Attributes of a Successful Confederacy: A Comparative Analysis of the Political Institutions of the Articles of Confederation and the European Union

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Attributes of a Successful Confederacy:
A Comparative Analysis of the Political Institutions of the Articles of Confederation and the European Union

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Senior Honors Thesis
Colby College
May 2002
Dedication

First and foremost, I would like to dedicate my thesis to my parents. Thank you for everything you have done for me over the past 21 years. Your continued guidance and generosity give me endless opportunities to pursue any and every interest I develop. I am so grateful for all that you have provided (Do I now get to reclaim the favorite child title?). Also, I would like to dedicate this work to John. Thank you for living down the hall from me for all of these years. You have been a wonderful brother, and I know you will do great at Miami next year. Enjoy the palm trees! I also dedicate my thesis to Paul. For four years you have been constantly supportive and understanding, and I cannot begin to tell you what our time together has meant to me. I would also like to dedicate my thesis to Sandy. Thank you for making my Colby career such a fulfilling experience. You have opened so many doors for me, and your door has always been open for advice of any kind. I will miss you next year!
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Chapter 1
Introduction

"Ignorant, restless desperados, without conscious or principles, have led a deluded multitude to follow their standard, under pretense of grievances, which have no existence but in their imaginations," proclaimed Abigail Adams, referring to the farmers partaking in Shays' Rebellion, in a letter to Thomas Jefferson (McGinty, 1987, p.11).

Seemingly underestimating the consequences of the rebellion, Jefferson replied shortly thereafter, "I hold it that a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical... It is a medicine necessary for the sound health of government" (McGinty, 1987, p.11).

At the time of Shays' Rebellion in 1786 and 1787, however, the United States government under the Articles of Confederation was far from healthy. The nation was experiencing severe economic depression, particularly acute for the farmers who were unable to repay debts owed to shopkeepers and members of the merchant class. When the Massachusetts General Court moved to increase taxes in 1786, a burden that would fall most heavily on the farmers, protesters in the western portion of the state grew increasingly restless and violent. The national congress agreed to address the problem, calling on the individual states to raise money and recruit troops to suppress the rebellion.

Significantly, the Articles of Confederation did not grant the federal government the right to levy taxes or raise troops, leaving those duties to the thirteen states with vastly different interests, motivations, and capabilities. Although Massachusetts was eventually able to squash the uprising acting alone, Shays’ Rebellion raised significant doubts about the ability of the Articles of Confederation to successfully frame the government of the nation.
On March 1, 1781, after a long and tedious process of ratification, the Articles of Confederation became the basis for the national government in the United States of America. The authors of the document deemed the government to be a "league of friendship" and declared that its duration would be "perpetual." Given the contentious relationship that existed among the states at this time and the ultimate failure of the Articles, the vision of the Framers seems both audacious and naive. In the eighteenth century there was no major precedent for an agreement among sovereign states that would warrant being referred to as perpetual, nor would one emerge until the twentieth century on the European continent.

Following the devastation and instability in Europe in the aftermath of World War II, six of the continent's nations entered into the European Coal and Steel Community. The agreement to enter this organization provided the impetus for the modern day European Union (EU). Although its relatively short history may not be sufficient to consider the relationship perpetual, the European Union shows promise of continual integration. While these two political systems are fundamentally different in a number of respects, the basic structure of each organization can be categorized as a confederacy. Using the notion of a confederacy as a point of comparison, one can draw valuable conclusions about what institutions in a confederacy enable a governing body of this type to remain in existence with some degree of success in fulfilling its goals and duties.

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1 For a list of acronyms and abbreviations see Appendix A
A Brief History of the Founding Periods

The Articles of Confederation began to take shape during the Revolutionary War. Although the colonists feared a strong central government, they were aware of the practicality of creating some form of union to advance their common interests. In 1776, a committee of thirteen men, led by John Dickinson of Pennsylvania, was formed to draft a governing document for the colonies. The first attempt concentrated substantial authority in the Congress, yet by the time the Articles of Confederation were submitted for ratification in 1777, the authors had “left ultimate power in the hands of the states” (Jensen, 1950, p. 25). Due primarily to concerns over the allocation and control of new territory, the Articles did not become the official framework of the government until 1781. The only true national branch of this government was the Congress, which had a set of enumerated powers, but no enforcement mechanism to facilitate these ends. It did not take much time to realize that the Articles were doomed to failure. Events such as Shays’ Rebellion and the inability to resuscitate the economy after the war highlighted Congress’s weakness. By 1787, the Constitutional Convention was underway, and, upon ratification of the Constitution, the Articles of Confederation were rendered null and void.

Unlike the government created by the Articles, the European Union has evolved slowly over the last half a century, cautiously building on each previous success. At the heart of this incremental process is the 1950 Schuman Doctrine, in which French Foreign Minister Robert Schuman shared his idea of a united Europe. However, he cautioned, “Europe will not be made all at once or according to a single general plan. It will be built through concrete achievements which at first create a *de facto* solidarity” (Nugent, 1994,
The motivation for a united Europe was multifaceted. Political figures hoped for a reconciliation of the deep hostilities between France and Germany, a future in which strong nationalism would not dominate the political landscape, and a Western Europe free from communism. Economic integration was also sought to rebuild the war-torn economies.

In 1951, six nations signed the Treaty of Paris, forming the European Coal and Steel Community, and two 1957 Treaties of Rome brought into force the European Economic Community and the European Atomic Energy Community. The adoption of these three documents constitutes the foundation of the European Community. Since the 1950s, the EU has expanded to include fifteen countries, with the potential of integrating Eastern Europe in the foreseeable future. Three other treaties, those signed in Maastricht (1992) and Nice (2000, not yet ratified by all member states), as well as the Single European Act (1986), have been critical in shaping its current form. The institutional and political developments have been substantial, including the adoption of a single currency and the move toward a common foreign and defense policy. The future promises further unification, although the extent to which the constituent states will integrate remains uncertain.

These two examples raise a fundamental question: what institutions in a confederacy are adequate for it to execute its aims? Because political systems tend to be dynamic, changing over time according to the needs and environment of the polity, one must especially take into account the process by which the founding documents can be amended to facilitate a change in both the broad goals and specific objectives. The American government under the Articles of Confederation and the European Union will
serve as case studies to illustrate what institutions are most appropriate to a confederacy. The analysis will include an examination of the goals of both organizations; their primary governing institutions and the procedures used in them; and the mechanisms by which these governing bodies are amended. The Articles and the EU are appropriate case studies because they are vastly different in their institutional structure, but share the same foundation as a confederacy. The lessons learned may be generalized to confederal governments formed in the future.

*Theoretical Framework*

A theoretical framework must be established to better understand the interaction between the institutions and the goals or demands of a polity. In his book, *A Framework for Political Analysis*, as well as his article, "An Approach to the Analysis of Political Systems," David Easton outlines an appropriate and relevant theory. He states, "The behavior of every political system is to some degree imposed upon it by the kind of system it is, that is, by its own structure and internal needs" (Easton, 1957, p.386). One must keep in mind, however, that this principle does not imply that all confederacies will behave similarly because it is unlikely that the structures and internal needs of any two systems will be identical. However, because confederacies do share common features identifying them as a given type of government, one can assume that there will be some degree of universal conduct.

Easton addresses two additional and relevant points. The first concerns what sustains a political system, and the second pertains to the inputs into a political system. Easton hypothesizes "that if a structured system is to maintain itself, it must provide
mechanisms whereby its members are integrated or induced to cooperate in some minimal degree so that they can make authoritative decisions” because “in every system support stems in part from fear of sanctions or compulsion” (Easton, 1957, p.387, 396). Applying this reasoning to a confederacy leads to the conclusion that no matter how loosely organized the governing authority is, it must provide some form of coercive incentive to create a basic level of cooperation ensuring the continuance of the political system.

Finally, Easton discusses the function and impact of demands in a governing body. Inputs are central to the creation of a political system. “The reason why a political system emerges in a society at all—that is, why men engage in political activity—is that demands are being made by persons or groups in the society that cannot all be fully satisfied” without the formation of a political system (Easton, 1957, p.387).

A confederacy may be created when individual nations or states determine that it is in their best interest is to unite on some level. In other words, when the existing political institutions are inadequate to meet specified demands of a group of separate states, they will look to design a governing body that is sufficient to fulfill the needs of the states. When the original and subsequent goals and demands “require some special organized effort on the part of society to settle them authoritatively... they have become inputs of the political system... In every ongoing system, demands may emerge for alterations in the political relationships of the members themselves, as the result of dissatisfaction stemming from these relationships” (Easton, 1957, p.387, 388).

Inputs into a confederacy depend on the scope of the policy areas covered by the government. If the political system cannot respond to a given problem authoritatively,
the input will either be ineffectively dealt with by the confederacy or will be diverted to the state level. As Easton mentions, if there is discontent among the members, the political system will likely be altered. This is especially true with respect to a confederacy in which states have not relinquished their sovereignty and are therefore more likely to respond to any threat to their interests. However, change may also work in the other direction, should the members agree to build on the previous successes of the confederacy and integrate further. Easton's analysis of political systems provides a useful framework through which one can better understand the theory behind the functions of a confederacy. His work will be a helpful foundation in examining the institutions and goals of the Articles and the EU.

The Articles of Confederation and the European Union as Confederacies

With the theoretical framework in mind, the next step is to establish that both the American government under the Articles and the European Union are confederacies. At the most mundane level, a confederacy is "an agreement between two or more states or nations by which they unite for their mutual protection and good. This term is applied to such agreements between two independent nations, but it is also used to signify the union of different states of the same nation" (Lectlaw, 2001). The implication of this definition is that individual citizens do not ratify confederations because they are simply an agreement reached between two states. Confederations are not grounded in popular sovereignty. It is the responsibility of the state or nation to enter into and ratify the agreement, without the specific consent of the governed. Furthermore, in a confederation, "policy competence in key areas affecting sovereignty remains largely in
the hands of the component member-states" (Rosamond, 2000, p.26). This implies that sovereignty, too, remains in the hand of the members if they are to retain jurisdiction over sovereign matters. Finally, confederations are primarily communities of polities, which place greater emphasis on the liberties of the constituent polities. It is the task of the constituent polities to protect individual liberty, more or less as each defines it, although the constituent polities of confederations of republics must conform to at least minimum standards of individual liberty in order to preserve the republican character of the whole (Elazar, 1982, p.3).

The Articles of Confederation clearly fall within the scope of this definition. The document was an agreement among thirteen states, ratified by the states themselves. That the Articles were ratified in the state legislatures and not in state conventions specifically called for that purpose, and that the state legislatures paid the salaries of the delegates to Congress upholds this assertion.

The language of the Articles is also an indication that it is a confederation. The framers refer to the government as a “perpetual union between states,” and in Article II, the states firmly proclaim, “each state retains its sovereignty,” except where power has been “expressly” delegated to Congress; powers delegated to Congress were narrowly construed. There is no notion that the Articles were authored by “we the people,” as there is in the Constitution. Rather, the attention is clearly focused on the states. “The Articles of Confederation emphasized so heavily its status as a compact between the states that the framers felt a need to provide language reminding the readers that they were indeed engaged in a common cause;” thus incorporating phrases such as a “firm league of friendship” (Lutz, 1990, p.65).

Finally, states largely retained prerogatives pertaining to individual liberties. The text of the Articles provides for full faith and credit and privileges and immunities,
creating a limited degree of uniformity in laws among the states; but with a few exceptions safeguarding property, the Articles do not mention individual liberty.

Because the document works on a system of enumerated powers with those remaining residing in the states, the power to define and protect individual liberty must, by consequence, be left to the states. Clearly, the Articles of Confederation fall within the scope of a confederation as defined above.

Classifying the European Union is a more difficult task. No general consensus exists on exactly what type of political system it is, but a strong case can be made that the EU is a confederation. As Paul Hirst states, “The EU is inescapably more confederal than it is federal” (Bellamy, 1995, p.51). First, the European Union has not yet reached the stage of becoming a sovereign state. “It lacks the essential qualities which, despite considerable structural changes in statehood in the last fifty years, still define the character of political rule [of a state]: exclusive jurisdiction over a closed territory and a circumscribed group of people, and the possession of undivided supreme power” (Preuss, 1999, p.419). Furthermore, treaties and amendments are not universally ratified through popular sovereignty within the European Community. Although a few nations have utilized citizen referenda prior to ratification by the national legislatures, the vast majority of nations simply approve the treaties without consulting their citizens. Therefore, the European Union still constitutes an agreement among several states.

With respect to policy competences, foreign policy still largely remains a state prerogative, which clearly implies that the states remain in control of areas especially relevant to their national interest. There is no European military, leaving defensive and offensive force capabilities in the hands of the constituent states. Moreover, on several
major foreign policy issues, the most powerful states in the EU cannot reach a consensus on how to act. Britain often sides with the United States on matters relating to conflict in the Middle East, while France gravitates away from the United States. For example, France has withdrawn its military from aerial patrols over Iraq, while Britain remains an active and important ally to the United States. The absence of a military and the inability to agree on a single foreign policy are indicative of the notion that the EU still remains a confederacy.

Moreover, EU still has no doctrine as powerful as the United States Bill of Rights, in which specific individual liberties are enumerated. There is a charter of rights based on the concept of European citizenship, yet when the European Court of Justice makes human rights decisions, it still “draw[s] inspiration from constitutional traditions common to the member states” (Dehousse, 1996, p.64). As long as national constitutions are the driving force behind the protection of human rights, the EU is secondary to the nations in the protection of individual liberties, lending further support to the notion that the EU is a confederacy.

The European Union may eventually evolve beyond a confederation, into a true federation. Several factors are indicative of eventual progress in this direction, yet in the near future the transition is highly unlikely. The European Monetary Union (EMU) has advanced significantly with the introduction of the euro. At this point, however, not all member states of the EU are members of the EMU. Three nations have not joined (Denmark, Sweden, and Britain), and Greece became a member in January 2001 after it met specified economic standards. Until the euro and membership in the EMU become mandatory for all members of the EU, the European Union is not a truly federal body.
Moreover, the European Court of Justice has created a sovereignty clause, subjugating national law to Community law, and a direct effect principle, under which Community law applies directly to national citizens and not just to each country as a unit.

Furthermore, the EU is establishing a foundation on which to build a common foreign and security policy. In December 2001, the leaders of the fifteen member states agreed to hold a constitutional convention. The convention opened on February 28, 2002, composed of 105 representatives from 28 European nations. Led by former French president Valery Giscard d'Estaing, the current and future member states are early in the process of negotiation. Although the notion of a constitutional convention implies a move toward a federation, the reality is vastly different. While delegates to the convention will no doubt discuss the possibility of drafting a constitution that would fundamentally alter the balance of power in the EU, the likelihood is that such a dramatic change will not be authorized by the constituent states. The member nations all come to the table with differing opinions; and because any new document must be approved unanimously, the outcome will be a compromise. For example, while Germany is "pushing for" a more federalist political system, both "President Jacques Chirac of France and Prime Minister Tony Blair of Britain argue vehemently that the union must remain an organization of 'states united,' not a 'united states'" (Daley, 2001, p.1). The delegates of the convention are not slated to release their report until 2003. Clearly, although the evolutionary process of the European Union is by no means complete, the government is currently a confederacy.
Outline

The remainder of the thesis will focus on the goals and institutions of the Articles of Confederation and the European Union, eventually arriving at a conclusion regarding what enables a confederacy to succeed. Chapter two will provide a detailed history of the Articles of Confederation and the European Union, followed by an explanation of the original goals of these confederacies and of how the objectives evolved over time. The third chapter will analyze and compare the institutions of the political systems, including how they are amended. Finally, the previous discussion will be synthesized into an examination of what institutions have proven to be adequate to fulfill the aims of the Articles and EU, and what general conclusions may be drawn from the case studies.
Chapter 2
The History of the Articles of Confederation and the European Union

The histories of the Articles of Confederation and European Union provide an important context in which to understand the evolution of the goals and institutions of each government. Both were created during or in the aftermath of major wars, and each institution was deeply affected by the conflict that preceded it. However, the processes by which the American Confederacy and EU were formed differ dramatically. The Articles of Confederation was a single and short-lived governing document, while the European Union continues to evolve over time through a series of treaties. Various conflicts plagued the ratification of both governing structures, and the paths to unification were far from simple. This chapter will provide insight into the evolution of the Articles and the EU in order to lay the groundwork for further analysis.

