racialized thinking in international law" during the nineteenth century.⁵⁰

The first great wave of declaring independence would not appear until after Napoleon's invasion of Iberia in 1808 triggered the "Atlantic crisis" of the Spanish Monarchy.⁵¹ This movement confirmed and propelled the legal tradition of declaring independence by repetition, imitation, and (mostly) successful consummation in the decades between 1810 and the early 1840s. The collapse of the Bourbon monarchy in Spain after the French invasion was held to have returned sovereignty to the various American kingdoms. These kingdoms elected representatives

⁴⁷ *Records of the Governor and Council of the State of Vermont*, ed. E. P. Walton, 8 vols. (Montpelier, VT, 1873–80), I, pp. 40–4 (15 January 1777); Peter S. Onuf, "State-Making in Revolutionary America: Independent Vermont as a Case Study", *Journal of American History*, 67(4) (1981): 797–815.

⁴⁸ Haitian Declaration of Independence (1 January 1804), The [British] National Archives, Kew, CO 137/111, fols. 113–17: <http://www.nationalarchives.gov.uk/documentsonline/haiti.asp>.

⁴⁹ Geggus, "Haïti's Declaration of Independence", pp. 35–7; Geggus, "La declaración de independencia de Haïti".

⁵⁰ Julia Gaffield, "The Racialization of International Law after the Haitian Revolution: The Holy See and National Sovereignty", *American Historical Review*, 125(3) (2020): 841–68, at 844.

⁵¹ José M. Portillo Valdes, *Crisis atlántica. Autonomía e independencia en la crisis de la monarquía hispana* (Madrid, 2006); Portillo Valdes, "Emancipación sin revolución El pensamiento conservador y la crisis del Imperio atlántico español", *Prismas. Revista de historia intelectual*, 20(2) (2016): 139–52.

to the Spanish Cortes from 1810 to 1814 and were included in the nation whose sovereignty was enshrined in the 1812 Constitution of Cadiz. In this liminal period, exiting empire and securing independence in the Vattelian sense were not the primary goals, as most of the kingdoms' "leaders demanded *equality* rather than *independence*: They sought *home rule* not *separation* from the Spanish Crown".⁵²

Venezuela would be the main exception to this general trend in Spanish America. A General Congress had initially sworn allegiance to King Ferdinand VII in March 1811 but by July of that year, more radical forces presented an *acta de independencia* for consideration on 5 July 1811. Congress ratified it two days later and the *acta* was published on Bastille Day, 1811, as if to symbolize the convergence of French revolutionary doctrines of popular sovereignty with the American genre of a declaration of independence. The Venezuelan declaration followed the American model more closely than any other example from Spanish America, in its substance, its sequencing, and its assertion of statehood as independence. It presented "the authentic and well-known facts" of the disorders that had afflicted the Spanish Monarchy since 1808 to argue that the contractual basis of the captaincy-general's relationship with Spain had been sundered. Because Venezuela had been denied proper representation, war had been declared against it, and other indignities visited upon it, its freedom and independence "to take amongst the powers of the earth the place of equality which the Supreme Being and Nature assign to us" could now be recovered. The representatives therefore "declare[d] solemnly to the world, that [Venezuela's] united Provinces are, and ought to be, from this day, by act and right, Free, Sovereign, and Independent States" with the power "to do and transact every act, in like manner as other free and independent States."⁵³

Subsequent Latin American declarations retained the assertion of sovereignty without any extensive cataloguing of grievances—a justification often left to manifestoes that accompanied or succeeded the *actas de independencia*—or abstract justifications for rebellion or separation. In this way, for instance, the United Provinces of the Rio de la Plata (Argentina) proclaimed in July 1816 that they were "a nation free and independent of King Ferdinand VII"

⁵² Jaime E. Rodríguez O., *The Independence of Spanish America* (Cambridge, 1998), p. 2.

⁵³ "Acta de Independencia" (5 July 1811), in *Interesting Official Documents Relating to The United Provinces of Venezuela*, pp. 3–21.

