

The Insufficiency of the Articles of Confederation

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Abstract

The Articles of Confederation governed the country in its infancy from 1777 until 1789, acting as the first constitution in the “American Experiment.” They were proven, however, wholly insufficient to govern the fledgling nation. Nevertheless, the founders of the country, and eventual framers of the U.S. Constitution, gleaned much needed wisdom from their failures. This essay seeks to analyze the Articles’ insufficiencies as stemming from a weak infrastructure, by focusing on two main counts. Namely, its lack of a strong centralized federal government, and its poor economic system. Once these major weaknesses were restructured and reinforced, the result was one of the greatest governing documents in history, the U.S. Constitution. The method of research chosen for this essay was to analyze a series of primary sources, like the Federalist and Anti Federalists Papers, the Articles themselves, the Constitution, and others while also doing a study of modern historians’ work on the subject. In order to fully comprehend the topic, a study of events during the period, like Shays’ Rebellion, was also employed to gain an understanding of the common colonial’s perception of the document and life under its authority. While the Articles might appear to function well in theory, in practice it is a completely different story. It is that gap, between theory and practice, which this essay seeks to bridge.

Keywords: Articles of Confederation, American Government, Constitution

1. Introduction

The events of 1776 and the years preceding America’s revolution are well documented and immortalized. However, the events following America’s gain of Independence are often forgotten. This age of uncertainty creates a new frontier for the casual historian as they seek to find out what happened in the thirteen colonies, or the thirteen free and independent states as Jefferson better described them, between the years 1776 and 1789. With the Declaration of Independence signed, the new nation was ready to emerge on the world stage. The next step, drafting a governing document. While most Americans think of the Constitution as the original governing document, they are mistaken. In its infancy the country was governed by the Articles of Confederation and although they go largely unnoticed, they laid the foundation for a present-day global superpower. The Articles of Confederation were drafted in 1777 as a temporary means of governing the country in its infancy. They were a necessary first step for the United States and its experiment in democracy. However, the sufficiency of the Articles became a source of contention among the delegates of the Continental Congress, a debate which sparked the need for the Constitutional Convention. Ultimately, structural problems that created weak centralized power, or any real power, and a poor economic system proved the Articles of Confederation insufficient in navigating the challenges of the new nation and even threatened the survival of their newly established political independence. In response, the Constitution was drafted and served as a modified version of the Articles which accounted for all its defects. After an investigation into the era and those who contributed to establishing the nation, the researcher should have a deeper respect and appreciation for this country’s founding.

The years between 1776 and 1789 were filled with heated debates of unprecedented topics which continue to impact modern-day United States.

For the purpose of this research paper, a close examination of both primary and secondary sources was employed. Above all, the primary sources of the *Federalist Papers* and *Antifederalists Papers* were researched to get to the heart of the debate over the Articles of Confederation. In these primary sources are found the origins of the content of this paper. Additionally, the Constitution and the Articles themselves were analyzed as well as writings of the leading figures on both sides of the debate. One of the leading historians of the American colonial era Joseph Ellis' view on the Articles is heavily analyzed, in concert with other professionals however with his at the focus. Ellis' historical take on the Articles of Confederation is that they served their purpose for the fledgling nation but were not energetic enough to preserve the union. Additionally, Judge Gregory E. Maggs and Justice John Paul Stevens provide insightful views on the articles from a legal standpoint, which is also analyzed. Like Ellis, they believed the articles were equipped enough to run the nation in the beginning, but then give the framers honor for realizing the document was insufficient as the country became more established. With this backdrop of primary and scholarly secondary sources this research paper was written in an attempt to rediscover the first great debate in the country which has largely been lost in history.

