Federalist No. 1: How Would Publius Define Good Government Today?

Federalist No. 1 sets the basic framework for interpreting the U.S. Constitution. It contains an implied definition of “good government” that occupied the founders as they built a stronger national government. This essay explains the conflict embedded in the debate between the two theories of good government offered by Alexander Hamilton and Thomas Jefferson and asks how the competing definitions might be reconciled with recent experience.

These are times that try the faithful execution of the laws. As its administrative capacity has dwindled with each chief executive since Watergate, and even now is accelerating with the hyperpolarization on Capitol Hill, government is rife with potential breakdowns. Although it would be presumptuous to suggest that the past 40 years have been the most difficult for governance in U.S. history, it seems reasonable to suggest that they have brought the nation to a critical moment in time.

In a sentence, the federal government is becoming the destination of last resort for America’s greatest problems. When Americans hear the words “public service” today, they rarely think of government; when they hear the words “fraud,” “waste,” “abuse,” “downsizing,” and “labor unions,” they rarely think of anything else.

As the old saying goes, government is always the enemy until the public needs a friend. The question is just how good a friend government can be after 30 years of downsizings, hiring freezes, budget cuts, agency breakdowns, 24-hour scrutiny, and unending reform.

Writing as Publius, the three authors of the 85 Federalist Papers made an aggressive case that a new and more powerful national government was the answer to a similar cascade of failures under the Articles of Confederation.

As the primary architect of what he called the “energetic executive,” Alexander Hamilton made frequent references to concerns about the loss of state power, at one point warning that the “enlightened zeal for the energy and efficiency of government will be stigmatized as the offspring of a temper fond of despotic power and hostile to the principles of liberty” (Wright 1962, 92).

The essays in this special issue ask whether the Federalist defense of the Constitution is still on point today. Alexander Hamilton, John Jay, and James Madison could not have anticipated the many changes that would arise as the new Constitution produced a towering government, expanding agenda, and periods of intense national division.

Nor could they have anticipated the changing strategies and tactics needed to produce what Hamilton later described “good administration” (Wright 1962, 443). Indeed, the battle over ratification of the Constitution reflected a philosophical schism that Publius might be forced to reconcile today.

A Government Well Executed in 2011

The federal government reached its current breaking point through benign and deliberate neglect, aggressive dismantling and resource cuts, and the unintended consequences of unchecked bureaucratization. Whatever the cause, the result was the same: more demand for high performance and less capacity to produce it.

The erosion also resides in a 200-year struggle over the definition of a government well executed. The found-
ers clearly wanted a national government strong enough to guide a fragile, debt-ridden nation into a dangerous future, but not so strong that it could be used to suppress basic liberties. As James Madison wrote in Federalist No. 10, “In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself” (Wright 1961, 129–30).

Much as the founders agreed on the need for a strong national government, they parted on the definition of good government in action. At the risk of oversimplification, Alexander Hamilton and his Federalist Party had one definition, while Thomas Jefferson and his Republican Party had another.

Before turning to the definitions in detail, it is important to note that the differences between Hamilton’s and Jefferson’s views are not as extreme as their followers believed. As Lynton K. Caldwell writes in his seminal essay on the two founders, “the differences which separated them seem less fundamental and more complex than either they or their more partisan interpreters would perhaps admit” (1988, 211–12).

Thus, both saw the delicate balance between a government that was strong enough to protect a fragile nation against foreign and domestic threats, yet not strong enough to oppress the nation. They also argued for a due dependence on the people through their elected representatives.

Nevertheless, as representatives of the Federalist and Anti-Federalist movements of their era, Hamilton and Jefferson pursued two very different visions of the “good government,” whether in its mission, executive authority, provision of support, administrative continuity, and safety from tyranny.

Hamilton’s definition of good government emphasized a strong executive supported by a permanent, highly skilled workforce that would be motivated by pay, promotion, and security (Light 2008, 103). His definition was built on five tenets: (1) a government organized for extensive and arduous enterprise, (2) energy in the executive, (3) adequate provision of support, (4) steadiness in administration, and (5) safety in transparency and precise execution.