The History of the Articles of Confederation

The decade of the 1770s was one of the most decisive in the history of the United States. America united to create a new nation in the Revolutionary War and then struggled to preserve that cohesiveness in the post-war period. Although there was no explicit plan at the outset of the war, many political leaders recognized the need to create some form of centralized government to facilitate the war effort and to provide at least minimal, but enduring, cooperation among the states. The thirteen colonies possessively guarded their sovereignty, and their actions exacerbated the vast differences in their distinct individual cultures and interests. Without Britain to serve as a central authority, many feared that the political situation would disintegrate to the point of civil war. At the First Continental Congress, Pennsylvanian Joseph Galloway maintained “that if the
colonies denied the authority of Parliament they would be 'in a perfect state of nature' in their relations with one another" (Jensen, 1950, p.23).

Not only were the colonists divided by state loyalties, but they were also confronting a split between the newly formed radicals and conservatives. Radicals tended to be those members of society working as tradesmen, farmers, and laborers, while conservatives were generally the wealthy businessmen and landowners, constituting a social, political, and economic elite. Tension between the two factions was fierce, as radicals sought a break from British rule, while conservatives hoped to remain under some degree of governance by Britain. “The radicals took their stand for independence... as a means of overthrowing the colonial aristocracy... The conservatives, however, fearing the rise of the masses if complete independence were achieved, clung to the hope that there could be reconciliation with Great Britain” (Nichols, 1964, p. 308). As it became increasingly clear that a complete break from England was inevitable, the conservatives sought a strong centralized government to ensure the continuation of their control. It was in this context that the task of formulating a plan of government was undertaken.

At the outset of the Revolutionary War, the delegates to the Continental Congress were understandably more focused on issues of independence and defense than they were on forming a lasting union. Virginia delegate Richard Henry Lee noted that due to “the immensity of business created by the war, the Confederation goes on but slowly” (Greene, 1982, p. 16). Furthermore, there was concern among the delegates that state interests would prove too divisive to form a central government. In 1775, John Adams mused that “it would be a Miracle, if Such heterogeneous Ingredients did not at first
produce violent Fermentations” (Greene, 1982, p. 16). However, it was the early successes that the Continental Congress experienced in fighting the war against Great Britain that served as the impetus for one of the first major plans to be submitted for consideration.

On June 11, 1776, Congress passed a resolution declaring that “a committee be appointed to prepare and digest the form of a Confederation to be entered into between these colonies” (Nichols, 1964, p. 314). The following day, John Dickinson of Pennsylvania was selected to chair the committee, consisting of one delegate from each colony. Three members of the committee, including Dickinson, had been staunchly opposed to independence. Three were conservatives, but favored independence. Four men were loosely associated with the conservative movement, two were not partial to either position, and two delegates were radicals (Nichols, 1964). Despite the conflicting political perspectives, the fourteen men presented a draft of the Articles of Confederation to the Congress exactly one month after the committee was initially selected. Dickinson’s conservative influence was evident, as the draft favored a strong central government.

The Dickinson Plan reserved few powers to the states and embedded substantial authority in the federal government. States retained the power to maintain a militia and appoint officers to serve for the common defense of the union, as well as the power to levy impost duties. Article Three, however, bluntly limited the exercise of these powers to cases in which they did not conflict with the Articles of Confederation. The draft pronounced that each state was granted “as much of its present Laws, Rights and Customs, as it may think fit, and reserves to itself the sole and exclusive Regulation and
Government of its internal police, in all matters that shall not interfere into the Articles of Confederation.” The only substantial power denied to Congress was that of taxation (Hoffert, 1992, p. 84). Dickinson’s proposal for representation stipulated that the states would appoint delegates to the national Congress, although it did not specify how many delegates per person, and declared that each state would have one vote in the Congress.

The Dickinson Plan engendered considerable controversy among the Congressional delegates, and it was not until November 15, 1777, that a final draft of the Articles of Confederation was reached. There were four primary areas that threatened to undo the union: “the equal representation of all states in Congress, the basis for the apportionment of common expenses, the grant of powers to the central government over western lands, and the distribution of power between the states and Congress to define the precise location of sovereignty” (Hoffert, 1995, p. 85).

With respect to the issue of representation in Congress, three different schools of thought emerged. The first was created by the large states advocating representation based on population in order to skew the weight of votes on the national level in their favor. The second and third both sought a one vote per state principle, although for different reasons. Those hoping to create a weak central government based on the union of states, and not people, favored one vote per state because “the very nature of the central government would be different if units of population rather than state government were represented” (Jensen, 1950, p.24). Finally, the small states favored the one vote per state theory to ensure that they did not become underrepresented and dominated in Congress. The latter two groups combined forces, resulting in the adoption of equal representation for each state.
A second stumbling block was created over the issue of how much each state should contribute to the national treasury. Dickinson proposed a plan based on the land value within the respective states, and this formula was eventually incorporated in the Articles. However, the New England states protested the adoption of this principle because they believed their land to be more valuable than that of the rest of the nation. As a result, they hoped to implement a plan under which states would contribute to the national treasury based on state population, excluding Indians. The New England states, however, were outnumbered, and public expenses were to be allocated according to land value.

Perhaps the most contentious issue arose over western lands. In fact, the divergent opinions threatened and greatly delayed the ratification of the Articles. The Dickinson Plan included a provision to grant Congress the control over western lands that was subsequently dropped. Understandably, states had vested interests in the control of land. Many states had borders that were already set, including most of New England. Others, notably Virginia, possessed substantial land claims extending far into the west. Landed states were reluctant to simply cede their territory to the national government, fearing the loss of potentially valuable resources. Eventually, the landed states were victorious, although the issue was far from over, as will become clear in the discussion on the ratification of the Articles.

Finally, states were concerned about the retention of sovereignty. Many feared that the Dickinson draft was too progressive in terms of empowering the federal government and limiting the states. Thomas Burke of North Carolina was the most outspoken advocate of language in the Articles reaffirming state power. He was
especially fearful of language in the third article, which he claimed "expressed only a reservation of the power of regulating the internal police, and consequently resigned every other power" (Jensen, 1950, p. 25). Burke’s argument was so persuasive, and individual state interests were felt so strongly, that the Articles were amended with a clause proclaiming, "Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States, in Congress assembled" (Article II).

On November 17, 1777, a draft of the Articles of Confederation was sent to each state, accompanied by an explanatory letter, setting March 10, 1778, as the date for ratification. The letter explained the difficulties of the process and attempted to justify the new government. "To form a permanent union," it read, "accommodated to the opinion and wishes of the delegates of so many states differing in habits, produce, commerce, and internal policies, was found to be a work which nothing but time and reflection, conspiring with a disposition to conciliate, could mature and accomplish." Moreover, the plan was "the best which could be adapted to the circumstances of all, and as that alone which affords any tolerable prospect of general ratification" (Nichols, 1964, p.332).

Only Virginia ratified the Articles by the date set forth in the letter, and several of the other states offered amendments to the draft. All were defeated, however, and after contentious battles in many states, by January 1779, Maryland remained the only state not to have approved the Articles. Again, the sticking point was the control over western lands. Maryland, a landless state, issued an ultimatum declaring that it would not ratify the Articles unless Congress was granted power over western lands. The state was
primarily concerned with Virginia’s protective actions regarding its vast land possessions. Even when Virginia made minor concessions, including offering portions of its land as a payment to Revolutionary War soldiers, Maryland still would not relent. Finally, New York took the lead and relinquished its western lands. Virginia soon followed suit, supported by “Jefferson, Lee, and other Virginians [who felt] that such and extensive area as Virginia claimed was inconsistent with the principles of democracy and local control which they advocated and that Virginia should limit itself” (Nichols, 1964, p.339). Thus, on March 1, 1781, the Articles of Confederation were signed into action.

Articles I through III offer important rhetorical language in understanding the document. Terms such as “perpetual union,” “United States of America,” and “firm league of friendship” all give a sense of unification, yet with some reserve. A league would imply something less than a single nation, and the entire second article is included simply to reaffirm the sovereignty of the states. Its prominent position in the document, following only the naming of the union, is indicative of the importance that states placed upon maintaining their individual interests and liberties. Moreover, the purpose of the union seems primarily concerned with defense, as illustrated by Article III: “The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their Liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.” The bonds of unity are only asserted under conditions of attack, not in daily life.
Article IV establishes privileges and immunities among the citizens of the states, freedom of movement among states, full faith and credit, and extradition rights. Article V lays out the fundamental rules governing Congress. State legislatures were given responsibility for determining the manner in which their delegates were elected to Congress. States could be represented by anywhere from two to seven individuals, but each state had only one vote. Term limits were set, limiting delegates to no more than three years of service in a six year period, and delegates were restricted from simultaneously holding another paid position in the United States government. Freedom of debate in Congress was also established. The sixth article enumerated specific restrictions, focusing primarily on the states. The limitations included prohibitions from sending ambassadors, forging treaties with either another state or another nation, laying imposts that interfere with United States treaties, maintaining peacetime military forces, or engaging in war. Article VII granted state legislatures the authority to appoint officers of or under the rank of colonel upon the calling to duty of land forces, and Article VIII provided for a common treasury supported by taxes levied by the state governments based on the land value of the state.

The powers of Congress were explicitly enumerated in Article IX, numbering nearly twenty. Many related to foreign policy and defense, while others focused on monetary authority and other components of the national infrastructure (post offices, weights and measures, etc.). Although many of the minor powers were to be decided by majority votes in Congress, major decisions, including the powers to declare war, enter treaties, or borrow money, required the approval of nine states. Moreover, Article X provided for a Committee of the States, composed of delegates from at least nine states,
to carry out administrative tasks and less consequential decision-making. Article XI provided for the automatic entry of Canada into the confederacy, while requiring nine states to agree to the admittance of any other colony, and Article XII enabled Congress to assume the burden of the Revolutionary War debts.

Finally, Article XIII reaffirmed that the union was to be perpetual, and that states should submit to the decisions of the national Congress. Furthermore, it established a process of amendment requiring unanimity among all of the states in order to change the document. This article would eventually help pave the way to the demise of the Confederation. The authors of the document were naïve in their prediction of a perpetual union, especially because the procedure for amendment was entirely impractical. In very few instances would all states agree to change the Articles, preventing any rational solution to institutional problems contained within the document, of which there were many. For example, Article XIII itself required that all states submit to the national Congress; yet there was no workable enforcement mechanism to ensure compliance. Within this structural framework the Articles of Confederation eventually doomed itself to failure, to which the paper shall turn in chapters three and four after a discussion of the history of the European Union.

*The History of the European Union*

Jean Monnet, an integral figure in the initial steps toward unification of Europe, astutely observed the challenging world around him at the culmination of World War II. In a May 1950 memorandum to Robert Schuman, Monnet stated:

*Whichever way you turn in the situation in the world today, you meet only deadlock, whether it is the growing acceptance of the inevitability of a*
war, the German problem, the continuation of French recovery, the organization of Europe, even the place of France in Europe and in the world.

To get out of such a situation there is only one way: concrete and resolute action, bearing on a limited but decisive point, changing it fundamentally and systematically changing the very terms of the whole set of problems (Salmon, 1997, p.41).

The decisive action of which Monnet spoke was the European Coal and Steel Community (ECSC), first articulated in the Schuman Plan, authored by French Foreign Minister Robert Schuman. Both Monnet and Schuman envisioned the ECSC as merely a preliminary step to further European integration. Clearly different from the creation of the United States government in 1781 by a single document, the European Union today continues to evolve from this basic starting point.

Signed on April 18, 1951, the Treaty of Paris facilitated the creation of a common pool of coal and steel resources among the six participating countries. Four institutions were created to govern the community: the High Authority, the Council of Ministers, the Common Assembly, and the Court of Justice. Monnet served as the first president of the High Authority, which acted as a supranational body regulating the common pool of coal and steel resources. The Council of Ministers, composed of ministers from each national government, was a mechanism through which states could check the power of the High Authority and represent their individual interests. In theory, the Common Assembly was supposed to add a democratic element to the ECSC; yet in practice, it lacked any substantial powers. Finally, the Court of Justice was created to mediate disputes between states. The ECSC provided a solid foundation upon which to continue building the integration process.
Prior to the next major step toward unification, there was a failed attempt at creating a common defense policy among the nations. The failure of the common defense plan suggested to the member states that they were not yet ready to merge resources and policies in areas beyond the economic realm. However, in 1955, the foreign ministers of each country adopted the Messina Resolution, affirming their commitment to unification and laying out a broad outline of how to proceed in the desired direction. The preamble of the resolution stated:

The Governments... believe the moment has come to go a step further towards the construction of Europe. In their opinion this step should first of all be taken in the economic field.

They consider that the further progress must be towards the setting of a United Europe by the development of common institutions, the gradual merging of national economies, the creation of a common market, and the gradual harmonization of their social policies.

Such a policy appears to them to be indispensable if Europe's position in the world is to be maintained, her influence restored, and the standard of living of her population progressively raised (Salmon, 1997, p.59).

Out of the Messina Resolution grew the Treaties of Rome, which came into effect on January 1, 1958. One treaty established the European Economic Community while the other created Euratom, an organization sharing responsibility for atomic energy issues including research and the dissemination of information to the public. The EEC treaty was by far the more significant of the two. Influenced by the Schuman Plan and the Messina Resolution, the focus was nearly exclusively economic.

The broad goal was to establish a common market among the six participating nations. Specific policy objectives were vague, “given the uncertainties, disagreements and compromises which formed the background to the signing of the Treaty” (Nugent, 1994, p.46). There was some notion of further unification; however, particular plans
were clearly not addressed. The preamble of the treaty simply set out “to lay the foundations of an ever closer union among the peoples of Europe” (Treaty establishing the European Community).

What the Treaty of Rome did accomplish was the structuring of the Community’s institutions. Much like the ECSC, four principal institutions were established. The Commission would assume the role of the High Authority, serving as the primary policy initiator. The Council of Ministers would be composed of ministers from the individual nations and would act as the key decision-making body. The Assembly eventually became democratically elected by universal suffrage in 1979, and it remained relatively powerless until later treaties increased its role in the policy-making process. The Assembly is currently known as the European Parliament (EP). Finally, the Court of Justice was retained to interpret and apply Community law. From this point until the Treaty on European Union in 1993, the union was known as the European Community (EC).