2. Body

In short, the Articles, ratified in 1781, were the country's first constitution. They were crafted in such a style that gave the ultimate power to thirteen individual sovereign states, or a state level focused government. As Joseph Ellis points out, the thirteen colonies never intended to unite and form one country from the beginning. Instead, the post-Revolutionary War goal was to construct an entity like the modern-day European Union.¹ That being, a conglomeration of separate states, representing their own interests, which worked in what Alexander Hamilton called, "a mutual guarantee of State Governments."² The Articles described it as, "a firm league of friendship."³ Under the Articles of Confederation the government consisted of a unicameral legislative body with no executive or judicial branch, just a Congress with members representing each state respectively. All the power rested with the Congress, however with no executive and judicial branch, the body had no authority to enforce laws, and this structure was intentional. To provide historical context, John Dickinson, the author of *Letters from the Pennsylvania Farmer*, written to argue that the 1767 Townshend Duties were illegal, and even more significant an, example of sloppy legislation from a monarchical government, wrote the Articles of Confederation and played a crucial role in developing the structure of the Continental Congress. His brand of paranoid character, which feared sloppy legislation from an oppressive government, is the framework for the Articles. Therefore, this governing document was intentionally weak, and did not provide a centralized leader, or any figurehead to speak of, for the country. States each had one vote toward the required unanimous approval to pass amendments and required nine-thirteenth majority to pass any law. This strict criterion of state approval simply made it difficult to legislate and incapable to adapt over. Instead, the majority of the government's power rested with the states. Each state consisted of its own militia, currency, and taxes, none of which were nationally recognized and were unique to each state.⁴ The federal government had to seek the approval of the state in order to raise a tax, an army, or enforce legislation. The state had the choice to send their militia to fight in a national army, and whether or not to participate in a Congress enforced tax. The structure of this union had the federal relying on the state governments and residing under their umbrella. Again, this structure was intentional, and in theory might have worked well, but in practice was proven dysfunctional.

The question shifts from what governed the colonies between 1776 and 1789, to why exactly the Articles of Confederation were insufficient. The first point of insufficiency was the lack of energy the Articles provided for the federal government. *The Federalist Papers*, a series of 85 essays to sway public opinion in favor of Constitutional ratification and opposition to its critiques written by Alexander Hamilton, James Madison, and John Jay provides helpful insight. Jay argues in *Federalist Paper 2* that the colonies must unite as one country, due to their divinely orchestrated history and various commonalities, or risk losing their greatness.⁵ Nevertheless, simply uniting would not suffice, because their current form of unity was frail. In *Federalist Paper 19*, Madison articulates the Articles' insufficiency as being a lack of strong centralized power. He argues that Germany operated under a similar form of government with no centralized power, just, "a community of sovereigns," and condemns them to the path of anarchy.⁶ Additionally, in *Federalist Paper 21* Hamilton claims that centralized power is the safest path for the country because a national government would subdue any threatening internal faction and enforce needed national legislation.⁷ Under the Articles, the states had the authority to disregard laws and appeals by Congress so as to look out for the interest of the state rather than the country as a whole, further highlighting the country's incoherence. In short, they believed the Articles did not provide "energy" to the national government, which created a weak union as a whole. Together, these

men prophesied governmental breakdown over the fledgling nation, but proposed a solution, ratification of the U.S. Constitution.

Another source of insufficiency the authors write on is the economic system under the Articles, namely, the federal government's inability to tax. Hamilton delineates this argument in *Federalist Paper 30* where he begins by outlining the problem of not having a required national tax. He writes, "What substitute can there be imagined for this ignis fatuus in finance, but that of permitting the national government to raise its own revenues by the ordinary methods of taxation authorized in every well-ordered constitution of civil government?"⁸ In times of crisis, like a war, Hamilton argues that the government needs the funds for protection. Also, under the Articles, the country began to lose credibility with other nations due to their poor financial standing. Under the Articles practically each state had its own currency, therefore the country operated virtually under thirteen separate economies. This gave the country nearly no outlets for trade or any form of business with foreign countries.⁹ Hamilton asserts that national economic reform would resolve this issue. In total, Hamilton writes seven essays concentrating solely on the need for economic reform and the necessity of national taxation. As the future Secretary of Treasury of the United States, this was a concerning issue for Hamilton. A pronounced insufficiency of the Articles and a priority in the Constitutional Convention.