In contrast, Jefferson’s definition of good government in action emphasized a limited executive aided by a workforce composed of temporary, duty-bound employees. Jefferson’s definition also had five tenets: (1) a government organized for a limited and simple mission, (2) restraint in the executive, (3) frugal administration, (4) adaptability in administration, and (5) safety in citizenship values.

As the following pages will suggest, these two definitions easily are juxtaposed against one another as a device for understanding the contemporary tension over capacity and reform. As Table 1 suggests, the definitions can and do overlap. However, there are more than enough conflicts to confirm the continued tension about how good government might work under current conditions. (The two definitions are presented in table 1.)

**Government’s Mission**

Hamilton and Jefferson did not believe that the federal government existed just to protect the nation from foreign and domestic threats. They also believed that the federal government had important work to do in strengthening the young and vulnerable republic.

As Hamilton wrote, the new government would have a long list of duties: “The actual conduct of foreign negotiations, the preparatory plans of finance, the application and disbursement of the public moneys in conformity to the general appropriations of the legislature, the arrangement of the army and navy, the directions of the operations of war—these, and other matters of a like nature, constitute what seems to be most properly understood by the administration of government” (Wright 1962, 440).

Despite these general agreements, Hamilton and Jefferson parted on how to organize government for very different missions.

**Arduous and extensive enterprise.** Hamilton believed that government should be organized to pursue extensive and arduous enterprise for the public good. It was to shape the future, not merely react to threats or stand by waiting for a threat to arise. An ambitious mission required ambitious organizations.

But Hamilton also argued that good government would be a source of growth and national expansion. “Under a vigorous national government, the natural strength of the country, directed to a common interest, would baffle all the combinations of European jealousy to restrain our growth.” By creating a vigorous national government, “We might defy the little arts of the little politicians to control or vary the irresistible and unchangeable course of nature.” Hence, extensive and arduous enterprise had to include something more than what Hamilton called “passive commerce” (Wright 1962, 139).

Not only would a vigorous national government tap the genius of the people, it also would eliminate duplication and overlap across the states, and reduce the number of government employees needed to guard against illicit trade, collect taxes, build armies, and assure the “tranquility, commerce, revenue, and liberty of every part.”
This agenda clearly required aptitude in government. “Though we cannot acquiesce in the political heresy of the poet who says ‘For forms of government let fools contest—that which is best administered is best,’” Hamilton wrote in Federalist No. 68, “yet we may safely pronounce that the true test of a good government is its aptitude and tendency to produce a good administration” (Wright 1962, 443).

Not surprisingly, Hamilton belittled calls for frugal government: “Nothing is more easy than to reduce the number of agents employed in any business, and yet for the business to go one,” he wrote in 1802, as Jefferson cut government employment, “but before the reduction is applauded, it ought to be ascertained that the business is as well done as it was before” (Caldwell 1988, 83).

**Limited and simple enterprise.** In contrast, Jefferson believed that government should have simpler aims. Although he certainly supported a government strong enough to protect the nation, he also worried that the federal government would encroach on both the states and the people (Caldwell 1988, 159). A limited and simple mission required limited and simple organizations. It is hardly surprising, for example, that he attacked big government in his first inaugural address:

> When we consider that this government is charged with the external and mutual relations of these States; that the States themselves have principal care of our persons our property and our reputation, constituting the great field of human concerns, we may well doubt whether our organization is too complicated, too expensive; whether offices and officers have not been multiplied unnecessarily and sometimes injuriously to the service they were meant to promote. (Bergh 1903–5, 3:331)

Nor is it a surprise that Jefferson tried to reform the Federalist government he inherited. After all, he had been elected on a platform of smaller government. If he could not undo Hamilton’s extensive and arduous enterprises, he certainly would undo his big government.

Like Hamilton, however, Jefferson believed that the national mission required aptitude in government—after all, he was a major public intellectual in his own right and a steadfast advocate of education as a cure for faction. By his instructions, his headstone lists him as the author of the Declaration of Independence and the Statute of Virginia for Religious Freedom, and as the father of the University of Virginia, but not as secretary of state under George Washington, as vice president, or as president.