For the next thirty years, the process of unification ebbed and flowed. Perhaps the most critical development during this time was the gradual addition of new countries to the Community. By 1995, the EU had grown to the current size of fifteen members. Belgium, France, Germany, Italy, Luxembourg, and the Netherlands were the six founding members. In 1973, Denmark, Ireland, and the United Kingdom joined, followed by Greece in 1981, Spain and Portugal in 1986, and Austria, Finland, and Sweden in 1995. For most nations the process of accession involved meeting the economic and political standards of the Community, various rounds of negotiations, and a
final acceptance. A few nations, including Denmark and Ireland, required a citizen referendum approving membership.

The United Kingdom, however, proved to be the exception to a smooth transition into the Community. Britain tended to be more nationalist than most of the other European nations. The island nation views itself as politically, culturally, and geographically distinct from mainland Europe. As a result, it was disinclined to join the early attempts at unification. However, a few years after the formation of the European Community, Britain changed course. Unfortunately, French President Charles de Gaulle had different intentions. For various reasons, including worries that the United Kingdom would usurp French power in the Community, fears that the UK would unbalance the emerging friendship between France and Germany that had been so long in the making, and skepticism of the tight relationship between Britain and the United States, de Gaulle strongly opposed British accession (Nugent, 1994, p.29). It took the resignation of de Gaulle, and the new French presidency of Georges Pompidou, for the United Kingdom to become a member of the European Community.

One other development to note in the period prior to the Single European Act and the Treaty on European Union is that of the Luxembourg Compromise. Once again, French President and strong nationalist Charles de Gaulle was responsible for disrupting the proceedings of the European Community. Although the immediate issue centered around a proposal to finalize plans for the Common Agricultural Policy (CAP), the Luxembourg Compromise truly grew out of France's hesitation to give up increasing amounts of its sovereignty. When negotiations on the CAP reached a deadlock, France withdrew its delegation from most decision-making processes in the Community. It did,
however, continue to implement EC law within its national borders. For six months, France was absent from the Council of Ministers and the Commission, and the period came to be known as the time of the Empty Chair Crisis. Finally, France reentered its full role as a result of the Luxembourg Compromise, articulated in 1966.

The key provision was Part II, which stated, “the French delegation considers that where very important interests are at stake the discussion must be continued until unanimous agreement is reached” (Salmon, 1997, p.94). For all practical purposes, this single phrase gave all member states a veto power over any policy issue that significantly affected their national interest. Because national interest could be so loosely interpreted, the veto power covered virtually any policy area. In practice, however, the national veto was rarely used because “most decisions, even on routine issues, came to be made by letting deliberations and negotiations run until an agreement finally emerged. As a result there was rarely a need for the veto to be formally invoked, and it was so only very occasionally—no more than a dozen times between 1966 and 1985” (Nugent, 1994, p.145). The 1986 Single European Act served as the demise for the Luxembourg Compromise by expanding the circumstances in which majority voting could be applied.

The next major treaty amending the EC was the Single European Act (SEA). The main thrust of the SEA was a firm commitment to a single internal market by 1992. However, another important development was the codification of European Political Cooperation (EPC), the term for cooperation in the area of foreign policy. The treaty stated,

The High Contracting Parties consider that closer cooperation on questions of European security would contribute in an essential way to the development of a European identity in external policy matters. They are ready to coordinate their positions more closely on the political and
economic aspects of security," and went on to create a Secretariat to
"assist the Presidency in preparing and implementing the activities of

Finally, the policy areas governed by the EU were expanded into fields including the
environment and the development and research of new technology.

Despite the apparent progress made by the SEA, many member states felt that the
treaty did not go far enough toward unification. "In consequence, even before the SEA
was ratified, the view was being expressed in many influential quarters that further
integration would soon be necessary" (Nugent, 1994, p. 57). Thus, in 1991, after several
years of negotiations and preliminary reports, a series of intergovernmental conferences
was conducted, culminating in the December 1991 presentation of their reports at the
Council of Ministers meeting in Maastricht. Out of these reports grew the Treaty on

The TEU transformed the European Community into the European Union. The
name change from "community" to "union" was symbolic of the increasing ties among
the member states. Like the preceding treaties, the TEU was viewed as yet another step
forward in the continual process of integration. The document contains approximately
250 pages, clearly differing from the concise Articles of Confederation. Article 1 states,
"The Treaty marks a new stage in the process of creating an ever closer union among the
peoples of Europe, in which decisions are taken as openly as possible and as closely as
possible to the citizen" ( Treaty on European Union). As a result of the TEU, the
foundation of the EU was substantially altered and set upon three basic pillars: the
European Communities, a Common Foreign and Security Policy (CFSP), and
Cooperation in the Fields of Justice and Home Affairs (JHA). The European
Communities are composed of the ECSC, Euratom, and the EEC, renamed the European Community (EC).

The Treaty of Rome was amended by the TEU, altering several characteristics of the newly named EC. First, a European Union citizenship was created, granting each citizen residing within the EU liberties including the right to reside in any of the fifteen states, and the right to vote and participate in elections in any state. Second, the principle of subsidiarity was enacted, defining the policy jurisdiction of the European Communities:

The Community shall act within the limits of the powers conferred upon it by this Treaty and of the objectives assigned to it therein.

In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if an in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community. Any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty. (Treaty of Rome, as amended by the TEU).

While the subsidiarity principle may be regarded as vague, in practice it “is taken to mean that policies should be decided at national, and perhaps even regional or local levels, whenever possible” (Nugent, 1994, p.69).

With respect to the CFSP and JHA pillars, the member states demonstrated a clear willingness and desire to collaborate in efforts far beyond economic affairs. Although the CFSP was by no means a unification of national defense resources, it did establish broad outlines for coordinating an internal and external foreign policy strategy. The TEU reads, “The Member States shall support the Union’s external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity” (Treaty on European Union).
The TEU was generally vague in further identifying goals and objectives, and left the task of further definition to the European Council. Finally, the JHA pillar is the foundation for cooperation in criminal justice with the hope of providing "citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters and by preventing and combating racism and xenophobia" (Treaty on European Union). The CFSP and JHA pillars, as well as the consolidation of the European Communities, mark a dramatic shift from the creation of the ECSC as the initial step towards unification. The EU gradually built on its successes and overcame the obstacles inevitable in the creation of a supranational authority. What, exactly, facilitated this dramatic transition as the EU worked toward its goal of unification is one of the subjects of the remainder of this study.

Ratification of the TEU was anything but simple, and although the nations had hoped that it would take effect on January 1, 1993, they experienced a ten-month delay in the process. Four countries contributed to the setback: Denmark, France, Britain, and Germany. In Denmark, the government held a popular referendum to approve the treaty. By a margin of 50.7% to 49.3%, the TEU was defeated. Denmark was forced to undergo a major public relations campaign, downplaying the extent of integration that would be brought by the TEU, in order to gain the support of those opposed to ratification. In a second referendum held in May 1993, the treaty was narrowly approved. France, too, held a popular referendum. Although the citizens approved the TEU on the first attempt, the election was fiercely contested, and the final vote was only 51.05% in favor of the treaty. In Britain, it was the Parliament that delayed the ratification process. In keeping
with tradition, the UK was once again reluctant to move closer to integration. General skepticism prevailed, and it took until July 1993 to approve the treaty. Finally, Germany experienced constitutional difficulties. While the TEU cleared the legislative branch, the nation’s high court had to review the treaty to ensure that it did not conflict with the German constitution. In October 1993, the court granted its approval, albeit with conditions on any possible future changes in the TEU (Nugent, 1994).

Over the next decade the European Union is expected to expand to include as many as 27 member states. The current structure of the Union’s institutions is not appropriate to govern such an expansive territory. For example, the Court of Justice, akin in its tasks to the United States Supreme Court, currently has one member per state. For this body to grow to 27 members, with the expectation that each one sit in the plenary court sessions, would mean that the consensus required for the ECJ to reach a decision would be nearly impossible to formulate. The European Parliament, with only 15 member states, already has over 600 Members of Parliament (MPs). One can only imagine the difficulty in trying to participate in the legislative process with a parliament of upwards of 1,000 members.

At the beginning of 2001, an intergovernmental conference proposed the Treaty of Nice, to be ratified over the next 18 months. Once it enters into action, the new treaty will amend many structural aspects of the EU institutions in order to make it more capable of handling the expanding member base. The Court of Justice, for example, will continue to be composed of one member per state, but will only meet in chambers of eleven or fewer judges. The EP will be capped at 732 members, and a reallocation of the
MPs will take place to ensure that the new member states have adequate representation (Summary of the Treaty of Nice, 2001).

The challenges facing the European Union are numerous, especially as it approaches a decade in which its membership is anticipated nearly to double. The growing pains may be severe. Moreover, the structure of the union may change, subject to the outcome of the March 2002 constitutional convention, although the results are not due until 2003. It is with this in mind that this study will turn to an evaluation of the adequacy of the institutions to facilitate the achievement of the EU's goals, as compared to the goals and institutions of the Articles of Confederation.
Chapter 3
The Goals of the Articles of Confederation and the European Union

The Goals of the Articles of Confederation

The notion of formulating a union among several distinct colonies was forged during a time of war. At stake in the struggle were the lofty aspirations of self-government and independence. The demands of war and the basic needs of the young nation shaped the original goals of the framers of the Articles of Confederation, as illustrated in Section III of the document:

The said states hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever (Articles of Confederation).

There is clearly strong language in the text, evident in such phrases as “firm league,” “binding themselves to assist each other,” and the commitment to unite against “all force” used against “them, or any of them.”

However, despite the powerful rhetoric, the commitment to unity under the specified objectives is weakened once one examines the section in the context of the Articles as a whole. Immediately preceding this section is Section II proclaiming, “Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled” (Articles of Confederation). The consideration of state sovereignty is valued considerably more than unity, given that the independence of the states is boldly affirmed even before the general premise of the union is outlined in the following section.
The radicals, who deeply feared a strong central government as a result of British domination, ultimately dominated the process of drafting the Articles. The emphasis was on the states as individual communities. Weakening the national government in relation to the state governments was integral in preserving the autonomy and sovereignty of the states.

Moreover,

The democratic theory of the time was antagonistic to any government with pretensions toward widespread dominion. Theorists believed that democratic government was impossible except within very limited areas. Virginia democrats, for example, were willing to surrender her Western land claims because they believed that their state was too large for democratic government (Jensen, 1966, p.161).

Influential political theorists at the time, especially Montesquieu, argued that democracy was only feasible in a small geographic area. The authors of the Articles recognized the vast territory that would be governed by the document, and in response, concentrated the power of democratic government within the states, as opposed to the national government. The priority of sovereignty over the goals of unification will be relevant in the upcoming discussion on the evolving intents of the Confederation.

The Eastonian framework is particularly relevant in understanding the nature of objectives in a political system. In the broadest sense, Easton’s inputs can be likened to the goals driving the creation of a governing body. Inputs include “any event external to the system... that alters, modifies, or affects the system in any way” and may be divided into “demands and support” (Easton, 1965, p. 113, 114). If, in the case of the Articles, the inputs are considered to be the environmental factors surrounding the creation of the Confederacy, including the Revolutionary War, the economy, and territorial disputes, then the inputs clearly fall within the demand category because those were among the
primary factors pressuring the American political society to create a new system of
government.

The demands made on the government under the Articles were substantial and
necessitated an equally strong level of support inputs if they were to succeed. As Easton
notes, "For the demands to be processed into outputs it is equally essential that the
members of the system stand ready to support the existence of a political community and
some stable rule of common action that we call the regime" (Easton, 1957, p.394).
Adequate support under the Articles would have included state compliance in funding
and raising troops, coupled with a general willingness to cooperate and work within the
framework of the political system. However, supportive inputs were few and far
between, when any existed at all. Shays' Rebellion, discussed in detail below, is the most
obvious example of the failings of support inputs into the American confederation.

Inputs may "be used as the key indicators of the way in which environmental
events and conditions modify and affect the operations of the political system" (Easton,
1965, p. 114). If the demand inputs are reasonable in relation to the capacity of the
political system, and the requisite support inputs are sufficient to allow the governing
institutions to fulfill the given demands, then the political system stands a greater chance
of operating smoothly over the long term. These conditions were not satisfied under the
Articles, the consequences of which undermined the overall stability of the government,
largely because the supportive inputs were negligible. Easton's observations about the
role of demands and supportive inputs in a political system establish a framework in
which one is better able to understand exactly why the Articles of Confederation failed
given the level of inputs into the system.
The foremost goals of the Articles centered around national defense and security, followed by the more minor goals of maintaining the general welfare of the newly formed union. Initially, due to the Revolutionary War, the states were willing to work together in the face of a clear external threat. The text of the Articles suggested that this cooperation would continue and perhaps be enhanced by uniting to facilitate overall internal stability. Ironically, over time, it was only the more insignificant goals upon which the confederacy acted successfully, including western expansion and interstate disputes.

When the solvency of the union was truly threatened, the states failed to bind together.

The most immediate and forceful purpose in the creation of the Articles of Confederation was achieving victory in the Revolutionary War and establishing a sound base for foreign relations. “The start of a shooting war had called for a centralized military and diplomatic operations, the latter to win friends abroad and secure foreign funds and arms” (Morris, 1987, p. 80).

The importance of this goal is evident in the text of the Articles. “Common defense” is mentioned first in Section III, and much of the rest of the paragraph addresses the commitment to unity in times of attack, regardless of the root of aggression against the United States. Furthermore, much of the authority granted to the national congress focuses on issues of defense and foreign policy. The enumerated congressional powers included the right to send and receive ambassadors, to enter into treaties or alliances, to determine times of war, and, in a limited way, to raise troops for war.

The authors of the Articles had no choice but to concentrate primarily on defense and foreign affairs, for the centralization of military power was absolutely necessary to defeat the British and to secure independence. In fact, even prior to the official
ratification of the Articles, efforts were taken to nationalize the military under the first and second Continental Congresses.

The necessities of war, and the reality of a national unity—the consciousness of which sharpened as the fighting progressed—plus the needs of diplomacy and commerce, developed a growing centralization of authority in fact; the creation and adoption of the Articles represent an signal demonstration of this truth (Aptheker, 1976, p. 8).

Moreover, because the United States was so young and relatively powerless in relation to other global powers after the war, centralization of defense and foreign policy helped to present a unified front to the world. One national defense system was surely more formidable than thirteen separate, smaller, and weaker armies. Because it was vital to the national interest and the solvency of the newly formed United States, common defense was the primary goal considered by the authors of the Articles.

There were several secondary objectives undertaken by the framers of the Confederation, all of which focused attention within the union. Listed after defense in Section III is the desire to provide for the “security of their liberties, and their mutual and general welfare.” Liberty and general welfare are both ambiguous terms and must be interpreted in the context of the time in which the document was written. To gain insight into the specific issues that most deeply concerned the creation of a national government, it is helpful to refer to the most prevalent debates at the time during which the Articles were drafted and ratified. For example, maintaining the integrity of state sovereignty was at the forefront of the authors’ minds, and so neither phrase can be understood to construe an activist role for the federal government. Furthermore, the framers of the Confederation addressed substantial common issues of the day that transcended state
borders. Among these were the weak economy, territorial disputes between states, and
the creation of a basic national infrastructure.