George Washington also predicted the collapse of the Articles, not just during the 1787 Constitutional Convention, but as he led the Continental Army during the Revolutionary War in the 1770s. Relentlessly Washington petitioned Congress for more funds for his men to no avail, due to the government's inability to raise financial support from the states, because the states were not required to send money. Joseph Ellis writes, "Even before the decisive victory at Yorktown, Washington was thinking about the post-war world. And his major concern was that the same structural problem that blocked support for the army, in effect a confederation designed to be weak at the center, would have dire, indeed calamitous consequences after Independence."¹⁰ Washington wrote Congress that he believed, "If the powers of congress are not enlarged and made competent to all general purposes, that the blood which has been spilt, the expense that had been incurred, and the distress which has been felt will avail in nothing, and that the band, already too weak, which holds us together will soon be broken when anarchy and confusion must prevail."¹¹ In this one letter Washington enunciated precisely the two main arguments against the Articles. That being, its weak centralized power and inability to function financially. He feared, as did so many other delegates, that once the war was won the states would all go their separate ways instead of forming one republic, as the substance holding them together, victory in the war for independence and a passion for freedom, once achieved would dwindle. The Articles were proven not only insufficient to govern the nation, but also incapable of even holding the nation together after independence was gained.

If the Articles were proven insufficient and the Constitution the solution, why were all the delegates not quick to ratify? The debate boiled down to a matter of trust. The struggle over state vs. centralized government extended deeper into a power struggle for the colonists, most of whom lived, worked, and died within a 30-mile radius of their birthplace.¹² The colonists, scarred from their previous tyrannical government, feared centralization for dread of creating a distant and despotic power similar to England, their former monarchy and source of insecurity. Donald Lutz argues that in the construction of the Articles of Confederation the delegates struggled to consider even the state as a single entity rather than several communities within a common geographic border.¹³ This apprehension to relinquish the majority of their power to a faraway government created a split of opinion in the young country, the Federalists, those in favor of the Constitution, vs. the Anti-Federalists.

Just as the Federalists articulated their arguments in written form, the Anti-Federalists did as well; in fact, the *Federalist Papers* were written largely as a rebuttal to the *Anti-Federalist Papers*. The Anti-Federalists believed the states should have the larger chunk of power rather than the federal government and fought to maintain the original intent, which was a limited and weak federal government. The authors, fueled by those insecurities from their former monarchical oppression, feared that creating a powerful centralized government, miles away, would eventually result in totalitarianism and total loss of liberty at the hand of the elites.¹⁴ As the author of *Anti-Federalist Paper 15* writes, "It is very easy to change a free government into an arbitrary one, but that it is very difficult to convert tyranny into freedom," in other words, once the country becomes corrupt the hope of a new nation would be eliminated.¹⁵ They saw this coming in four main ways, through the proposed tax system, the raising of a national army, the insufficiency of the checks and balance system in regards to the proposed executive branch, and the natural tendency of humanity to crave more power once power is granted.¹⁶ The Anti-Federalists were successful in arguing for a Bill of Rights, but altogether the Federalists proved more organized and delivered more convincing arguments.

The final tipping point for the argument against the Articles of Confederation was Shays' Rebellion of 1786. Just as living under the conditions of the English monarchy struck fear in their lives, Shays' Rebellion aroused speculation on the government's ability to protect the country from the very factions Madison and Hamilton wrote about in the *Federalist Papers*. Shays' Rebellion embodied every aspect of the Articles' failures. This rebellion consisted of a large group of Massachusetts farmers, roughly 9,000 across the state, mostly Revolutionary War veterans, who became

disgruntled with state economic policies which caused property foreclosures under an unfair state tax. The poverty-stricken veterans, who never received fair compensation for their service, found themselves in a bind. Rendered unable to pay their debts and the high state tax due to the nonexistence, or lack thereof, of Massachusetts specie, which the debt collectors demanded. The state began to take the farmers' land and homes, leaving them completely unable to survive. A series of confrontations across Massachusetts included storming courthouses to stop proceedings and other skirmishes against private armies comprised what is infamously remembered as Shays' Rebellion, named after the most prominent leader Daniel Shays. Although the state of Massachusetts called to the federal government for aid, Congress was ill-equipped with the power to provide such assistance.¹⁷

After this uprising, the delegates called for the Constitutional Convention and demanded George Washington lead them. Shays' Rebellion was a visual representation of the two main problems delegates like Washington and the authors of the *Federalist Papers* feared. First, had the federal government been stronger, a judicial branch could have enforced certain laws and an executive branch suppress the rebellion by rising some form of the national military. The rebellion wouldn't have been so extensive. Second, had the government undertaken economic reform, then Hamilton's financial plan could have resolved the state's financial problems and eliminated the farmers' debt. The Articles of Confederation had rendered the federal government powerless with no "energy" to speak of. Instead, the merchants of Massachusetts created their own private army to suppress the rebellious "Shayites." In the end, Shays' Rebellion shed a massive light on the need for centralized power, more specifically, one overarching federal government within which the thirteen states could exist. From this uprising, the Federalists were armed with the perfect argument in favor of tearing down the government under the Articles and drafting a completely new system.