But Jefferson wanted the accounts of government to be as simple as those of a farmer, and as easy to understand. He also wanted the accounts to be lean. Writing to a French journalist, he said, “we are endeavoring too to reduce the government to the practice of a rigorous economy, to avoid burdening the people, and arming the magistrate with a patronage of money, which might be used to corrupt and undermine the agenda of our government.” Convinced that Hamilton and the Federalists had created a bloated bureaucracy, Jefferson promised that the growth solicited “the employment of the pruning-knife” (Caldwell 1988, 134).

Jefferson had reason to make the claim. In its first two years alone, Hamilton’s Treasury Department had grown from zero to five bureaus and to more than 80 employees. “By the standards of the day, this represented a prodigious bureaucracy,” Ron Chernow writes in his biography of Hamilton. “For its critics, it was a monster in the making, inciting fears that the department would become the Treasury secretary’s personal spy force and military machine” (2004, 339).

**The Role of the Chief Executive**

Hamilton and Jefferson both supported a single executive who would be insulated from congressional interference and allowed to stand for reelection without limit. And both almost certainly agreed on the executive function articulated in Federalist No. 70:

> The administration of government, in its largest sense, comprehends all the operations of the body politic, whether legislative, executive, or judiciary; but in its most usual, and perhaps its most precise signification, it is limited to executive details, and falls peculiarly within the province of the executive department. The actual conduct of foreign negotiations, the preparatory plans of finance, the application and disposition of the public moneys in conformity to the general appropriations of the legislature, the arrangement of the army and navy, the directions of the operations of war, these, and other matters of a like nature, constitute what seems to be most properly understood by the administration of government. The persons, therefore, to whose immediate management these different matters are committed, ought to be considered as the assistants or deputies of the chief magistrate, and on this account, they ought to derive their offices from his appointment, at least from his nomination, and ought to be subject to his superintendence. (Wright 1962, 462)

Once past these shared definitions, however, they disagreed about the definition of good government and the five tenants discussed earlier.

**Energy in the executive.** Hamilton believed that energy in the executive was a “leading character in the definition of good government.” Not only was it essential in repelling foreign attacks,” he wrote in Federalist No. 70, “it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy” (Wright 1962, 451).

> As he concluded in Federalist No. 70, “A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution: And a government ill executed, whatever it may be in theory, must be in practice a bad government” (Wright 1962, 451).

Having declared that “all men of sense will agree on the necessity of an energetic executive,” Hamilton spent Federalist Nos. 70–74 defining and defending it as unity in the executive, duration in office, adequate provision of support, and competent powers. He defended the single executive as “essential to energy, and will not be disputed.
Decision, activity, secrecy, and dispatch will generally characterize the proceedings of one man, in a much more eminent degree than the proceedings of any greater number” (Wright 1962, 426).

Hamilton defined unity as the natural product of a single, not a plural, executive. “Decision, activity, secrecy, and dispatch, will generally characterize the proceedings of one man, in a much more eminent degree that the proceedings of any greater number; and in proportion as the number is increased, these qualities will be diminished” (Wright 1962, 427). Not only would a plural executive obscure accountability, but also it would form an “item in the catalogue of national expenditures, too serious to be incurred for an object of equivocal unity.” Unity implied executive command and control down through a tight chain of command, which Hamilton described as essential to accountability.

Hamilton defined duration in office and the prospect of reelection as “necessary to give the officer himself the inclination and the resolution to act his part well, and to the community time and leisure to observe the tendency of his measures, and thence to form an experimental estimate of their merits” (Wright 1962, 427). Duration in office was essential for extensive and arduous enterprise, while reelection was essential for disciplining presidential ambition.

He defended adequate provision of support as essential for executive independence but focused solely on protecting the president’s salary from congressional interference. Absent a prohibition against any increase or decrease in the salary and “emoluments” of the chief executive, Congress could render the president “as obsequious to their will as they might think proper to make him. They might, in most cases, either reduce him to famine, or tempt him by largesse, to surrender at discretion his judgment to their inclinations” (Wright 1962, 440).

