

A Confederation of Failures

Capstone Experience for Advanced Studies

Charles Collis

American College of Education

A Confederation of Failures

Throughout the course of history, the United States has been a great example of government. It has provided many lessons about systems of government that are available to nations as new countries determine their layout or current nations are making a transition in their government system. The most common models include a confederation, federation, and a unitary system. A unitary system is utilized throughout the world in countries that are smaller and homogenous, making it easy for a national government to manage their people through one set of rules. The federal system tends to work better with nations that are larger in size and population, especially when the population is diverse. The shared powers in a federal system amongst the varying levels of government helps manage the large and diverse population. The last system, the confederation or confederal grants strength and sovereignty to the state or province level governments as the central government is provided few powers. The United States has demonstrated the failure of this system throughout their history. Although considered by many a strong system of government that protects the people through a weak central government, the United States has proven the confederal system does not work because the Articles of Confederation failed shortly after the Revolutionary War, the Confederate States of America were unable to sustain themselves, and the United Nations has failed as a world leader because it lacks sovereignty.

The Articles of Confederation became the first document to guide the United States of America, but the system of government failed the needs of the country. The founding fathers initially created a weak central government because they feared a similar situation to that of Great Britain. A king or executive leader that abused power and stepped on the rights of the individual. Unfortunately under the Articles, the national government was created without enough power. Cooter and Siegel mentioned, (2010) “Under the Articles of Confederation, Congress lacked the power to protect the states from military warfare waged by foreigners and from commercial warfare waged by one another”(p. 117). Larger states were taking advantage of smaller states in regards to commercial interactions and the central government could not regulate it. In addition, there was no standing army under the initial government and it was nearly impossible to fund it. The central government relied on funding from the states and the states were not obligated to fund or send troops because they were sovereign. Chandler stated, (1990) “Congress lacked both an independent source of revenue and the executive machinations to work its will directly upon individuals”(p. 435) The congress was unable to collect taxes from the states, therefore making wartime extremely difficult because the Continental Army was malnourished, lacked munitions and other supplies. The confederation style of government placing sovereignty in the state governments, failed the U.S. and soon after the Revolutionary War they began to push for a new Constitution. The idea of a confederacy did not disappear in the U.S. as 70 years later, the southern states seceded and created the Confederate States of America.

The Confederate States of America were formed following the election of Abraham Lincoln, but again, this style of government was unable to support the states. Initially seven states from the lower south seceded and after the incident at Fort Sumter, four more states from the Upper South seceded. The newly formed government would be led by Jefferson Davis, former senator of Mississippi, but the government would be unable to handle all of the issues. According to Hall, (2017) “One prominent scholar has recently affirmed that Confederate drafters “reviv[ed] . . . the model of state and federal powers embodied in the Articles [of Confederation]”(p. 264) Adjustments were made to the new Confederate Constitution, which included guaranteeing the institution of slavery, but similar issues faced under the Articles continued. A confederation grants sovereignty to the state government, above the central government, and this issue reared itself again. Patton mentioned, (1975) “The citizens of the Confederacy were more loyal to their local communities and states than they were to the central government”(p. 359). Again loyalty was owed to the state, just as the main military unit in the south was called the Army of Northern Virginia. Robert E. Lee from Virginia, became the commander of the army and it gained a title showing loyalty to the state. The final issue that was similar to the Articles of Confederation, Patton mentioned, (1975) “its governments are unable to mobilize resources” (p. 356). Its governments is a reference to the CSA as well as the eleven state governments that were sovereign and unable to muster up the necessary resources for the war. This does not necessarily mean that they couldn’t provide the resources to win the war, but more so just provide the basic necessities to fight the war on a daily basis. The creation of the

United Nations was almost 100 years later and similar problems exist in the U.N. confederation today because the same system of government was established.

The United Nations was formed in 1945 following World War II and it established a confederation style of government that was made up of nation-states. Similar to the Articles of Confederation and the Confederate States of America, the nation states are sovereign and the laws created by U.N. need not be enforced or followed because the central government is weak. For example, the U.S. has been a part of an international treaty as Tackeff states, (2018) “the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988” (p. 255). This treaty includes cannabis, but the multiple states in the U.S. have legalized cannabis. United States federal law still maintains that cannabis is an illegal substance, but they are not enforcing it as many states such as Washington, Colorado and Massachusetts have legalized. Tackeff continues to discuss, (2018)” the treaties were founded on the assumption that their adoption would decrease consumption. It is well settled that the treaties have effectively failed”(p. 266). Upholding laws of the world will always come second to a nation states’ priorities. The laws and interests of the United States will take precedence over the U.N.

The confederation is a model of government that has failed within the U.S. multiple times. Currently as a member of the United Nations, the confederation style of government is failing the world, but more so because the priorities of the nation state always come first. The confederation system appears in theory and reads on paper as a logical model type, but in action

it fails to protect the country because state sovereignty will always supersede the central government leaving it powerless. A loose knit alliance, as once the Articles of Confederation referred to the 13 states, sounds fancy and may guarantee some individual rights, but it certainly lacks the unity needed to keep a nation together. A strong central government provides the necessary military and economic protections that are needed to perform the daily functions of a government.

References

- Chandler, R., (1990) Public Administration Under the Article of Confederation. *Public Administration Quarterly*. (4) 13, 433-450. Retrieved from <http://eds.a.ebscohost.com/eds/pdfviewer/pdfviewer?vid=4&sid=b84fa7c0-6ad1-4af9-9ec5-842784180ac2%40sdc-v-sessmgr01>
- Cooter, R., Siegel, N., (2010) Collective Action Federalism: A General Theory of Article I, Section 8. *Stanford Law Review*. (1) 63, 115-185. Retrieved from <http://eds.a.ebscohost.com/eds/pdfviewer/pdfviewer?vid=6&sid=b84fa7c0-6ad1-4af9-9ec5-842784180ac2%40sdc-v-sessmgr01>
- Hall, A., (2017) Reframing the Fathers' Constitution: The Centralized State and Centrality of Slavery in the Confederate Constitutional Order. *The Journal of Southern History*. (2) 83, 255-296. Retrieved from DOI: 10.1353/soh.2017.0081
- Patton, C., (1975) Budgeting Under Crisis: The Confederacy as a Poor Country. *Administrative Quarterly*. (3) 20, 355-370. Retrieved from <http://eds.a.ebscohost.com/eds/pdfviewer/pdfviewer?vid=1&sid=4c44cbc4-189a-417c-aebd-8eb43be5c3b1%40sessionmgr4006>
- Tackeff, M., (2018) Constructing a 'Creative Reading'. Will US State Cannabis Legislation Threaten the Fate of the International Drug Control Treaties? *Vanderbilt Journal of Transnational Law*. (1) 51, 247-296. Retrieved from <http://eds.b.ebscohost.com/eds/pdfviewer/pdfviewer?vid=6&sid=d1f76b3b-5117-4531-95eb-12382c629e40%40pdc-v-sessmgr05>