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Non-Centralized versus Federal Systems,
The Articles of Confederation
Versus the Constitution

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WOULD THE ARTICLES OF CONFEDERATION HAVE BEEN INFERIOR TO THE CONSTITUTION?

The praise lavished upon the framers of the Constitution is well deserved. Who can read The Federalist Papers or the Constitutional debates or the letters of the Founding Fathers without feeling they are in the presence of great and eloquent minds? But the framers were also, as they loved to say about all men, self-interested. In order to justify their radical change from anything that had gone before—a political framework at once national in giving the central government direct coercive authority over individual citizens, and yet federal in leaving state governments with fundamental police powers—they argued that conditions under the previous form of government, the Articles of Confederation, were considerably worse than they appear to have been. Without denying the genius of an Alexander Hamilton in arguing that the threat to liberty came, not as commonly supposed, from an overbearing central executive but rather from its weakness, or the extraordinary creativity of a James Madison in arguing that it was not an overly large republic that would, as most educated people believed, disintegrate into warring factions but rather the converse, namely, the large and compound republic that would provide the antidote to the poisons of faction, the question remains whether Americans might have developed differently and perhaps in some respects better if they had continued to be ruled by the totally non-centralized political system organized under the Articles of Confederation. Indeed, it is part of
my argument that both then and now a non-centralized political system was the most radical break with what had gone before and after in the world's political systems.

It will not be difficult to show that government under the Articles of Confederation, though imperfect in many respects, was quite satisfactory in others and that the condition of the people recovering from a lengthy and debilitating war was about as good as might be expected. It is true that the management of the Revolutionary War by the Continental Congress, also a non-centralized political system, left much to be desired, especially in the financial realm. Yet it is easy to forget that the war was won by this noncentralized system and that it triumphed over a highly centralized opponent. One should resist the temptation of imposing modern ideas of financial administration on a much different and, in this respect as in others, much more primitive time of public administration. Like the boy's explanation of ending up in a fight dirty and bruised, "You should have seen the other guy!" I shall provide suggestive material about the evils attendant to a centralized system that has the virtue in terms of comparison of existing at the same period of time. No doubt the British might have won the war (though not necessarily the peace that followed) had they been better organized. But then we are in the real-world business of comparing imperfect organizations.

What form of government, one may ask, would the people organized into thirteen colonies under the British crown have preferred to replace British rule? Did they envisage any form of central rule? Did they think that thirteen separate governments
were desirable? Did the question come up at all? Without answers to such questions, it is difficult to say whether the Articles or the Constitution better suited their preferences.

One possible answer is that they were concerned with ridding themselves of an unwanted central authority without dividing themselves further or even thinking about what would replace it. Another possible answer is that they envisioned a league of colonies-cum-governments that would arrange what was necessary among themselves. This idea became the Articles of Confederation. Would it have been possible, then, to have fought the Revolutionary War and emerged from it with a more rather than less centralized national political entity? It is a failure of imagination as well as historical perspective, I think, to believe that the federal system that began with the Constitution was the only political structure that Americans might have had, or that, as different as it was from other forms of government at the time, that Americans might not have governed themselves in an even more radical manner. One could short-circuit the entire question by arguing that American circumstances were such that a noncentralized political system would have evolved pretty much into the political system we have now. But that would mean not only that the Articles represent a mere historical curiosity, of no importance except to antiquarians, but also that the political structure created by the Constitution did not and does not matter because institutions are products of surrounding circumstances and not, as the framers contended and I believe, the artifice of men with lasting consequences.
Students of American political history have been preoccupied with comparisons to Western Europe. The American exceptionalism that fascinates them—the lack of a socialist party, the small size of welfare programs—stand out in comparison to contrary developments abroad. There is nothing wrong with this. But looking at America from the outside has crowded out consideration of questions viewed from the inside. Why did the United States have a strong central government? Viewed in terms of early American historical development, that is, seen strictly in terms of its own background, why was there a national government at all? The fact that this national government was part of a federal form of government, with states exercising important powers, matters. That America does not have unitary organization in which regional governments exercise only powers delegated to them, however, does not negate the fact that its national government does act independently of states. And why, comparing the national to the state governments, does one see the former gaining power compared to the latter? My aim is not to take this growth of central power for granted by asking a different set of questions: did Americans before and during the revolution seriously contemplate a strong central government? Were the Continental Congresses forerunners of strong central authority or were they reflections of independent state authorities? Were the Articles of Confederation doomed to fail? What do these experiences with non-centralized government have to teach us? For they are the only American experiences with non-centralized government.
Nowadays a lot is heard about the desirability of smaller-scale government. Whether it is leftist liberals saying "small is beautiful" or right-wing conservatives calling for a return to localism, neither has acted as if there were American experiences that might be called upon for illumination. The Continental Congresses and especially the governments under the Articles of Confederation constitute such experiences. They deserve more attention than they have received as alternative forms of government.