Finally, he defended the chief executive’s powers as essential to the nation’s survival. The war power was “so evident in itself, and it is, at the same time, so consonant to the precedents of the States constitutions in general, that little need be said to explain of enforce it” (Wright 1962, 452). In turn, the power to require the written opinions of executive officers was merely an extension of the president’s responsibility to execute the laws, while the power to grant pardons and reprieves was best given to the most disinterested party in government.

Restraint in the executive. Jefferson was not necessarily against Hamilton’s energetic executive or even execution in detail. Indeed, Jefferson was known to worry about the intricacies of government, just as he worried about the intricacies of clocks. “In government, as well as every other business of life,” he wrote in 1816, “it is by division and subdivision of duties alone that all matters, great and small, can be managed to perfection” (Bergh 1903–5, 15:38).

But Jefferson was absolutely against encroachment. “I own I am not a friend to a very energetic government,” he wrote to James Madison from France as the Constitution still was being drafted. “It is always oppressive. It places the governors indeed more at their ease, at the expense of the people” (Bergh 1903–5, 6:391). Jefferson’s first priority was to do no harm to the republic. “The path we have to pursue is so quite that we nothing scarcely to propose to our Legislature,” he wrote at mid-administration, “a noiseless course, not meddling with the affairs of others, unattractive of notice, is a mark that society is going on in happiness” (Caldwell 1988, 131).

He was particularly concerned about federal consolidation of state responsibilities. As he wrote in his first annual message to Congress in 1801, he intended to protect the states from the national government: “When we consider that this government is charged with the external and mutual relations only of these States; that the States themselves have principal care of our persons, our property and our reputation, constituting the great field of human concerns, we may well doubt whether our organization is not too complicated, too expensive; whether offices and officers have not been multiplied unnecessarily and sometimes injuriously to the service they were meant to promote” (Jefferson 1801, 1).

Jefferson viewed the executive as but one actor in a broader system of governance in which the people, states, and national government worked together toward progress. Writing to Aaron Burr after the 1800 election, Jefferson expressed his regret that Burr had decided not to accept the vice presidency, which he had won through the popular ballot: “I had endeavored to compose an administration whose talents, integrity, names, and dispositions, should at once inspire unbounded confidence in the public mind, and insure a perfect harmony in the conduct of the public business” (Bergh 1903–5, 10:182).

As for Hamilton’s four essentials for energy in the executive, Jefferson offered caveats to all. Each was justified by itself, but the sum could not be strong enough to give the executive complete authority over the other branches or the people.

On unity in the executive, for example, Jefferson believed that the executive had to pursue “a noiseless course, not meddling with the affairs of others, unattractive of notice, is a mark that society is going on in happiness” (Caldwell 1988, 131).

On duration, Jefferson favored at least some self-imposed limits on reelection. Although he supported “re-eligibility,” as Hamilton called it, he expressed early and forceful opposition to multiple terms: “I dislike, and strongly dislike … the abandonment in every instance of the principle of rotation in office and most particularly in the case of the President. Reason and experience tell us that the first magistrate will always be re-elected if he may be re-elected. He is then an officer for life” (Ford 1892–99, 6:389). Once in office, he embraced Washington’s two-term precedent, arguing that any president who ran for a third term would be rejected on “this demonstration of ambitious views” (Bergh 1903–5, 1:119).

On support, Jefferson made clear that presidents and their officers should be motivated by duty, not compensation. “In a virtuous government,” he wrote in 1779, “public offices are what they should be: burdens to those appointed to them, which it would be wrong to decline, though foreseen to bring with them intense labor and great private loss” (Bergh 1903–5, 2:299).

On competent powers, Jefferson shared Hamilton’s belief in a strong war power, but also promised a restrained and “wholesome” agenda. After outlining his legislative agenda in his second annual message to Congress, he promised to reflect the will of the people, “who, by
the weight of public opinion, influence and strengthen the public measures; it is due to the sound discretion with which they select from among themselves those to whom they confide the legislative duties; it is due to the zeal and wisdom of the characters thus selected, who lay the foundations of public happiness in wholesome laws, the executive of which alone remains for others; and it is due to the able and faithful auxiliaries, whose patriotism has associated with me in the executive functions” (Schlesinger 2003, 94).