Eventually, the Congress did realize its own need for reform. Gregory Maggs comments, "perhaps the greatest achievement of Congress under the Articles of Confederation was its recognition that problems existed and its willingness to promote and accept reform."¹⁸ The new U.S. Constitution resolved the Articles' greatest weaknesses, chief among them, the lack of a strong central power. The obvious fix was in the infrastructure. Madison's advised bicameral legislative body rather than a unicameral with the addition of a Senate to provide a safeguard of legislative security, the requirement of a simple majority to pass legislation not 9 out of 13, and formation of the Executive and Judicial branches were implemented. This created a checks and balances system which ensured that the states were safe from a complete loss of power and to appease the Dickinson brand of fear of a monarchy. Further, the states retained the power to dictate unique laws over their individual commonwealth. The creation of a larger federal government system strengthened the nation in two main ways. First, it granted the ability to force the states to comply.¹⁹ Originally, the states were given the option to pay taxes, send military aid, and obey certain laws. The new system resolved that problem. Second, Congress was given the ability to pass laws on the people of the country directly. Justice John Paul Stevens states, "Because that indirect exercise of federal power proved ineffective, the Framers of the Constitution empowered the Federal Government to exercise legislative authority directly over individuals within the States, even though that direct authority constituted a greater intrusion on state sovereignty."²⁰ He claims that although it breached their sovereignty, the Constitution created a more efficient union due to a stronger central government. The country now had an effective governing system, on which the states could receive guidance, aid, and authority from the federal government, not the other way around.

Another great weakness that the Constitution resolved was the economic insufficiency of the Articles. Under the Articles, the states often established tariffs on each other, had separate currencies, and no common tax. As already explained, this was beginning to expose the country's weaknesses. The Constitution does not overemphasize this issue in the final draft but did implement some of Hamilton's ideas. In Article 1 Section 8 the framers resolved the tax system stating, "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."²¹ By establishing this, the framers made it "uniform" throughout the country, therefore establishing unity. Again, in Section 8 it states, "Congress shall have Power...to coin Money, regulate the Value thereof, and of foreign Coin," officially ending the problem of division among national currency and opening up trade with foreign investors.²² Further, in Section 10, "no state...shall make any Thing but gold and silver Coin a Tender in Payment of Debts," resolving the main issue in Shays' Rebellion, the farmers' lack of hard currency.²³ By including these changes, the delegates were able to illuminate the disunity of finances and foreign trade under the Articles.

3. Conclusion

In conclusion, although the Articles of Confederation were insufficient and potentially damaging to the country's future, the document did highlight significant areas of needed reconstruction. The two main areas were the federal

government and the economic system. Whereas before the states overpowered the unicameral federal government, the Constitution fixed that problem by building a larger, more powerful federal government with the “energy” the *Federalist Papers* advocated for. Now it was able to pass and enforce legislation while effectively leading the country through the Executive branch. On the economic issue, the Constitution was able to abolish the state to state tariffs and multiple currencies among the states, among other issues, by establishing a national hard currency, a required tax, and implementing a uniform economic system. This began to reestablish credibility as a viable country and foreign trade partner while also bringing unity to the country. In hindsight, historians are able to critique the founder’s first try at democracy. However, that same historian must realize the founders were drafting an unprecedented document. The concept of which is not only still in effect today, now in the U.S. Constitution, but also inspired dozens of other countries to cry for democracy in the form a republic. What modern-day Americans can glean from this account is the fact that the United States government is crafted with the welfare of the people at its heart. This is not a stagnant document, and the legislative process is not inflexible to change. Rather, as the country has seen over the course American history the Constitution has the ability to adapt to issues which matter most. Those which stand the test of time, such as women’s suffrage or slavery and race relations, now have the ability to be resolved. The Articles were not sufficient to a growing nation, and the framers of the Constitution ensured that the problem of inflexibility which they faced would not find its way into the new document. Although the Articles were proven insufficient in practice, their failure has given rise to a breathing yet well-defined and declarative document, with a methodical yet efficient legislative process and a sound governmental structure, which serves to continually make a more perfect union.

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