Setting the course for a new country, American political leaders sought to build
and assert economic strength and turned to centralization to facilitate their goal. "During
the Confederation there was endless reiteration of the idea that a more powerful central
government would solve the country's economic problems" (Jensen, 1950, p.177). As
the framers of the Articles were drafting the document, the economic situation was
unstable. During the war, the United States incurred a debt of $42 million, the equivalent
of $33 billion today (Hanson, 2001). A major objective under the Confederacy was to
eradicate this debt in order to enhance the stability of the economic system. Section XII
of the Articles calls for the federal assumption of the national war debt accrued by the
Continental Congresses:

All bills of credit emitted, monies borrowed, and debts contracted by, or
under the authority of Congress, before the assembling of the United
States, in pursuance of the present confederation, shall be deemed and
considered as a charge against the United states, for payment and
satisfaction of whereof the said United States, and the public faith are
hereby solemnly pledged (Articles of Confederation).

By providing for the assumption of the national debt, the authors of the Articles hoped to
lead the relief of the economic burden and to stimulate growth within the states. The
attempt at centralization of the debt was at first unsuccessful, and the debt was not paid
until well into the 1800s. However, the men shaping the Confederation clearly felt that
the federal government would be more competent at heading the management of
economic troubles than the thirteen separate states.

Moreover, the Articles delegated the responsibility of managing a national
treasury to the Congress. In this case, economics was used not as an end in itself, but
rather as a means to fulfill the goal of providing for the general welfare. The authors of the document realized that the goal of maintaining and enhancing the general welfare required a central authority to at least guide the states toward common policy objectives. To pay for expenditures that would inevitably result from Congress's actions in pursuit of the general welfare, Section VIII established a national treasury. Although states retained responsibility for collecting taxes to fill the treasury, the Articles provided that "all charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury." The treasury thus served as a means to fulfill the objective of preserving the general welfare on a national level.

Another purpose embodied in the general welfare was that of mediating territorial disputes among the states. As discussed above, western expansion was a critical issue that nearly blocked passage of the Articles. In order to simply maintain cooperation and unity among the states, the framers had little choice but to create a mechanism to resolve territorial conflicts, a primary goal of the Confederation.

Dealings with disagreements over land as well as western expansion were two of the few areas in which the Confederacy was actually successful in achieving the established goals. The Articles created a complex and detailed plan for reconciliation of problems between states. It essentially provided for Congress and the involved states to form an ad hoc judiciary each time two states were in conflict. The decisions of the panel of judges were to be binding on all parties involved. In several instances the process worked to resolve disputes. For example, in 1782, a conflict between Connecticut and Pennsylvania over the Wyoming Valley was peacefully settled under the process. A
dispute between New York and New Hampshire over the Vermont territory was also reconciled under the procedure set forth in the Articles.

Dealing with western territories was not an explicit goal in the Articles, nor was it directly addressed in any provision. However, by implication, western expansion falls into the purview of providing for the general welfare. As a byproduct of the ratification of the Articles, the federal government gained control of most western territory because the landed states were forced to give up their possessions to placate the states without western territory. At the time of ratification, western territory made unification a questionable prospect, and because the federal government gained control of the land, it fell to the Congress as a primary objective to ensure that the west would no longer be a deeply divisive issue.

Unlike its failure in many other policy areas, the national government fulfilled this goal. "The greatest achievement of the Confederation Congress in the post-war years was the formulation of plans for the administration of the vast western region that was in the process of being ceded to the United States by the states that had claims there" (McCormick, 1997, p.428). The cornerstone policy was the Northwest Ordinance of 1787, passed just before the dissolution of the Articles of Confederation. When the landed states ceded their territory to the national government, they did so under the assumption that the land would eventually be incorporated as several states into the United States, and the Northwest Ordinance created a procedural framework for this process. Moreover, the act "ordained six 'Articles of compact' between the thirteen original states and the 'people and States' in the new region. These articles set forth fundamental principles that were to be 'the basis of all laws, constitutions, and
governments, which forever after shall be formed in the said territory”” (McConnick, 1997, p. 434). The Northwest Ordinance enumerated a reasonable plan agreeable to each of the thirteen states to cope with the western lands, thereby achieving the implicit objective in the Articles of handling the territory in a manner that did not threaten the union.

The final major objective of the Articles of Confederation was that of building a basic national infrastructure. Much like the issue of western land, a national infrastructure is only implied in the notion of the general welfare. Nonetheless, it is a crucial goal because a solid and stable union requires some sort of physical infrastructure and uniform standards to bind it together on a basic level and facilitate integration. Several provisions in the Articles call for institutions to fulfill this goal. For example, Section IX outlines the following powers:

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states—fixing the standards of weights and measures throughout the United States—regulating the trade and managing all affairs with the Indians—establishing or regulating post offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office... (Articles of Confederation)

Each of the powers listed above facilitates a fundamental level of national communication and standards, enabling the union to function under a single government. Without these powers, the states would have remained largely disjointed with different monetary standards as well as inadequate means of interstate communication. John Witherspoon, president of Princeton University during the Confederation, mused that if the colonies did not unite following their victory over the British, “we may be sure of
coming off worse” because of the threat of “a more lasting war, a more unnatural, more bloody, and more hopeless war, among the colonies themselves” (Greene, 1982, p.36).

By encouraging the creation of a sound national infrastructure in the Articles, implicit in the pursuit of the general welfare stated as a goal in Section III, the framers of the Confederation encouraged the continuation of the union.

The United States government under the Articles of Confederation slowly fell apart. The demand inputs on the system were taxing, and supportive inputs were practically nonexistent. Economic troubles continued to plague the union, and the Congress had little power to coerce states into complying with national legislation that had any hope of rectifying the situation, including tasks as basic as tax collection and raising troops when necessary. Attention turned from the ambitious goals addressed above to the basic objective of salvaging the union. In fact, “protecting states from internal rebellion was one of the most pressing national issues in the fall of 1786” (Cain and Dougherty, 1999, p.234).

No event better illustrates the conditions of the day than Shays' Rebellion. Daniel Shays led a group of farmers to march against the Springfield, Massachusetts, court house in protest of the burden of higher taxes during a time in which farmers simply could not pay off their accrued debts. The Secretary of War, Henry Knox, brought the uprising to the attention of Congress. The congressional committee in charge of the matter agreed to raise 2,040 troops and declared, “It appears to the committee that the aid of the federal government is necessary to stop the Progress of the insurgents... and that there is the greatest reason to believe that they... will reduce that Commonwealth to a
State of Anarchy and Confusion, [and] probably involve the United States in the Calamities of civil war” (Cain and Dougherty, 1999, 234).

However, Congress could only requisition money and troops from the states with no actual coercive authority to ensure compliance. In fact, “by January 1787, the lack of revenue brought the national endeavor to a close. Recruitment ceased in Massachusetts, Connecticut, and Virginia, while lack of funds prevented it from starting in Rhode Island and New Hampshire. Most of the southern states never even addressed the issue” (Cain and Dougherty, 1999, 249).

Massachusetts was left to its own devices to raise an army and end the uprising. Early in 1787 the state succeeded. Nonetheless, the incident brought the nation dangerously close to a civil war within one state that had the potential to spill across the union, because the plight of farmers was hardly constrained to Massachusetts. As a result, the primary objective shifted from external defense and foreign policy, with some degree of internal coordination, to the sheer goal of national solvency. It was during this time that a new constitution was born to take the place of the failed Articles of Confederation.

A more minor and inconsequential event also demonstrates the disjointed and weak nature of the confederation in dealing with both the internal states and foreign nations. Although Article IX of the Articles granted the national government the right to send and receive ambassadors, this power like so many others was “limited by the voluntary compliance and financial support of the state governments “(Olson, 1971, p.110). When Richard Soderstrom was designated the Swedish consul in Massachusetts, the state government quickly recognized his position and he assumed his duties, even
sending official notification to Secretary for Foreign Affairs, John Jay. However, in the five-month interim between the state recognition and the eventual congressional recognition, Soderstrom inadvertently became tangled up in legal action involving several Massachusetts businessmen. The scandal made its way to the confederal Congress, at which point the involved members noted that Massachusetts had acted without authority and preempted the federal government’s role in selecting and confirming ambassadors. Although there were no important ramifications on the international level, the incident lead several political figures, especially John Jay, to reevaluate the balance of state and federal power and the willingness of states to comply with the Articles. After the incident, Jay mused that he hoped “to see the United States assume and merit the character of one great Nation,” and feared that until the day came, “the chain which holds us together will be too feeble to bear much opposition or exertion, and we shall be daily mortified by seeing the links of it giving way and calling for repair one after another” (Olson, 1971, p.117).

Clearly, with the exception of western expansion and territorial disputes, by and large the goals of the Articles were not met. The objectives reflected an interest in only the most basic cooperation necessary to ensure the continued freedom of the states. As illustrated by the fact that the sovereignty clause was located before the basis for unification in the document, maintaining state independence was clearly the foremost intent of the framers. The implication is that cooperation was only truly important when the states were being threatened; and even then it was questionable, as evidenced by Shays’ Rebellion. Moreover, the Soderstrom incident provides an example of the difficulty in eliciting state compliance with the Articles in the minor and regular event of
confirming ambassadors. Easton notes, “If a structured system is to maintain itself, it must provide mechanisms whereby its members are integrated or induced to cooperate in some minimal degree so that they can make authoritative decisions” (Easton, 1957, p.387). The next chapter will discuss how the institutions were inadequate to achieve this purpose, the result of which was that the supportive inputs were unable to sustain the demand inputs, undermining the stability of the Articles of Confederation as a political system. First, however, the goals of the European Union must be addressed.

The Goals of the European Union

Much like the Articles of Confederation, the idea of a united Europe was born during an era of war. However, the immediate motivation in Europe was to check internal continental powers rather than to unite to protect the union from external threats like those in post-Revolutionary America. Beginning with the Treaty of Paris, the participating governments set a precedent of including specific goals in the treaties. Over time, as the member states have grown increasingly comfortable with their desire to relinquish their sovereignty and with the EU’s capability of governance, the scope of the goals has gradually expanded. Following an analysis of how the Eastonian framework relates to the aspirations of the European Union, the evolution of this process will be addressed.

As discussed in relation to the Articles of Confederation, both demand and support inputs are a necessary prerequisite for the stability of a political system, with the caveat that the demand goals are reasonable given the existing structure. Without any support, a government is unable to sustain, much less fulfill, the demands placed upon it.
To garner adequate support, “a structured system... must provide mechanisms whereby its members are integrated or induced to cooperate in some minimal degree so that they can make authoritative decisions” (Easton, 1957, p. 387). Over time, the European Union progressed gradually, altering by varying degrees the structure of its government with each successive treaty, realizing that as the objectives shifted, so too must the institutions be altered to facilitate the new goals. Unlike the Articles, which outlined broad and vague purposes with a rigid procedure to amend the system to fulfill the goals, the European Union has sought to ensure that its demand inputs are commensurate with its political institutions, as Easton suggests is necessary to maintain the viability of the system.

Moreover, the EU has been adept at eliciting support from the member states, contributing to its ability to facilitate the goals and demand inputs into the system. According to Easton, as discussed above, this is an integral aspect of maintaining the operation of a government. There are several ways in which the EU has induced member cooperation. First, the gradual progression of the purpose of the Union, treaty by treaty, has helped to prepare members adequately for each new objective and to ensure that the states are actually ready and willing to work toward the goal. Each nation must approve a treaty prior to its implementation. Even the process of writing the treaties involves all member states. Because of the variety of interests represented when formulating new goals and demands on the system, the outcome of the process is likely to represent moderate and incremental change that all participants are willing to accept. The slow and deliberate expansion of the goals of the EU has helped to ensure that each nation is committed to cooperating with the Community government to some degree, providing the
requisite level of supportive input that Easton suggests is necessary to allow the EU to function.

Second, the nine states that have joined the European Union since the Treaty of Rome have become members because they were committed to the notion of a united Europe for the benefits that it would bring to their own country. Unification and continual integration were perceived to bring economic benefits through the creation of a common market, as well as the political benefits of reliable interaction and burden sharing of common problems. Each state entering the Community had to meet rigorous economic and political standards. It would have been senseless for the nations to put in the substantial effort required to join the EU if they were not committed to working within its framework and abiding by at least its major dictates. The genuine desire to be a member of the European Union serves as an incentive to cooperate with the EU so as not to jeopardize a nation’s standing within the government.

Third, in a few major policy areas, if a given member state is not prepared to cooperate, that state has been allowed to withdraw from that part of the union. The most notable example is that Great Britain and Denmark have not adopted the single currency, the euro. A more detailed description of the opt-out procedure will be given in the following chapter. However, it is important to note that the ability of a state to eschew a major policy of the Union with which it does not agree enables that state to continue as an active member in other policy areas by averting a choice between non-compliance with one policy area and leaving the EU.

Finally, unlike the Articles of Confederation, the EU is not funded sporadically by its member states. In 1970, the EU made the decision to change from a “system based on
national contributions to one based on its 'own resources'" (Nugent, 1994, p.341).

Monetary resources are now derived primarily from a Value Added Tax levied in the member states, a duty based on the Gross National Product of the member states, agricultural levies, and external tariff duties. Although the GNP tax is somewhat like a national contribution, the other sources of income are very much European in character giving the EU a financial base independent of the whims of the member states.

The ability to exert authority often demands a reliable source of funding to implement policy decisions. If the EU’s budget were structured such that income had to be regularly solicited from member state governments, the Union would constantly worry about alienating a nation and thus endangering its funding. By denying the member states this leverage over the EU, the Union retains the ability to act independently of these concerns and act with more autonomy in its interaction with the member states. These mechanisms to induce support inputs have been vital in enabling the EU to meet the goals discussed in the following section.

After World War II, Europe faced the daunting task of rebuilding its political and economic infrastructure. The economic destruction alone was devastating, but the problem was compounded by a general lack of trust and instability, especially between Germany and France. Many observers and participants during the time blamed the events on powerful nationalistic tendencies and felt that, in order to move forward, some level of interstate cooperation would have to be developed. For example, Jean Monnet commented, "There will be no peace in Europe if States are reconstituted on a basis of national sovereignty with all that implies in terms of prestige politics and economic protectionism" (Salmon, 1997, p.21).
Underlying this notion was the rationale that some type of supranational organization would be more effective than mere interstate dialogue in fostering cooperation and communication among the states. "It was the presumed superiority of the Community's problem-solving capacity over the potentials of the traditional nation-states which basically motivated the foundation of the Community in the Fifties. In other words, reasons of efficiency and utility belong to the most significant founding rationales of the Community" (Preuss, 1999, p.422).

Several political motivations existed at the end of World War II. Unification on some level was perceived to be the best way in which to check excessive nationalism, to abate fears of a strong Germany, and to cope with the newly formed Eastern communist bloc. Nationalism and skepticism about German power were often linked together. Following German belligerence in the nineteenth century, as well as in the two world wars, "rightly or wrongly [Germany] had come to be seen as innately aggressive" (Nugent, 1994, p.18). France, especially, was fearful of German dominance and sought to check its power in any way possible. At the time "France needed German coal for its own recovery plan. But France also wanted to maintain restrictions on the recovery of Ruhr heavy industry, fearful of competition from German steel. The Germans resented the controls imposed upon them" (Salmon, 1997, p.40). Each country was in some manner restricted by the other and lacked the power necessary to achieve its specific goals. More was to be gained from cooperation than continued conflict. It was partly out of this tension that the ECSC was formed.