The Provision of Support

Hamilton and Jefferson both understood that government would need talented leadership. “There is nothing I am so anxious about as good nominations,” Jefferson said at the start of his first term, “conceivable that the merit as well as reputation of an administration depends as much on that as on its measures” (Bergh 1903–5, 10:257).

Both also agreed that government had to provide at least some compensation. “I will not say that public life is the line for making a fortune,” Jefferson wrote at the very end of his presidency. “But it furnishes a decent and honorable support, and places one’s children on good grounds for public favor” (Bergh 1903–5, 9:407).

However, they disagreed about the level of support. Whereas Hamilton wanted access to enough administrative support to pursue an aggressive mission, Jefferson wanted a government sized to smaller goals.

Adequate support. When Hamilton wrote of adequate support in Federalist No. 70, he was referring solely to the chief executive. However, Hamilton also believed in adequate support for the officers of government. Despite public opposition to big government, Hamilton recognized that government would have to grow.

Suppose, he argued, that the founders allowed the states continued to collect two-thirds of the nation’s taxes. The result would be much under the Articles of Confederation, but too little under the Constitution. The result would also be “a great disproportion between the MEANS and the ENDS” (Wright 1962, 180). The federal government would have one-third of the resources to supply one-tenth of its needs.

Hamilton also believed that government would have to compensate public employees for their service. “Public service in this country has few attractions…,” he wrote to a colleague. “The opportunity of doing good, from the jealousy of power and the spirit of faction, is too small in any station to warrant a long continuation of private sacrifices” (Caldwell 1988, 85). If the federal government wanted the best and brightest, it would have to provide the compensation to compete.

Frugal administration. In contrast, Jefferson was nothing if not a deficit hawk, in today’s parlance. Indeed, he easily can be described as the nation’s first “war on waste” president. “I am for a政府ment rigorously frugal and simple,” he said at the start of the 1800 campaign, “applying all of the possible savings of the public revenue to the discharge of the national debt” (Schlesinger 2003, 19–20).

He repeated the pledge in his first inaugural address, asking what more might be necessary to make the nation happy and prosperous: “Still one thing more, fellow citizens—a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry, and improvement, and shall not take from the mouth of labor the bread it has earned” (Bergh 1903–5, 3:320).

Administrative Continuity

Both through personal experience and belief, Hamilton and Jefferson had very different images of the nature of administration. Hamilton feared the intransigence of administration that might come from frequent turnover, not to mention the loss of power from long-serving allies. In contrast, Jefferson believed in the innovation and agility that would come from the application of reason, especially if it created more opportunities for Republicans.

Steadiness in administration. Hamilton believed that good government could not succeed without steadiness in administration, especially if it wanted to pursue extensive and arduous enterprise. As Hamilton wrote in his defense of a single executive,

To reverse and undo what has been done by a predecessor is very often considered by a successor, as the best proof he can give of his own capacity and desert…. These considerations, and the influence of personal confidences and attachments, would be likely to induce every new President to promote a change of men to fill the subordinate stations; and these causes together could not fail to occasion a disgraceful and ruinous mutability in the administration of the government. (Wright 1962, 463)

Steadiness in administration produced much more than perseverance, however. As Hamilton wrote in Federalist No. 71, steadiness intimately was related to a four-year term and the prospect of reelection. “The first is necessary to give the officer himself the inclination and the resolution to act his part well,” Hamilton wrote in Federalist No. 72, “and to the community time and leisure to observe the tendency of his measures, and thence to form an experimental
estimate of their merits." In turn, “The last is necessary to enable the people ... to continue him in his station, in order to prolong the utility of his talents and virtues, and to secure to the government the wise advantage of permanency in a wise system of administration” (Wright 1962, 440–41).

