

## Obstacles to Federalism Reform in the United States

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### 1 Introduction

Since the Civil War (1861–1865), there have been no significant calls for overhauling the American federal system. Instead, federalism has been altered incrementally by policy-specific reforms effected through the federal system.<sup>1</sup> The general direction of change has been toward centralisation. A major obstacle to overall reform that would decentralise the system is the 175-year legacy of reactionary policies in the southern states as well as the post-1950s growth of a very large number of vested interests that thrive on centralised policy making and decentralised intergovernmental policy implementation.

### 2 Two Major Federalism Reforms

Although reform is a regular feature of American political life,<sup>2</sup> only two major reforms of federalism have occurred since the formation of the United States in 1781.

The first occurred when the Constitutional Convention, meeting in Philadelphia in 1787, discarded the Articles of Confederation of 1781, proposed what is now the Constitution of the United States, and invented modern federalism in the process. This reform was driven by fears of potentially catastrophic weaknesses of the confederal system, especially its inability to guarantee internal and external security and foster economic development through a common market and a common international trade policy. This reform favoured centralisation by creating a national government possessing some potent powers.

The second major federalism reform occurred almost 150 years ago after a ruinous civil war. Three amendments to the US Constitution were adopted to correct the Constitution's original sin of accommodating slavery. Amendment XIII (1865) abolished slavery, and Amendment XV (1870) enfranchised all men regardless 'of race, color, or previous condition of servitude'. Most

<sup>1</sup> Cf Stephen Howes and M Govinda Roa (eds), *Federal Reform Strategies: Lessons from Asia and Australia* (Oxford University Press, 2013).

<sup>2</sup> Arthur M Schlesinger, *The American as Reformer* (Harvard University Press, 1950).

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