Moreover, a deep fear of communism, and in particular, of the Soviet Union, was beginning to replace worries about Germany. Following the division of Germany into
western and eastern territories, tensions escalated. Largely because of its geographic proximity to the USSR, Western Europe felt particularly threatened by communism. In this sense, much as the Articles of Confederation were formed out of a common external threat (Britain), the individual European nations also believed that a united front, at least on several economic issues, would be a more effective deterrent to Soviet aggression than several individual states would be.

Finally, economic motivations played a role in the development of the European Union. Although initially Western European countries were able to stimulate economic growth after the war, "the rapid post-war economic recovery that most states were able to engineer by the adoption of expansionist policies created massive balance of payments deficits and dollar shortages in particular" (Nugent, 1994, p.19). When the United States offered economic relief in the form of the Marshall Plan, one of the major stipulations was that Western Europe had to create an economic organization among the recipient countries. Out of this grew the Organization for European Economic Cooperation (OEEC), which, while short-lived, set a precedent for economic integration on the continent.

The Treaty of Paris, the first to be ratified in the series of European Union treaties, reflects the above objectives. The preamble states,

Considering that world peace can be safeguarded only by creative efforts commensurate with the dangers that threaten it...

Convinced that the contribution which an organized and vital Europe can make to civilization is indispensable to the maintenance of peaceful relations,

Recognizing that Europe can be built only through practical achievements which will first of all create real solidarity, and through the establishment of common bases for economic development...
Anxious to help, by expanding their basic production, to raise the standard of living and further the works of peace...

Resolved to substitute for age-old rivalries the merging of their essential interests; to create by establishing an economic community, the basis for a broader and deeper community among peoples long divided by bloody conflicts; and to lay the foundations for institutions which will give direction to a destiny henceforward shared (quoted in Salmon, 1997, p.48).

Reflected in the language is an intense interest in economic integration to preserve peace in Europe and beyond. At the outset, the authors refer to “world peace” and contributions to “civilization” that extend beyond the geographic boundaries of Europe. The impending Cold War was at the forefront of political minds at the time, and the USSR was perceived as a threat, likely inspiring the text, “dangers that threaten [world peace].”

As discussed before, Europe felt particularly vulnerable and thus sought to implement “creative efforts” to preserve its independence as one of the primary goals of the ECSC.

The treaty also contains several lines that strongly emphasize building internal cooperation to overcome the deep divisions among nations and especially the skepticism about Germany’s intents. Phrases such as “create real solidarity,” “resolved to substitute for age-old rivalries the merging of their essential interests,” “basis for a broader and deeper community among peoples long divided by bloody conflicts,” and “destiny henceforward shared” are all examples of the new drive for collaboration and coherence. As the power of that language shows, the effort is clearly not merely cosmetic. The authors of the treaty recognize the severity of past conflicts among the nations and express not only willingness, but also genuine desire, to overcome the divisions. The means chosen to accomplish this goal were to begin with economic integration and move forward from the initial point of the ECSC. Although not specific in terms of numerical
standards, the preamble of the treaty is specific in a few objectives, including production expansion and an increase in the standard of living. At this time in the development of the EU, the specific goals were economic because the countries were not yet prepared to relinquish political sovereignty.

Although the Treaty of Paris officially created only the ECSC, it is clearly a forward-thinking document. The 1950 Schuman Doctrine is one source from which the treaty was drawn. Referring to a possible coal and steel union, Schuman stated, “In this way there will be realized simply and speedily that fusion of interests which is indispensable to the establishment of a common economic system: it may be the leaven from which may grow a wider and deeper community between countries long opposed to one another by sanguinary divisions” (Salmon, 1997, p.45).

The Treaty of Paris also alludes to a Europe that will be integrated beyond a union of coal and steel resources. A notable aspect of the language is the incremental tone that it sets. The ECSC is recognized as only the “basis” for further integration, with the expectation that it is laying “the foundations” for this process. Those driving the integration process understood that Europe could not be integrated overnight. Political resistance was too strong, and many major European powers, most notably Great Britain, showed little interest in the idea. As the Schuman Doctrine expressed, a European community would have to start small and gradually build on its successes.

Each major treaty since the Treaty of Paris has become more ambitious. For instance, the Treaty of Rome, while reflecting the goals of the Treaty of Paris, used more aggressive language. Article II reads,

The Community shall have as its task, by establishing a common market and progressively approximating the economic policies of Member States,
to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated raising of the standard of living and closer relations between the states belonging to it (Nugent, 1994, p.45).

While the text reiterates many objectives set forth in the Treaty of Paris, including expansion, standards of living, and better relationships among the member nations, it also moves into new territory by explicitly setting the goal of creating a common market.

Until the Treaty on European Union, enacted in 1992, the primary objectives of the European Union were economic in nature. However, members of the Community never lost sight of the original intent to integrate in other policy spheres.

One of the driving philosophies that explains the incremental nature of the European Union’s objectives is the belief that economic integration will serve as a catalyst for political integration. Part of the reason for this philosophy is simply logistical; if decisions are to be implemented some form of governing body must direct this process. “The major ‘history-making’ advances in integration have taken the form of agreeing to integrate aspects of economic activity and then, at times almost seemingly as an afterthought, realizing that this requires political integration too if there is to be political direction and control” (Nugent, 1994, p.77). However, various schools of thought view the extent of political integration differently. For example, pro-integrationists, including the head of the German Green Party and German Foreign Minister, Joschka Fischer, hope that once full economic integration has been realized, “the complete political integration of Europe, and this the abolition of the sovereign nation states, can hardly be stopped” (Fischer, 1997, p. 19).

While the notion of the complete abolition of nation states is likely farfetched in the foreseeable future, the Treaty on European Union was the next major step in this
process. The years between the Treaty of Rome and the Treaty on European Union brought an expansion of the economic policy areas governed by the EU as well as a few failed attempts to coordinate other policy spheres, including defense. However, in 1992, the EU took a major leap forward when the member states agreed to begin to collaborate in the areas of foreign policy and defense, as well as in justice and home affairs. The Treaty on European Union established three pillars to the European Union. The first pillar is the European Community, covering the existing treaties; the second pillar is a common foreign and security policy (CFSP); and the third pillar is cooperation in the policy spheres of justice and home affairs (JHA). The most notable change in objectives under the first pillar was the creation of a timetable governing the introduction of the European Monetary Union (EMU), culminating in the use of a single currency introduced January 1, 1999. This development is especially relevant because the EMU is now a supranational organization governing all nations that chose to adopt the euro.

The second and third pillars both truly demonstrate the incremental expansion of European integration. For the first time, the participating nations agreed in a treaty to collaborate in significant areas beyond the economic realm. Recognizing the gradual nature of the process of unification, Article I of the treaty reads, “This treaty marks a new stage in the process of creating an ever-closer union among the peoples of Europe” (Treaty on European Union).

First, the member states pledged a substantial amount of cooperation in international concerns. The treaty declares that the nations shall “define and implement a common foreign and security policy” which “shall include all questions related to the security of the Union, including the eventual framing of a common defense policy, which
might in time lead to a common defense” (Treaty on European Union). This is an ambitious goal, given the nature of foreign policies. Generally, major decisions relating to foreign policy and security are considered critical to the retention of a nation’s sovereignty. The treaty recognizes the delicate nature of this issue by using the weak and uncertain phrase “might in time” with respect to a common military, making the objective more ambiguous in its scope and meaning. Moreover, the European Union is expected to work within an existing and complicated framework of international organizations, some of which are purely European and some of which are not. For example, the United Nations, NATO, and the Western European Union (unrelated to the European Union) all must figure into issues of foreign policy. Finally, the issue of expansion will hamper the implementation of this goal. Each nation brings its own foreign policy and national security concerns to the table in the European Union, and the more nations involved, the more complicated the process of creating policy will become. Thus, “In order to work efficiently and with other structures, it will be important for the EU... to undertake institutional adjustments so that it is not weakened by an expansion of its membership” (Hojberg, 1996, p.23). Thus far, the EU has experienced some progress and success in achieving further unity. For example, the EU substantially contributed to the peace plan following the conflict in Bosnia. The recognition of foreign policy as the second pillar of the European Union broadly expands the original scope of the economic goals set in the earlier treaties.

The third pillar, JHA, seeks to establish cooperation in crime, drug, immigration, and customs policy. Once again, the objectives reflect a deviation from the traditional economic goals into areas that are generally handled internally by sovereign nations. The
major implication is that “a legal base is given to cooperation in areas of activity which in
the past have either been dealt with purely on a national basis or have been the subject of
only rather loose and informal cooperation between the member states” (Nugent, 1994, p.75). JHA is partly a byproduct of the notion that economic integration will breed
political integration. As economies become more intertwined and the freedom of
movement of goods and people expands, immigration and crime become transnational
issues. For example, illegal goods can be transported with greater ease and financial
crimes become less complicated with one uniform currency. Furthermore, as internal
borders are blurred and citizens of EU member states move freely among the nations, it
makes sense to cooperate on the issue of asylum and immigration from non-member
states, also known as spill-over. Thus, JHA serves as a sound example of a goal that is an
outgrowth of the successes of past economic objectives.

Today, the official website of the European Union lists a mission as well as five
primary objectives. The text reads,

The European Union’s mission is to organize relations between the
Member States and between their peoples in a coherent manner and on the
basis of solidarity.

The main objectives are:
-to promote economic and social progress (the single market was
established in 1993; the single currency was launched in 1999);

-to assert the identity of the European Union on the international scene
(through European humanitarian aid to non-EU countries; common
foreign and security policy, action in international crises; common
positions within international organizations);

-to introduce European citizenship (which does not replace national
citizenship but complements it and confers a number of civil and politic
rights on European citizens);
-to develop an area of freedom, security, and justice (linked to the operation of the internal market and more particularly the freedom of movement of persons);

-to maintain and build on established EU law (all the legislation adopted by the European institutions, together with the founding treaties).

Much of this language reflects a logical extension of the Treaty on European Union. The second and fourth objectives are essentially the second and third pillars, respectively. The remaining three objectives reiterate a commitment to continuing integration by advocating the furtherance of EU legislation and its impact, as well as by broadening the scope of integration through a European citizenship. Significantly, there is no timetable attached to the achievement of the aforementioned goals, granting a degree of flexibility in the process of unification. The objectives will likely be addressed at the ongoing constitutional convention, however the degree to which they are implemented will be the subject of contention, given the differing expectations for the conference.

By and large, the European Union has been successful in fulfilling its objectives. With respect to economic integration, a single currency has been introduced and a common market has been established in which people and goods generally move freely among the member states, while non-member states face external tariffs. However, the standard of living, set as a goal in the Treaty of Rome, is a harder goal to gauge. Individual European Union countries have different standards of living to begin with, and the problem is exacerbated by regional differences within nations. The EU has been less successful in raising the standard of living in some of the poorest regions, although it does have a number of programs that reach out to these areas. That the standard of living has not been uniformly raised is likely not an institutional failure of the European Union.
Within any political territory, especially with a capitalist economy, there are generally discrepancies in the standard of living that are not easily overcome by the governing body.

Whether the EU will fulfill its goals of cooperation under its second and third pillars remains to be seen. The creation of a common foreign and security policy is clearly a long-term goal that will require substantial sacrifice on the part of the member states. Cooperation in justice and home affairs is less controversial and thus far has often worked to the advantage of the individual nations, especially because it is partly a logical consequence of previous economic integration. However, there is still concern as to whether national citizenship and immigration laws will be undermined as collaboration increases.

The most critical aspect to note is the incremental process by which the EU outlined and implemented its objectives, as opposed to creating a supranational body with all of the current authority at once. This process helped to assimilate states into the Community and allowed each successive goal to be either an agreed-upon and necessary area of cooperation or an outgrowth of previous accomplishments, ensuring a more smooth process of integration. It is with this understanding of the goals of the Articles of Confederation and the European Union that the study will now turn to the institutions of each governing body in order to understand how institutions hinder or facilitate objectives in a confederacy.
Chapter 4
The institutions of the Articles of Confederation and the European Union

The Institutions of the Articles of Confederation

In the broadest sense, the Articles of Confederation failed because the national government could never truly exert authority over the state governments. As Articles of Confederation scholar Merrill Jensen explains,

The vast field of undefined and unenumerated powers lay with the states. Congress could function only within an area of precisely delegated and carefully limited authority... No phrase in the document could be construed as making the central government supreme over the states... The Articles of Confederation placed few restraints upon the states, and even these tended to be qualified out of existence... The union that had been created was a federal union of equal states in which the central organization was carefully subordinated to the members of it (Jensen, 1966, p.241-3).

Had the demand inputs been relatively small and trivial, the power of the national government would likely have been a nearly irrelevant issue. However, the goals of maintaining an external foreign policy as well as internal stability required substantial supportive inputs. The national congress proved itself incapable of eliciting this type of cooperation from states, as previously illustrated in the description of Shay's Rebellion and the Soderstrom incident. Much of this failure can be attributed to institutional features of the Confederation's structure, all leading back to the inescapable conclusion that it was the lack of power granted to the national government that caused the demise of the Articles. Included among the institutional inadequacies were the stringent amendment procedures, causing the Articles to be a relatively static document; the lack of enforcement mechanisms to ensure compliance from the states, creating a free rider dilemma; the notion that the Confederacy was a union among states and not citizens; and,
the limited nature of the structure of the national Congress and government, including the absence of judicial and executive branches.

**Process of Amendment**

First, the Articles of Confederation was a highly rigid document, allowing little maneuverability to handle and to meet the changing goals of the government. The Articles were formally ratified in 1781 and a constitutional convention was called in 1787 to create a new foundation for the government of the United States. Within the six years that lapsed between the ratification and the resounding call for change, political figures came to realize that not only was the structure of the Confederation flawed, but also that they lacked the power needed to alter the founding document.

Although the Articles did provide for a means to amend the document, it was an “exceedingly difficult” process (Aptheker, 1976, p.6). Article XIII states, “nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State” (Articles of Confederation). The language, especially in the first part of the sentence, adamantly discourages any change to the document by stating that the Articles should never be altered. The actual process for amendment appears almost as though it were an afterthought, written for only the most extreme cases, given that any change must be unanimously approved. Because members of the national congress were, in effect, mere extensions of the state legislatures, an amendment basically required ratification by state legislatures twice. Differences among the states were extremely pronounced, and interests varied accordingly. Achieving total consensus among such a diverse constituency proved to be an impossible task, illustrated by the fact that not a single
textual change to the Articles was implemented between ratification and the implementation of the Constitution.

The rigidity of the Articles is highlighted when contrasted with Article V of the Constitution of the United States. Article V states,

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several states, or by Conventions in three fourths thereof, as one or the other Mode of Ratification may be proposed by the Congress... (United States Constitution)

While ratification of the Constitution is by no means easy, the phrase, "deem it necessary," implies that elected representatives have the authority to determine when a component of the Constitution is no longer adequate to meet a given need and to alter the document in light of the new circumstance. The Constitution is partly an outgrowth of the Articles, in which the Framers rectified the structural problems of the Confederation. The change in the procedure of amendment between the Articles and the Constitution illustrates the impracticality of the rigid amendment process implemented during the Confederation. Most notably, under the Constitution only three-quarters of the states must approve an amendment, contrasted with the unanimity required by the Articles (Amar, 1994).