(*una Nación libre e independiente del Rey Fernando Séptimo*) in language drawn from the American Declaration that affirmed the rectitude of their intentions and pledged themselves to the protection of their lives, properties, and honour.⁵⁴ Eighteen months later, Chile's terse independence proclamation (1 January 1818), likewise stated that "the Continental Territory of Chile, and its adjacent Islands, form in fact and right, a free, independent and sovereign State" (*de hecho y por derecho un Estado libre, Independiente y Soberano*).⁵⁵

By adopting crucial parts of the language and often the structure of the U.S. Declaration, these Spanish-American *actas* established declarations of independence as a robust yet flexible genre. In this manner, the Texas Declaration of Independence (2 March 1836) affirmed the necessity of "severing our political connection with the Mexican people, and assuming an independent attitude among the peoples of the earth" as "a free, sovereign, and independent republic".⁵⁶ These Anglo settlers did succeed in seceding from another people who had declared their independence, as Mexico had done in a series of oral and written pronouncements, including the famed *Grito de Dolores* (16 September 1810), culminating in the "Act of Independence of the [Mexican] Empire" (28 September 1821), almost uniquely before the twentieth century.⁵⁷ Another exception to prove the emerging rule of declaring independence from the same moment was Brazil. In this case, Brazil had been effectively independence of its metropolis since 1808. Portugal had declared its independence of its colony in December 1820, long before the Portuguese prince Dom Pedro I exclaimed his desire for "Independence or Death" beside the Iparanga river in September 1822.⁵⁸

⁵⁴ "Acta de independencia de las Provincias Unidas del Rio de la Plata" (9 July 1816), in *Registro nacional* (Argentina), 7 (Buenos Aires, 1816), pp. 366–7; Gabriel Entin (ed.), "Dossier: La independencia de 1816 más allá del Río de la Plata", *Prismas. Revista de historia intelectual*, 20(2) (2016): 131–253.

⁵⁵ "Proclamación de la independencia política de Chile" (1 January 1818), in *Documentos para la historia de la vida pública del libertador de Colombia, Péru y Bolivia*, ed. José Félix Blanco, 14 vols. (Caracas, 1875–7), VI, pp. 238–9; San Francisco, "Chile y su independencia"; Armando Cartes Montory, "La Declaración de La Independencia de Chile. Una aproximación desde el Bicentenario", *Revista Libertador O'Higgins*, 238 (2018): 70–118.

⁵⁶ "The Unanimous Declaration of Independence Made by the Delegates of the People of Texas" (2 March 1836), in *The Papers of the Texas Revolution, 1835–1836*, gen. ed. John H. Jenkins, 10 vols. (Austin, TX, 1973), IV, pp. 493–7.

⁵⁷ Carlos Herrejón Peredo, "Versiones del grito de dolores y algo más", *20/10. Memoria de las revoluciones de México*, 5 (2009): 39–53; Alfredo Ávila and Erika Pani, "De la representación al grito, del grito al acta. Nueva España, 1808–1821", in Ávila, Dym, and Pani (eds.), *Las declaraciones de Independencia*, pp. 275–95.

⁵⁸ *Manifeste de la nation portugaise aux souverains et aux peuples de l'Europe* (15 December 1820) (Lisbon, 1821); Kenneth Maxwell, *Naked Tropics: Essays on Empire and Other Rogues* (London, 2003), pp. 152–6.

A profusion of opportunistic sub-sovereign agents in the early nineteenth-century Americas such as filibusters, freelancing revolutionaries, and self-styled liberators ironically affirmed the long-term viability of declarations of independence.⁵⁹ These plotters against empire variously directed their schemes against Spain, towards the expansion of the United States, or with the aim of seeding republicanism: in many cases, declarations of independence were their preferred instruments of unsettlement. After the crisis of the Spanish Monarchy, conspirators from the United States fomented secession in Spanish Florida, Louisiana, and Texas after 1810, for example by declaring the independence of the first “lone-star state”, West Florida (26 September 1810), of the *República de las Floridas* in 1817, or of the *República Boricua* in present-day Puerto Rico in October 1822.⁶⁰ Such declarations of independence are now forgotten, not least because they were not declared by, but rather on behalf of, groups who might not even have known they wanted to exit empire: the declarers often had other, more self-interested, motives.⁶¹ Before cascading fissiparousness characterized Central America and the Rio de la Plata, various *pueblos* in Mexico deployed Spanish legal traditions to declare the independence of the “provincia de Texas” (8 April 1813), as later did the settlers who, along with local Cherokees, proclaimed the ephemeral republic of Fredonia in what is now Texas (21 December 1826).⁶² Even these declarations, both sincere and insincere, that did not lead to the successful formation of states confirmed the explosive potential of the legal language of independence in the Americas.

⁵⁹ Vanessa Mongey, *Rogue Revolutionaries: The Fight for Legitimacy in the Greater Caribbean* (Philadelphia, 2020).