The difficulty of achieving consensus first within the Congress, and then among the states, irrespective of the necessity for change, was overwhelming. For example, in 1781, Congress was seeking an independent source of revenue to finance the national debt. Considering that one of the largest failures of the confederal Congress at the time
was its ability to raise revenue from the states, an independent national treasury could have altered the doomed course of the Confederation. After exploring several possibilities, Congress concluded that the best option would be to impose a five percent duty on all goods imported to the United States, largely to help finance national war debts. Because, under the Articles, Congress lacked the power to collect such a tax, an amendment was deemed necessary. Although Congress and twelve states quickly approved the amendment, Rhode Island held out. In November 1782, the amendment failed (Jensen, 1950, p.58). That one of the smallest states in the Confederation was single-handedly able to prevent the passage of an important amendment is a clear demonstration of the rigidity of the Articles that would eventually serve as an institutional flaw contributing to the failure of the document.

**Enforcement Mechanisms**

The second major institutional failure was a lack of enforcement mechanisms that would have enabled the confederal Congress to elicit compliance from the state governments. As previously mentioned, Easton recognizes enforcement mechanisms as a critical component contributing to the success of a political system. Once again, he states, "If a structured system is to maintain itself, it must provide mechanisms whereby its members are integrated or induced to cooperate in some minimal degree so that they can make authoritative decisions" (Easton, 1957, p.387). A political system will be rendered meaningless if its members disregard decisions made for the whole and, instead, act independently. Examining this phenomenon in the context of the free rider dilemma helps to clarify the magnitude of the impact when a political system cannot persuade its members to cooperate, especially in the most important situations. The free rider
problem occurs when an individual actor seeks to derive benefits from a communal resource without contributing his share of the cost or burden.

In their article, "Suppressing Shays' Rebellion: Collective action and constitutional design under the Articles of Confederation" (1999), Michael Cain and Keith Dougherty apply the free rider dilemma to Shays' Rebellion, serving as a profound example of the inability of Congress to induce the individual states to act, especially in a time of national crisis. To end Shays' Rebellion, Congress agreed to raise 2040 soldiers among the thirteen states. The vote was unanimous, demonstrating the widespread recognition of the communal need to solve the problem while it was contained in Massachusetts. However, only Virginia raised troops at the request of Congress, while Massachusetts waited until it was clear that it needed to act alone as a state to end the rebellion. Cain and Dougherty's analysis of costs and benefits to the states reveals that only Virginia, Massachusetts, and Pennsylvania had an incentive to contribute troops, while the other ten states had a disincentive. As expected, the ten states lacking any incentive to raise troops made little, if any, effort to follow Congress's orders. Virginia and Massachusetts acted as expected, eventually gathering troops, and Pennsylvania disregarded Congress's directive despite the fact that it had reason to cooperate.

Cain and Dougherty attribute the problem of the free riders to institutional failures of the Articles. The tax system implemented in the Articles was essentially voluntary. The national government had no mechanism by which to raise its own money, and instead relied on contributions from state governments. The ultimate failure of the financial system occurred because "Congress could neither force states to comply with its requests for payment, nor prevent states that failed to comply from enjoying the benefits"
of goods supplied by the national government" (Cain and Dougherty, 1999, p.235). In the case of Shays' Rebellion, Congress was unable to elicit cooperation, and all states eventually benefited from the action of one state without contributing the requested resources.

Cain and Dougherty argue that the free rider problem had been building over time because of the basic flaws in the structure of the Confederation. "Without proper institutional incentives," they maintain, "state actors had no reason to contribute to the union. As a result, the 13 states learned to pursue policies of self-interest which prevented them from realizing the benefits associated with cooperation, until finally, the nation was unable to provide even the most basic collective goods, such as protecting the states from internal rebellion" (Cain and Dougherty, 1999, p.233). The absence of enforcement mechanisms rendered the national government nearly powerless in its already limited capacity to pursue policies for the common good.

National Citizenship

The third major institutional fault pertained to the Articles of Confederation acting on states and not on citizens. Under the Articles, the national government "was the creature of the state governments" (Jensen, 1966, p.241). The Articles of Confederation was ultimately an outcome of a process driven by the Radicals, who favored a sharply limited national government driven by state interests. To ensure this structure of government, the Radicals emphasized that Congress would represent states and not individuals. Roger Sherman of Connecticut made it clear that Congress would be composed of delegates serving as "representatives of states, not individuals," and John
Witherspoon of New Jersey argued, "Every Colony is a distinct person" (Jensen, 1966, p.169).

At the heart of the argument in favor of Congress representing the states was the notion that the national government should not act on individuals, implying that congressional action would not directly affect citizens. Because "individuals were seen as part of a community, it made little sense to act upon anything other than the community. To act upon individuals was to imply the destruction of the community" (Lutz, 1990, p.62).

The preservation of the integrity of the state communities was the foremost goal of the Radicals as they handled the drafting of the Articles. As a result, Congress could not implement an order or issue a decision that would affect anything but the states as political units. States thus remained the dominant political force in the lives of their citizens, clearly overriding any potential influence exerted by the national government. For example, Congress was only able to mediate disputes between states, and not citizens, leaving all judicial questions to the states. The national government had little influence on the daily lives of the citizens, while the state government became the predominant force. Individuals thus placed most of their interest in the political community with the state government, giving them little stake in the survival and operation of the confederal institutions. The inability to incorporate individual citizens into the Confederation's political structure further destabilized the power distribution between the states and the national government, contributing to the downfall of the Articles.
Structure of Government

The final institutional inadequacy plaguing the Confederation was the underdeveloped national level of government, further exacerbating the unequal power distribution between the state and national governments. Because “decentralized political structures are likely to inhibit redistributive policies” due to the absence of a central authority, in a system of government intended to induce sharing and cooperation among its members, some central authoritative decision-maker must be present (Preuss, 1999, p.427).

The authority of the Congress was severely limited, and there was no judicial or executive branch to substantiate the will of Congress. Although this design fit the initial purpose of preventing a tyrannical central power, ultimately it helped doom the system to failure. Part of the strength of the United States government under the Constitution is the design of the three separate branches of government, each with a unique and necessary function that contributes to the working of the system. The European Union also employs a similar format in that there are separate and distinct branches of the government, although there is some overlap in the roles fulfilled by each institution. The division of labor helps to ensure that the legislative, executive, and judicial functions are satisfied and enforced, regardless of the extent of power held by the level of government as a whole.

The role of Congress under the Articles can be classified as vague. The body had legislative characteristics, although its dictates were “not ‘laws’ by any orthodox usage of that term; the Congress never referred to them as such. Laws... must be ‘attended with sanction.’ No sanctions were possible under the Articles” (McCormick, 1997, p.419).
Moreover, Congress served in a limited judicial capacity, as it was only authorized to mediate mostly territorial disputes between states. The Articles failed to provide for a formal executive officer. Thus, it remained in the hands of Congress to enforce its will, which proved nearly impossible due to the absence of coercive mechanisms. Under this structure, the judicial and executive functions that are so necessary to effective government, for all practical purposes, were nonexistent. Even if the national government had been delegated the same limited powers that it was under the Articles, to have created the two additional branches of the government would have dramatically increased the national government’s ability to function, thereby substantiating its power relative to that of the states.

Conclusion

Under the Articles of Confederation, the political system was incapable of properly responding to the demand inputs. The Articles were supposed to facilitate an environment in which the national government could accomplish major objectives, such as the coordination of a foreign policy and internal stability. However, the fears of the authors of the Articles entirely undermined their intentions. Because the rule of Britain had instilled deep suspicions about a powerful central government, the actual design of the political system was such that all power rested in the states. Thus, “whenever it foresaw conflict with state authorities, the Congress drew back because it had no coercive power” (McCormick, 1997, p. 437). Without any real power in relation to the sovereign state governments due to the institutional design of the government, the goals outlined above proved impossible and led to the downfall of the Confederation.
The Institutions of the European Union

Although also a confederacy, the institutional structure of the European Union is quite different from that of the Articles of Confederation in the four aspects discussed above. The European Union maintains a level of flexibility that the Articles lacked. Basic principles, including supremacy, and direct applicability, each described below, tend to govern the EU, as opposed to rigid statements and limitations like those set forth in the Confederation. Because the principles leave room for interpretation, they more aptly mold to the needs of a specific circumstance, contributing to the long-term stability of the Union.

"The most striking property of the community is its dynamic character... The Community is... directed towards its permanent self-transformation, both in terms of policy goals and of its institutional setup" (Preuss, 1999, 421). This dimension of flexibility is a vital feature of the European Union because it enables the government better to accommodate both the demands of the individual member nations, and the collective and unified demands on the system as a whole. The institutional systems discussed in relation to the Articles, including the process of amendment, enforcement mechanisms, the degree to which citizens are incorporated, and the structure of the supranational government, all illustrate the lasting and dynamic character of the EU.

Amendment Procedures

At first glance, the Union's process of amendment, outlined in Article 48 in the Treaty on European Union, appears to be as rigid, and perhaps more complex, than that of the Articles of Confederation. It reads:
The government of any Member State or the Commission may submit to the Council proposals for the amendment of the Treaties on which the Union is founded.

If the Council, after consulting the European Parliament and, where appropriate, the Commission, delivers an opinion in favor of calling a conference of representatives of the governments of the Member States, the conference shall be convened by the President of the Council for the purpose of determining by common accord the amendments to be made to those Treaties. The European Central Bank shall also be consulted in the case of institutional changes in the monetary area.

The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements (Treaty on European Union, as amended by Amsterdam).

At the heart of the process of amendment is the meeting of the representatives of the states, often called an Intergovernmental Conference (IGC). There have been several IGCs in the past; the new treaties intended to amend previous documents, including the Single European Act, the Treaty of Amsterdam, and the Treaty of Nice, grew out of these. The negotiations over the nature of the amendments occur during the IGC.

Given the vastly different interests of the member states, especially because there is no consensus as to how far integration should go and what form it should take, IGCs are often a tedious and time-consuming process. When participants in an IGC cannot agree, problems can be taken to the summit at which the actual treaty is drafted.

Once the IGC comes to an agreement on changes to the existing structure and these alterations have been formally drafted into a single document, each member nation must ratify the amendments. The process for ratification varies among the member states. Most simply require the approval of the national legislative body, but some countries are moving toward incorporating popular referenda on a regular basis. Because representatives of the individual nations are active participants in shaping the
amendments in the IGC, the actual ratification is generally a smooth process when only
the legislatures are involved. However, fierce campaigns must be waged when the public
is permitted to vote on the issue. For example, citizens of Denmark had to vote twice on
the Treaty on European Union because ratification failed the first time. The process by
which the European Union can be amended is, especially on the surface, extremely
difficult and complicated. However, since the ratification of the Treaties of Rome, the
structure of the EU has been amended by treaty more than five times, implying that there
are factors beyond the technical amendment process making it more flexible than it
appears, including an incentive to further the process of integration.

The first of these factors, initiated in the negotiations on the Treaty on European
Union, is the use of *opt-outs* when drafting amendments. Although opt-outs had been
used before in the EU, they had never been implemented in treaty form. Opt-outs occur
when a nation is given an exemption from a specific part of a treaty. The most well
known examples are “the opt-outs given to Denmark and the UK on [European Monetary
Union],” illustrating a “tradition of adaptability and innovation” (Nugent, 1994, p.78). In
fact, it was the opt-out granted to Denmark that encouraged its citizens to vote in favor of
ratification of the treaty in the second referendum, after the first attempt failed. Another
example is the Schengen Agreement, in which the EU nations agreed to gradually phase
out border controls. Britain and Ireland chose to opt-out of this framework for
cooperation.

Allowing individual states an escape when their representatives feel particularly
strongly against a provision permits those states to accept the rest of the amendments
without threatening the entire process by jeopardizing unanimous consent. For example,
had the UK and Denmark been forced to participate in the EMU, many of the other important changes, such as the incorporation of the three pillars in the Treaty on European Union, would have likely failed, as the EU would have been unable to produce unanimous agreement on the document. Opt-outs offer a level of flexibility that enables the member nations to feel as though they are still able to act in their national interest while remaining an active part of the EU, and have thus become a valued option.

"Member governments have bargained fiercely for 'out-outs'… without which they would never have been in a position to jump through the hoops of the next stages of integration" (Pryce-Jones, 1997, p.32). The ability to retain independence in one area while moving forward toward unification in others has, especially in the last decade, been critical to the continuing evolution of the European Union.

The second factor easing the difficult process of amendment is the basic ideology that the European Union is not complete in its evolution. While nobody can say for certain what shape the EU will eventually take, it is commonly accepted by both current and future members that there will be alterations to the structure that will most likely further unite the countries to some degree. The Articles of Confederation were viewed in an entirely different light. Until clear and substantial problems arose leading to the Constitution, the Articles were never intended to evolve over time in a manner that would increasingly integrate the states. The document was assumed to be the final structure of the government. Under the European Union, however, the member states are aware that the process of integration is not yet complete, and have thus come to expect and accept amendments to the founding documents. As a result, while the individual countries by no means agree on the exact content of the changes, they are willing to be active participants
in the amendment process with the ultimate expectation that they will ratify whatever
alterations they have come to agree to in an IGC.

Each of the factors described above helps to soften a seemingly rigid and difficult
process of amendment. By making the process more flexible, the European Union can
more easily adapt and respond to changing conditions, as well as continue the goal set
forth in the Treaty of Paris to create a “destiny henceforward shared.”

Enforcement Mechanisms

The second institutional feature contributing to the stability of the European
Union is the more stringent use of enforcement mechanisms. Two principles articulated
by the European Court of Justice helped to lay the foundation for member state
cooperation. The first is the principle of direct effect, and the second is the supremacy
doctrine. Briefly, the Court of Justice is the ultimate legal authority in the European
Union. Much like the Supreme Court in the United States, the ECJ’s rulings are final.
The member states have a long tradition of abiding by the decisions of the ECJ, and
therefore the doctrines articulated by the justices in their decisions are generally respected
and upheld.

In 1963, the European Court of Justice issued a decision in N.V. Algemene
Transport en Expedite Onderneming van Gend & Loos v. Nederlandse Administratie der
Belastingen (26/62 [1963] ECR, 34) (van Gend & Loos), that created the principle of
direct effect in the European Union. In this case, the Court was forced to decide whether
the treaties applied solely to the member states as a whole entity, or whether individuals
would also have recourse under European law. Furthermore, it raised the issue of
whether EU directives had to be implemented into member state law by national
legislatures or whether they would automatically be incorporated into national legal systems upon passage at the Community level. The Court sided with van Gend & Loos, making European Union treaties directly applicable to both the nations and their citizens, thus creating "rights which individuals could claim in their national courts" (Alter, 1996, p.458). The ECJ went one step further. The judges also declared that once the EU passed a law, it was immediately applicable in the member states. There was no need for the individual nations to incorporate EU law into their domestic law; it would take hold upon its enactment at the community level.

*Van Gend & Loos* had tremendous repercussions. Because it is not always in the national interest of an individual member state to enforce all EU laws and directives, nations are not always compelled to implement Community law. The vigilance of individual citizens is an important counterbalance to this tendency. It is a natural action for a person to seek either a remedy for or an improvement of a situation. Should a citizen feel that his or her position would be bettered through the enforcement of EU law when it is not being properly implemented, there is a strong possibility that the person will turn to the courts to effect a change in the situation. As a result of the principle of direct effect, "individuals in real cases and controversies became the principle guardians of the legal integrity of Community law within Europe" (Deelen, 1996, p.81). Citizens can do a great service to the EU simply by acting in their own self-interest and prompting the implementation of Community law, thereby creating a form of enforcement mechanism in the European Union.

Moreover, *Van Gend & Loos* overcame a major potential stumbling block to the authority of the European Union. National legislatures are generally notorious for their
ability to block the passage and implementation of legislation. Were it the case that all fifteen of the national legislatures had to pass EU laws prior to its taking effect, it would be legitimate to infer that Union law would rarely be enforced across all states, undermining the legitimacy of the EU. The situation would have been similar to that under the Articles of Confederation, in which it was left to the state legislatures to authorize and implement the decisions of Congress. Because EU laws simply take effect upon passage at the supranational level, the individual nations cannot choose to ignore laws by not addressing or them in their legislatures. As a result, the member states are generally forced to at least acknowledge EU laws.

In 1964, the European Court of Justice took a second step toward creating enforcement mechanisms in the European Union in Costa vs. ENEL (6/64 [1964] ECR, 1141). In this case, an individual shareholder in the Italian electricity company, ENEL, challenged an Italian nationalization law on the grounds that it conflicted with numerous provisions of the European Union treaties. The Italian government maintained that it should be able to apply its national laws without consideration of EU law. The Court sided with the shareholder stating, "The transfer by the states from their domestic legal system to the Community legal system of the rights and obligations arising under the Treaty carries with it a permanent limitation of their sovereign rights, against which a subsequent unilateral act incompatible with the concept of Community cannot prevail" (Deelen, 1996, p.81).

The ECJ understood that for the legislation of the EU to take hold, the law must be uniformly applied across the Union. It would result in chaos if each nation could choose how to apply EU laws, what EU laws to apply, and when to apply them. The lack
of consistency would wreak havoc on the stability of the government, entirely
undermining its authority. Its decision, in essence, ruled that EU law would always be
supreme over any past, present, or future legislation that a member state had enacted or
may pass conflicting with Community law. This ruling, therefore, "set Community law
up as a superior-level norm throughout the Community" (Dehousse, 1998, p.67). By
legally establishing that a member state cannot subvert EU law by implementing its own
legislation, the Union created yet another means to ensure compliance with its dictates.

The Commission is generally the branch of the European Union responsible for
building on these foundations and ensuring compliance with Union law. Article 211 of
the Treaty of Rome, as amended by Amsterdam, reads that it is the duty of the
Commission to "ensure that the provisions of this Treaty and the measures taken by the
institutions pursuant thereto are applied." Guiding the Commission in its actions are the
four variations of legislation that may be enacted, laid out in Article 249 of the Treaty of
Rome, as amended by Amsterdam. It states:

In order to carry out their task and in accordance with the provisions of
this Treaty, the European Parliament acting jointly with the Council, the
Council and the Commission shall make regulations and issue directives,
take decisions, make recommendations, or deliver opinions.

A regulation shall have general application. It shall be binding in its
entirety and directly applicable in all Member States.

A directive shall be binding, as to the result to be achieved, upon each
Member State to which it is addressed, but shall leave to the national
authorities the choice of form and methods.

A decision shall be binding in its entirety upon those to whom it is
addressed.

Recommendations and opinions shall have no binding force.
The gradation of legislation clearly prioritizes some acts as more forceful than others. The word “binding” implies total compliance. Such strong language was not used in the Articles of Confederation with respect to the powers of the national government. By permitting some legislation to be a mere recommendation with no real force behind it, the treaty provides an outlet for legislation that gets passed, but that may prove to be difficult to enforce in a few specific states. Once again, this is an element of flexibility built into the institutional structure, allowing states to essentially opt out of recommendations and opinions with which it does not agree.

The exact role of the Commission is outlined in Article 169 of the Treaty of Rome, as amended by Amsterdam. Once the Commission is made aware of possible violations in incorporating or applying EU law, it notifies the state and conducts a formal investigation to ensure that the claim of a breach is legitimate. Violations may include “not notifying the Commission of measures taken to incorporate directives into national law, for non-incorporation or incorrect incorporation of directives, and for non-application or incorrect application of EU law” (Nugent, 1994, p.113). Upon verification of the violation, the Commission “shall deliver a reasoned opinion on the matter after giving the State concerned the opportunity to submit its observations. If the State concerned does not comply with the opinion within the period laid down by the Commission, the latter may bring the matter before the Court of Justice” (Treaty of Rome, as amended by Amsterdam). The Court may then impose a financial penalty if it determines the state to be guilty of non-compliance. Neill Nugent offers a numerical account of a typical year of violations of EU law.

Most cases, it must be emphasized, are settled at an early stage. So, in an average year, the Commission issues around 800 letters of formal notice,
delivers 200 reasoned opinions, and makes 80 references to the Court of Justice... One reason for so many early settlements is that most infringements occur not as a result of willful avoidance of EU law but rather from genuine differences over interpretation or from national administrative and legislative differences that have occasioned delay (Nugent, 1994, p.114).

The fact that only 10% of cases make it to the Court of Justice is indicative of the general willingness of the member states to comply with the European Union. However, the leverage of a formal investigation, as well as the possibility of a financial penalty, is an adequate enforcement mechanism for the instances in which violations of EU law do occur, contributing to the stability and uniformity of legislation in the European Union.

**European Union Citizenship**

The third institutional factor relating to the stability of the EU is the creation of a European citizenship. Part Two (Articles 17-22) of the Treaty of Rome, as amended by Amsterdam, details a new European citizenship, created in the 1990s. Article 17 states, “Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall compliment and not replace national citizenship. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.”

Among the specific privileges conferred on the citizens include the right to vote in European Parliament elections, the right to run for a seat in the EP, the right to move freely among other member states, and the right to petition the EP and correspond in writing to all branches of the EU government and receive a response in the appropriate language.

The concept of a European citizenship helps to create a feeling of belonging, uniformity, and solidarity in the EU, which, in turn, fosters long-term stability. One
benefit of citizenship is that it enables individuals to exact specific benefits from the system, such as freedom of movement and the right to vote, that give them a stake and an interest in the government shared equally among all people. Speaking of citizenship in the European Union, Percy B. Lehning claims:

If citizens of any sub-unit perceive that they are unfairly disadvantaged or that they are under-represented in key supranational, federal institutions, or if there is a lack of mutual understanding and mutual distrust, these factors may have the potential to destabilize a union. It is reasonable to suppose that a federation based merely on a _modus vivendi_—one in which pan-national identification, tolerance and solidarity do not develop—will remain inherently unstable (Lehning, 1998, p.364).

Citizenship is a vehicle through which the institutional system of the European Union forms a common denominator among all individuals, regardless of nationality. Moreover, the simple fact that the European Union is able to grant a citizenship from which specific benefits may be derived suggests that it is an authoritative governing body working in concert with the member states. For example, it is the EU that enables freedom of movement among states by guaranteeing that right to its citizens. As stated in the text of the treaty, the citizenship is intended only to enhance national citizenship and not to supplant it. This provision ensures that the characteristics of the EU as a confederacy remain intact because the act of sovereignty implicit in granting citizenship is neither violated nor overridden. The benefits of EU citizenship to the Union are clear in that it helps to establish a sense of belonging and interest in the institutional government, which contributes to the stability of the system.

**Structure of Government**

The final institutional factor relating to the operation of the European Union is the existence of legislative, executive, and judicial branches of the government. The EU is
notorious for the complex and often disorganized structure of its supranational
government. Among the four primary branches, the Commission, the Council of
Ministers, the European Parliament, and the Court of Justice, all three functions are
adequately filled. Generally speaking, the Commission acts as the executive branch, the
Council and the EP share the role of legislator, and the Court of Justice fulfills judicial
duties. In addition, the European Council, composed of the heads of state of each
member nation, meets at least twice a year to address major policy issues and concerns in
the European Union.

Interaction among the five bodies occurs on a regular basis. The Commission is
responsible for initiating the legislative process. The Council and the EP share the task of
passing laws, with the allocation of power determined by the type of legislation being
considered. For example, while the EP is not consulted in the process of ratifying trade
and other international agreements, it has veto power in legislation considered with the
Council under the co-decision procedure. The Commission then oversees
implementation, and the Court of Justice has the authority to hear cases regarding EU
law, resolving disputes or clarifying points of ambiguity in the legislation. The European
Council may lead the process of legislating on particularly contentious issues by
negotiating compromises among the heads of state. The system is not based upon the
merits of separation of powers or checks and balances as it is in the United States, yet
they are similar by virtue of the fact that the power to pass and implement legislation is
divided among several bodies. What is important for this study, however, is that the EU
is capable of performing legislative, executive, and judicial duties.
The importance of executing all three duties of a government is clear. Laws need to be created, implemented, and clarified if they are to succeed in achieving their purpose. If a government is incapable of legislating with the intent of fulfilling the duties for which it was created, the political system is rendered meaningless. All three functions are integral to the successful operations of a government. If one of these tasks is not completed, a confederal government risks not only inconsistency in the way it influences its members, but also partial or complete subversion of any policy it authorizes, the effect of which is to undermine the ability of the government to perform the duties that it has been created by the member states to undertake.

**Conclusion**

The European nations are growing increasingly closer together. Their economies are now inextricably linked as a result of the introduction of the euro, and their political situations are also growing together. The nations may soon create some form of defense coalition, and they are cooperating in an ever-closer sense on matters ranging from criminal justice to covert intelligence gathering. As the member states become increasingly dependent and cooperative, it makes less and less sense for them to subvert the governmental structure that facilitates this unity. The situation in the European Union is thus vastly different from that of America under the Articles. At that time there was no economic interdependence upon which to build, and that is essentially how the European Union began to grow and become what it is today. The incentive to cooperate generated by the notion of interdependence has created an environment in which it simply makes sense to work together within the institutional framework of the European Union. The institutional features discussed above all play a role in facilitating interaction among the
member states in such a way that the long-term stability of the EU is continually strengthened.
Chapter 5
Attributes of a Successful Confederacy and Conclusion

In his article comparing federations and confederations, Daniel Elazar notes the tension under the Articles of Confederation between the league and federal elements of the government. While implementing a governing body on the national level, the structure of the Articles remained such that it was simply a loose organization of states with few rules and institutions binding them together.

The difficulties—often fatal—of confederation flow from this basic tension. In our consideration of whether confederation can be a viable federal option, we must raise the question as to whether (or under what conditions) the confederal tension can be sustained in a polity on a long-term basis. This is a real issue in the European Community today (Elazar, 1982, p. 7).

Twenty years have passed since Elazar wrote his article, and the European Union continues to confront the same basic issue. Although the EU is gravitating increasingly toward a federal structure, it remains a confederation at this point in time, experiencing the challenge of balancing its federal elements with the independence and sovereignty of the member nations. Thus far, the European Union has managed the tension well, as demonstrated by its continuing stability and evolution toward further unification. This accomplishment would not have been possible without an institutional structure conducive to governing a confederacy, which is precisely what the authors of the EU treaties have accomplished.

The pattern of development of the European Union has certainly been plagued by numerous problems, given the self-interested behavior of the member states that occasionally is powerful enough to derail the operation of the EU. For example, the Empty Chair Crisis, in which France abstained from most decision-making procedures in
the EU, resulted in the passage of the Luxembourg Compromise requiring unanimity in
decisions of major importance (see page 29 above). The Compromise was eventually
disregarded after the passage of the SEA. Incidents such as the Empty Chair Crisis are to
be expected in a system of government in which state interests are often seen as superior
to those of the system of government as a whole. However, when institutions are
adequate to fulfill the goals of the governing body, and when they foster both cooperation
among the member states and a way in which to enforce the authority of the government,
the confederation is likely to remain a viable governing system over the long term.

The Articles of Confederation did not meet the criteria stated above. The
institutions of the national government simply were not adequate to handle the demands
placed on the system by the member states. This claim is evidenced by the changes
implemented in the current United States Constitution, which largely grew out of the
failures of the Articles.

...the Preamble to the 1787 Constitution specified that what is proposed is
the establishment of a ‘more perfect union,’ not a new one. What was
changed were the means for effectuating the union, which required the
expansion of the powers granted to the federal government even in order
to obtain already agreed upon ends (Elazar, 1982, p.6).

As Easton notes, “The reason why a political system emerges in a society at all—that is,
why men engage in political activity—is that demands are being made by persons or
groups in the society that cannot all be fully satisfied” (Easton, 1957, p.387). When the
demand inputs could not be accommodated under the Articles, the nation’s leaders
drafted the Constitution.

The problems with the Articles of Confederation were clearly centered around the
means to achieve the stated goals. Not only was there no way in which to enforce the
dictates of Congress, but there was also a pervasive sense of state sovereignty. The combination of these characteristics undermined the authority of the political system.

The adamant determination to preserve state sovereignty, stated in Article II, interfered with achieving the level of cooperation necessary to maintain the system. Exacerbating the problem were the institutional failures discussed in detail above: inability to amend the Articles, a lack of citizen participation, and the limited structure of the federal government.

As a result, the American government began to unravel. Minor occurrences such as the Soderstrom incident, in which the simple lack of communication between a state and the national government caused international embarrassment, demonstrate small flaws with the system (see page 45 above). If basic tasks such as informing the national government of a recently appointed consul were not accomplished under the Articles, it is difficult to envision the ability of the system to create a coherent foreign policy to which all states would agree to adhere. The national government simply lacked the authority and power of enforcement to establish regular channels of communication and procedures that would have created norms of interaction between the two levels of government. States jealously guarded their sovereignty because they were fearful of a strong central government, and there was little Congress could do to create a common interest and policy to which the vastly different thirteen states would subscribe.

Moreover, the near overthrow of the Massachusetts government during Shays' Rebellion demonstrates one of the fatal flaws of the Articles. There was no way in which Congress could entice or coerce the other states to act on behalf of Massachusetts and preserve the
internal order of the confederation. As a result, the system of government nearly fell apart.

As Easton explains, “For the demands to be processed into outputs it is equally essential that the members of the system stand ready to support the existence of a political community and some stable rule of common action that we call the regime” (Easton, 1957, p.394). Easton distinguishes between two types of recipients of support in a political system. The first is the political community and the second is the regime. A political community is composed of individuals and groups under the rule of a single government, while a regime is the form of the government itself. Both are equally important in a government’s ability to function effectively, transforming demands and support into adequate outputs. Without support for the political community a government is rendered meaningless because there is neither a desire nor a consensus among the members to act together to achieve common goals through a governing structure. Likewise, if there is no support for the regime, the common goals have no means by which they may be achieved, also making the government irrelevant.

Under the Articles, there was support for the political community; however, support for the governing regime was negligible. The states, and the citizens of the several states, clearly recognized the potential benefits gained from creating some form of central government. In fact, they had been working together since before the Revolutionary War to achieve independence. However, when they created the Articles of Confederation there was only a limited understanding of how to balance state sovereignty with the power of the national government. The American states were new to independence and guarded their sovereignty too fiercely, despite the understanding that a
political community would benefit all. When a state felt that it could take advantage of
the free rider principle and reap the benefits of the political community without paying
the costs, it did so. Upon realizing the extent of the failure of the Articles, the states did
not pull apart, but rather, they unified further under the Constitution, demonstrating a
consensus in favor of maintaining a political community.