⁶⁰ “The [West Florida] Declaration of Independence” (26 September 1810), in Stanley Clisby Arthur, *The Story of the West Florida Rebellion* (St Francisville, LA, 1935), pp. 113–14; *La República de las Floridas: Texts and Documents*, ed. David Bushnell (México, D.F., 1986); Mongey, *Rogue Revolutionaries*, pp. 83–108.

⁶¹ David Shields, “‘We Declare You Independent Whether You Wish It or Not’: The Print Culture of Early Filibusterism”, in Caroline Fuller Sloat (ed.), *Liberty! Égalité! ¡Independencia!: Print Culture, Enlightenment, and Revolution in the Americas, 1776–1838* (Worcester, Mass., 2007), pp. 13–39.

⁶² “Acta de independencia de la provincia de Texas” (8 April 1813), Archivo General de la Nación, México, Operaciones de Guerra, v. 23, fols. 9–13; Virginia Guedea, “Autonomía e independencia en la provincia de Texas”, in Guedea (ed.), *La independencia de México y el proceso autonomista novohispano, 1808–1824* (México, D.F., 2001), pp. 135–83; Arturo Chang, “Languages of Transnational Revolution: ‘Republicans of Nacogdoches’ and Ideological Code-Switching in the U.S.-Mexican Borderlands”, *Contemporary Political Theory* (2021): <https://doi.org/10.1057/s41296-021-00527-4>; “Declaration of the Republic of Fredonia” (21 December 1826), quoted in Andres Reséndez, *Changing National Identities at the Frontier: Texas and New Mexico, 1800–1850* (Cambridge, 2005), p. 44.

The last major wave of declarations of independence in the Americas sprang from the seedbed of the genre itself: that is, from within the boundaries of the United States but as an assault on its integrity and political personality under international law. These were the declarations and ordinances of secession issued by the states of the Confederacy in 1860–1. Those documents went back behind the federal union of 1788–9 to assert that the founding compact of the United States had been broken and that, thereby, the Confederate states could reclaim the freedom and independence—in short, the sovereignty—that had pooled in agreeing to the U.S. Constitution. They did so in precisely the Vattelian language of the law of nations the 1776 Declaration had employed. In this manner, South Carolina’s Declaration of Secession (20 December 1860) argued that the thirteen colonies, then states, had retained their individual sovereignties which Britain had acknowledged at the Peace of Paris in 1783: “each Colony became and was recognized by the mother Country as a FREE, SOVEREIGN AND INDEPENDENT STATE”. By asserting its residual right of self-government and legitimate resistance to tyranny by seceding from the Union, South Carolina “*resumed* her position among the nations of the world, as a separate and independent State; with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all the other acts and things which independent States may of right do”. The following year Tennessee issued a similar Declaration of Independence and Ordinance of Secession (6 May 1861), while the last state to secede, Kentucky, also declared itself to be a “free and independent state” on 20 November 1861.⁶³ By using the language, the conclusions, and often the structure of the U.S. Declaration of 1776, these illicit ordinances affirmed by negation its fundamental originary contribution to the legal procedure of declaring independence in the Americas and globally.

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⁶³ “Declaration of the Immediate Causes which Induce and Justify the Secession of South Carolina from the Federal Union” (20 December 1860), in *Journal of the Convention of the People of South Carolina, Held in 1860, 1861 and 1862* (Columbia, SC, 1862), pp. 461–6 (my emphasis); *The War of the Rebellion*, 70 vols. (Washington, D.C., 1880–1901), 4th ser., I, pp. 290 (Tennessee), 741 (Kentucky); Stephen C. Neff, *Justice in Blue and Gray: A Legal History of the Civil War* (Cambridge, MA, 2010), pp. 9–11.

Declarations of independence had originated in the Americas from the language of the law of nations. The U.S. Declaration of Independence inaugurated a genre that might have expired if it had not been propagated so intensively in the Caribbean and Spanish America during the Age of Revolutions, thereby proving its flexibility and ensuring its durability. In British and Spanish America, declarations of independence were initially anti-imperial documents, directed towards what would later come to be called decolonization; in Haïti, they revealed their potential for an even more fundamental form of emancipation from chattel slavery. Across the Americas, from New England in the north to Chile in the south, declarations of independence announced the secession of formerly dependent peoples—settler, creole, and enslaved—their liberation from external powers, their control of formerly dependent territory, and their acquisition or recovery of sovereignty out of dependence or subordination, whether individual or collective. They also facilitated new forms of “anti-imperial imperialism” out of the ashes of colonial empires controlled from Europe.⁶⁴ And they did so with the aim of creating novel juridical bodies within political spaces formerly claimed by colonial authorities by a ritual utterance of performative sovereignty.⁶⁵ In all these ways, American declarations of independence set the terms for similar declarations down to our own time, not least by recasting the traditionally malleable and mysterious act of political founding into a recognizably “legal phenomenon”.⁶⁶