The collapse of the Articles was due to the ineffectual institutions of the regime
that encouraged and facilitated independent state action. The member states simply did
not grant an adequate level of support to the regime on most levels, ranging from
consultation in the Soderstrom incident to the provision of troops during Shays’
Rebellion. Exacerbating the problem was the impotent confederal government, unable to
coerce state action. No amount of support for the political community, regardless of how
strong it may have been, was enough to counterbalance the lack of support for the
regime, causing the downfall of the Articles. The era of confederation ended in the
United States, replaced by a federal political system. The change occurred not because
confederacies are inherently unable to sustain themselves as governments over the long
term, but rather because of specific flaws built into the regime under the Articles.

The European Union, however, is a nearly opposite case. When the EU was
founded there was very little existing support for the notion of a political community.
The continent had just emerged from years of destructive and divisive warfare, and the
environment was one of distrust and contempt. Moreover, unlike the American states
during the Revolutionary War, who shared a similar background under British rule, the
European nations had histories that clearly identified each one as deeply unique. For
centuries, the European states acted as fully sovereign and independent states, cultivating
their own cultures. Generally, the only time that sense of sovereignty was threatened was when one European nation acted aggressively against another. While the idea of unification after World War II may have been appealing to preserve and maintain peace, the sense of political community clearly had yet to develop among the member states.

However, the regime picked up nearly immediate support. States were willing to serve as active participants in the institutions of the ECSC government, engaging in productive cooperation that eventually led to the European Union as it is known today. The six founding nations acted together to create a common market for coal and steel, setting a precedent for supporting the goals of the government and acting accordingly.

The growth of the scope of the regime has brought along side it increasing support for the political community. The introduction of the euro, for instance, demonstrates willingness on the part of most member states to forgo their national currencies, and with them part of their national identities, in favor of a common monetary system. The euro is an example of support that transcends the regime into the political community because of the degree to which it invades national sovereignty and culture. Absent a strong desire to create an increasingly united political community, the idea of a common currency likely would have failed. As a result of the development of support for the political community in conjunction with existing support for the regime, the EU has a stable foundation on which to govern successfully.

While the notion of a united Europe engenders considerably more support than it did fifty years ago, there is still a distinct national sentiment in Europe. Regardless of any recent progress made toward integration, the EU will still retain the characteristics of a confederacy in the foreseeable future. Despite the appearance of a few institutions
within the EU that make it seem federal (namely the euro and the ECJ), the nations of Europe are by and large still sovereign states protective of their strong national identities. These characteristics will ensure the continuation of the European Union as a confederacy for many years to come.

**Lessons of the Articles of Confederation Applied to the European Union**

The lessons that can be gleaned from the Articles of Confederation and applied to the European Union about what enables a confederacy to succeed are four-fold. First, and what may be considered the overarching lesson, is that the institutions of the government must be suitable to the goals set by the founders. Second, the national government must have the capability to execute legislative, judicial, and executive functions to help ensure that all legislative duties are carried out and reinforced by the executive or judicial branch when necessary. These institutions do not necessarily need to have power distributed equally among them; rather, each function must only be fulfilled on a basic level. Third, there must be adequate enforcement mechanisms to elicit at least a basic level of compliance from the members of the system. Finally, an amendment procedure must exist that is not so stringent as to preclude the possibility of amendment during cases in which the government must be altered.

There is a clear difference between the European Union and the Articles of Confederation with respect to the integration of the four institutional characteristics, illustrated by the following table.
### Articles of Confederation vs. European Union

<table>
<thead>
<tr>
<th>Institutions must be suitable to objectives</th>
<th>Objectives overwhelmed the capabilities of the institutional structure</th>
<th>Institutions change to accommodate evolving objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative, executive, judicial capabilities</td>
<td>No executive and extremely limited judicial capacity</td>
<td>All three functions fulfilled</td>
</tr>
<tr>
<td>Adequate enforcement mechanisms</td>
<td>None provided to national government</td>
<td>Treaties explicitly outline process to enforce EU policy</td>
</tr>
<tr>
<td>Appropriate process for amendment</td>
<td>Too rigid to allow for the possibility of change</td>
<td>Flexible and encourages negotiation to find a common solution</td>
</tr>
</tbody>
</table>

First, the EU has gradually evolved over time, both in terms of its structure and goals. With each new treaty has come a new set of objectives, and the EU has been careful to modify its institutions to fit the changing demands on the political system. Part of the evolutionary process has been the emerging sense of a political community discussed above. The more comfortable the members are with the political community, the more likely it is that integration will proceed on at least a minimal level. However, the stronger support for the political community does not imply a willingness to entirely relinquish national sovereignty.

The most recent treaty, drafted in Nice and currently in the process of ratification, is an excellent example of this process. Participants in the EU were aware that the institutions were not created to accommodate an organization composed of twenty to thirty member states. However, as the horizons for expansion continued to broaden, and the integration of new members became an important goal, the EU moved toward altering its structure to facilitate the successful implementation of its expansion objective. The summit held at Nice produced a treaty document that did not completely overhaul the EU, but implemented changes that will help to ease the transition into a much larger
body. Nice provides an example of the Union making a conscientious effort to ensure that its institutional structure will be adequate to sustain the influx of members over the next ten years. The stability of the government was not jeopardized, as most of the changes were incremental by nature, rather than dramatic. The ability of the EU to both recognize and act on the need for change in its institutions is critical in providing for the long-term success of the government.

The second feature of a successful confederacy is the capacity to carry out legislative, executive, and judicial functions. Each aspect of governing reinforces the efficacy and stability of the political system, especially with respect to its capacity to legislate effectively. The American government under the Articles had no executive authority and extremely limited judicial authority. Legislation, therefore, may have been passed, but often floundered during implementation making it impossible to achieve any stated objectives. The goals of a political system demand that legislation be passed and properly executed. In the EU, the focus on economic and political integration requires acts of law to drive the process, and careful monitoring to ensure compliance. Goals such as achieving a common market will simply not be realized if a single member state does not follow the law, for the elimination of tariffs and impediments to the free movement of goods and persons demands that the barriers be uniformly removed. Thus, equally important in the process is an executive to oversee implementation and a judicial body to clarify misinterpretation of legislation and provide a legal basis for consistent action throughout the confederacy.

Legislative, executive, and judicial capacities serve as the support structure for the entire system of government because a political system revolves around the ability to
carry out all three tasks. Inability to perform any one of the functions potentially weakens a system to the point that it can no longer act effectively. The Articles of Confederation faltered because the national government was unable to induce cooperation to carry out its objectives, largely due to the absence of an executive authority to assist in implementation. A confederacy is rendered useless at the point when it can no longer accomplish the goals for which it was set up to achieve. Therefore, the success of a confederacy is partly contingent upon adequate legislative, executive, and judicial capacities.

The third criterion used to ensure a stable confederacy is the existence of enforcement mechanisms. Without enforcement mechanisms, as the Articles of Confederation demonstrated, the government has no means by which to exact compliance from its members, ultimately leading to the inability of the political system to function effectively. Under the Articles, states were essentially free to act as they desired without regard to the implications for the confederation and the other states, rendering the political system totally vulnerable to free riders. The confederal Congress simply had no means by which to impose its will on the member states. However, as discussed in the previous chapter, not only does the EU have a textual basis for enforcement in its founding documents, but it also has a theoretical basis grounded in opinions issued by the Court of Justice, as well as practical incentives that serve as a foundation for cooperation among the member states.

Establishing a means to coerce or induce cooperation is a deterrent to the free rider dilemma. If each member of a confederacy has as strong incentive to cooperate, separate from the possible contribution to the nation's interest, no member will be able to
reap the benefits of the system without paying any of the costs. Moreover, inaction in a policy area simply becomes a non-option. The total effect is to provide a level of uniformity of governance across the member states, which is essentially the purpose of a creating a government that unites several components to a specified degree. Without an enforcement mechanism, states will often act in their own interest when they do not perceive that benefits will be derived from the policies of the confederal government. Consequently, the confederacy becomes irrelevant because it can be overridden by the actions of one state alone, entirely refuting the purpose of creating a higher level of government.

The final attribute of a successful confederacy is the capability to amend the founding documents of a political system when necessary. The process for amendment contained in the Articles was highly rigid. All states had to agree, but there was no mechanism to facilitate discussion and negotiation among the states prior to amendment. Despite the institutional failings of the Articles, no changes were made until the document was replaced by the Constitution, recreating the entire system of government.

The EU, on the other hand, has a more pragmatic process of amendment, allowing the government to conform to the demands placed the institutions. Although it may seem stringent, the EU has produced a series of important treaties since the 1950s following the established process. By first convening a forum in which to discuss the content of possible changes, the IGC, the Union provides an opportunity for all parties to voice their opinions and negotiate a middle ground. Although reaching consensus at the IGCs is often time-consuming and tedious, it helps to prevent alienation of member states from the decision-making process, fostering the sense of a political community, and increases
the likelihood that the alterations will be ratified (recall page 71 above). By enabling the process of amendment to function within the institutional framework of the political system, the EU minimizes the risk of debilitating its authority should the government become unable to process the demand inputs and ensure the presence of support inputs. Because the EU has evolved in an incremental manner, it is vital that it be able to change its institutions to cope with a new scope of authority. A viable procedure for amendment facilitates the level of flexibility necessary for a political system to succeed over an extended period of time.

The need for an adequate amendment process is especially important due to the nature of confederacies. Confederacies have varying levels of authority invested in them, with a substantial portion vested in the sovereignty of the members. As a result, they are more fluid in nature because their actions depend on the whims and interests of the members. Maintaining commitment to a loose political organization requires the continued cooperation of the individual components, manifested in support for both the political community and the regime. One way in which cooperation is maintained is through the knowledge that the system can be changed if it is not functioning as intended or if it is threatening the immediate interests of the members. This understanding adds a degree of flexibility to the system that enables the member states to vary their positions and attitudes toward the EU without jeopardizing the overall stability of the government.

For example, the Luxembourg Compromise, authored by the French, implemented unanimous voting in many policy areas. It was eventually deemed inappropriate because it hindered the operations of the EU and prevented policies from being passed and implemented. In response, the Single European Act was passed with
the consent of the French to rectify the problems caused by the unanimous decision-making process. Thus, the French were able to alter their stance on the level of policy-making authority held by the EU and to see the actual operation of the EU change accordingly.

The sovereignty of the member states in the EU is an important feature of the political system, as is the case in any confederacy. A practical system for amendment enables the countries to determine and change their positions on structural or policy issues and enact the alterations, providing that consensus can be reached on the amendment. This ability allows nations to make sovereign decisions that influence the confederacy, which is an important contribution to the flexibility of the government and, thus, its ability to exist in the long run.

**Conclusion**

The Articles were a static and rigid document, unsuitable for the time in which they were enacted. State interests were dominant, and a strong emphasis was placed on preventing the national government from becoming a powerful central authority. There was no institution in the Articles that counterbalanced this mentality, and the national government consequently became prisoner to the whims of the states. In a 1787 speech addressing the need for a new constitution, Dr. Benjamin Rush of Philadelphia stated,

The confederation, together with most of our state constitutions, were formed under very unfavorable circumstances. We had just emerged from a corrupted monarchy. Although we understood perfectly the principles of liberty, yet most of us were ignorant of the forms and combinations of power in republics. Add to this, the British army was in the heart of our country... We forgot the temple of tyranny has two doors. We bolted one of them by proper restraints; but we left the other open, by neglecting to guard
against the effects of our own ignorance and licentiousness (Essential Documents, 1997).

The Articles were a shortsighted document narrowly tailored to the immediate demands of the moment as opposed to the long-term structural needs of a government. The authors failed to recognize the need for a more flexible founding document that would be amenable to changes in the general direction of the government over the long run. Instead, the institutions proved totally inadequate to handle even the objectives set forth initially.

In stark contrast to the Articles is the European Union. A 1995 report issued by the EU proclaimed,

The new internal and external context in Europe calls for responses that will ensure greater political stability while simultaneously allowing economic development and a social climate of solidarity to be safeguarded in an open, global and competitive economy, in other words responses that will put the European Union in a position to continue acting as the principal factor of peace and prosperity on the European continent (Salmon, 1997, p.275).

The vision for the future of the European Union is ambitious. The EU has clearly played a vital role in maintaining peaceful relations among the European nations through the difficult process of forging economic and political union, as it set out to do in the 1950s. Acting as a confederacy has been an effective structure of government for these purposes. The European states, with long and distinct histories, have retained a substantial amount of sovereignty, preserving their national interest and culture. While fifty years into the creation of the United States there was distinctly American identity, citizens of the EU still consider themselves as Italian, Greek, Portuguese, or whatever their nationality may be. They will not relinquish this national identity in the foreseeable future. However, the supranational government was sufficiently strong and authoritative to achieve the goals
set forth both initially and as they gradually evolved over time. Moreover, the founding treaties have been altered to conform to the changing demands on the political system as the scope of the goals has evolved from coal and steel unity to fuller economic and political integration. As the European Union expands, it faces the challenge of nearly doubling its membership. Over time, the structure of the government is likely to evolve beyond a confederacy into a federal system. Those at the forefront of the evolution should draw lessons and guidance from the successes of the confederacy over the past fifty years in order to ensure a smoother path toward integration in Europe.

Easton's idea that a successful government must receive support for both the political community and the regime is critical. The experiences of the Articles of Confederation and the European Union indicate that support for the regime must either come first or be developed simultaneously with support for the political community. Under the Articles, mere support for the political community was not adequate to compensate for the deficiency in support for the regime, as well as the institutional inadequacies of the regime. Without enforcement mechanisms, states were left to exploit the free rider dilemma, despite support for the political community. Support likely derived from the belief that benefits were to be incurred from the community, and if the benefits could be obtained without paying the costs, then the state took advantage of that loophole. Thus, the institutional failures of the Articles only served to reinforce the lack of support for the regime. Eventually, the American states were forced to change the shape of the regime.

Unlike the Articles, the EU experienced nearly immediate support for the regime while support for the political community emerged over time. Support for the regime
enables a government to function on a basic level because the institutions are receiving the input needed to produce the output demanded by the members. As support for the political community grows, members are increasingly willing to act within the framework of the system. Easton seems to disregard the possibility that a political community can develop incrementally over time as long as the regime is adequately processing the demand inputs. Given that the European sense of political community did, in fact, gradually coalesce after the introduction of the regime, the experience of the EU contradicts this portion of Easton’s analysis. The Eastonian framework might be amended to reflect the possibility that support for the political community can grow over time even if it does not exist when a system of government is created, as long as the demands placed on the regime are being met.

The post-World War II trend of creating international governing bodies (the United Nations, the North Atlantic Treaty Organization, etc.) increases the possibility that nations may join together for their mutual interest under a confederal government. This thesis has explored the institutional features necessary for a confederacy to succeed in achieving the objectives for which it was founded. The lessons are universal in application, including the notion that there must be support for the regime at the outset of the confederacy. Furthermore, without the proper institutional characteristics a confederacy becomes a meaningless political system, unable to wield influence over the member states. In the future, leaders should look to the institutional failures of the Articles of Confederation and the successes of the European Union as they begin the
difficult and daunting process of forging a new government out of existing and distinct political systems.
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<tr>
<th>Acronym</th>
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<tr>
<td>CAP</td>
<td>Common Agricultural Policy</td>
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<td>CFSP</td>
<td>Common Foreign and Security Policy</td>
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<td>EC</td>
<td>European Community</td>
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<td>Justice and Home Affairs</td>
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<td>SEA</td>
<td>Single European Act</td>
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Bibliography