Declarations of independence comprise one of the Americas’ most enduring and flexible contributions to the history of international law. But only one. Convincing claims can be made for the primacy and durability of other norms first established in the Americas or in reaction to developments there: for example, those norms regarding the recognition of new states, the doctrine of *uti possidetis juris*, and the Montevideo criteria for statehood. Yet each of these American inventions of international law can be linked to the initial innovation of declarations of independence. Before the late eighteenth century, protocols for state recognition mostly applied

⁶⁴ Simon, *The Ideology of Creole Revolution*; Pilar González Bernaldo de Quirós, “La Independencia argentina desde una perspectiva global: soberanía y derecho internacional”, *Prismas. Revista de historia intelectual*, 20(2) (2016): 245–56.

⁶⁵ Lucas Knotter, “Why Declare Independence? Observing, Believing, and Performing the Ritual”, *Review of International Studies*, 47(2) (2021): 252–71.

⁶⁶ Frost, *Language, Democracy, and the Paradox of Constituent Power*, p. 17 (my emphasis); Edgar Illas, “Global War, Popular Referendums, and (Non-)Declarations of Independence”, *Angelaki: Journal of the Theoretical Humanities*, 26(5) (2021): 88–100, at 88–91.

to succession not secession: that is, to contested instances of dynastic legitimacy rather than the creation of new states or the restoration of a subsumed sovereignty. Vattelian claims to free and independent statehood on behalf of the United States and for later polities breaking away from the French and Spanish empires forced the pace of innovation, especially with regard to declaratory rather than constitutive recognition.⁶⁷ When a declaration of independence did lead to the successful assertion of sovereignty and its recognition by the other powers of the earth, it was often within territorial borders established under colonial rule: such continuity of territory rested on the principle of *uti possidetis, ita possidetis*—"as you possess, so shall you possess"—another juridical innovation from the revolutionary Americas, specifically from Spanish America after 1815.⁶⁸ On that basis, post-colonial states, like "all nations have the right to claim and, according to the Declaration of Independence of the United States, 'to assume, among the Powers of the Earth, the separate and equal station to which the laws of nature and of nature's God entitle them'", as the American Institute of International Law asserted in its 1916 "Declaration of the Rights and Duties of Nations".⁶⁹ In due course, the definition of statehood itself under international law would be codified in line with yet another legal invention from South America, the criteria established by the Montevideo Convention of 1933: a permanent population; a defined territory; government; and the capacity to enter into relations with other states.⁷⁰

All these innovations in international law from the region—state recognition; *uti possidetis*; the AAIL "Declaration"; the Montevideo criteria—might be said to have depended on the success of declarations of independence in establishing sovereignty, territory, and international personality as central subjects for international law, first in the Americas and then

⁶⁷ C. H. Alexandrowicz, "The Theory of Recognition *in fieri*" (1958), in Alexandrowicz, *The Law of Nations in Global History*, eds. David Armitage and Jennifer Pitts (Oxford, 2017), pp. 354–74.

⁶⁸ Mikulas Fabry, *Recognizing States: International Society and the Establishment of New States Since 1776* (Oxford, 2010), pp. 23–78.

⁶⁹ American Institute of International Law, "Declaration of the Rights and Duties of Nations" (6 January 1916), in James Brown Scott, *The American Institute of International Law: Its Declaration of Rights and Duties of Nations* (Washington, D.C., 1916), p. 88; Juan Pablo Scarfi, *The Hidden History of International Law in the Americas: Empire and Legal Networks* (Oxford, 2017), pp. 49–50.

⁷⁰ "Montevideo Convention on the Rights and Duties of States" (26 December 1933), League of Nations, *Treaty Series*, 135 (1936): 21–31; Arnulf Becker Lorca, *Mestizo International Law: A Global Intellectual History 1842–1933* (Cambridge, 2016), pp. 327–52.

more generally. More recently, the likely success of a declaration depends reciprocally on the effectiveness of the authority issuing it according to the Montevideo criteria.⁷¹ In all these respects, declarations of independence were not just characteristic products of the law of nations in the Americas: they were fundamental to the Americas' entire contribution to the global history of international law.

Further Reading

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Joshua Simon, *The Ideology of Creole Revolution: Imperialism and Independence in American and Latin American Political Thought* (Cambridge, 2017).

⁷¹ Vidmar, "Conceptualizing Declarations of Independence in International Law", 159.