Adaptability in administration. Jefferson saw steadiness as the antithesis of adaptability. “Laws and institutions must go hand-in-hand with the progress of the human mind,” he wrote. “As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times” (Caldwell 1988, 135).

Jefferson believed that adaptability resided in reason and rotation. The former provided direction, while the latter provided opportunity. “Shake off all the fears and servile prejudices under which weak minds are servilely crouched,” he advised in 1787. “Fix reason firmly in her seat, and call to her tribunal every fact, every opinion. Question with boldness even the existence of a God; because, if there be one, he must more approve of the homage of reason, than of that of blindfolded fear” (Bergh 1903–5, 12:15). Although mistakes were inevitable, they could be tempered by analysis, study, and the application of scientific methods. Steadiness in administration not only undermined this adaptability, but also created inertia and outright resistance by the party faithful left behind at the end of their president’s term.

Jefferson believed that adaptability also came from rotation in office. “I have never removed a man merely because he was a Federalist,” Jefferson wrote in 1807. But he had removed officers who engaged in “a regular course of thwarting instead of executing all its measures,” employed “the patronage and influence of their offices against the government and its measures,” or “maintained an active and zealous opposition to the government” (Bergh 1903–5, 11:286).

Safety in the Executive
Hamilton and Jefferson sought to control the executive through very different means. Whereas Hamilton and Jefferson expected their assistants and deputies to follow orders, Hamilton believed that safety relied on transparency, while Jefferson emphasized the role of patriot duty in holding government accountable.

Safety in transparency and execution. Hamilton’s focus on transparency was rooted in his military experience during the Revolutionary War. Once a rule is issued, he wrote, a government officer has no other duty than to act. “A contrary conduct is inconsistent with his relations as an officer of the government, and with a due respect as such for the decisions of the Legislature, and of the head of the executive department” (Caldwell 1988, 96–97).

Hamilton also objected to meddling across departmental lines. “A member of the administration, in one department, ought only to aid those measures of another which he approves—where he disapproves, if called upon to act official, he ought to manifest his disapprobation, and avow his opposition, but out of an official line he ought not to interfere as long as he thinks fit to continue a part of the administration” (Caldwell 1988, 96–97). Translated, such officers must either demure or depart.

The question is what kind of government can simultaneously respect the people yet protect them. Hamilton’s answer was the ability to detect and punish “national miscarriage or misfortune.” Acknowledging that there could be many actors who bear responsibility for failure, transparency would give the public the ability to discover “with facility and clearness the misconduct of the persons they trust in order either to their removal from office, or to their actual punishment” (Wright 1962, 431). Simply put, the public must know whom to blame.

Once in office, Hamilton expanded good government in action to include the officers of government. Presidents could hardly pursue extensive and arduous enterprise without help. But that help had to follow precise orders through “execution in detail.” Hamilton did not believe in ambiguous orders, however. No detail was too trivial for his review. All Coast Guard cutters were to include 10 muskets, 20 pistols, one broadax, and two lanterns, all revenue officers were to follow precise orders for submitting quarterly reports, and all customs officers were to provide samples of the forms they used to track imports and exports (Chernow 2004, 340). Described as such, Hamilton’s belief in detailed rules has clearly taken hold, and is now part of the ongoing discussion about measuring government performance.

Safety in conscience. Jefferson also worried about transparency, but he saw the inevitability of error. “I cannot have escaped error,” he admitted in his eighth and final annual message. “It is incident to our imperfect nature. But I may say with truth, may errors have been of the understanding, not of intention” (Bergh 1903–5, 3:485).

Jefferson no doubt shared Hamilton’s view that errors should be easy to detect, especially in a simple government. Yet Jefferson believed that duty, not transparency, was the key to safety. “I will not say that public life is the line for making a fortune,” he wrote to a colleague at the very end of his presidency. “But it furnishes a decent and honorable support, and places one’s children on good grounds for public favor. The family of a beloved father will stand with the public on the most favorable ground of competition. Had General Washington left children, what would have been denied them?” (Bergh 1903–5, 9:407).

Jefferson also believed that government had to prevent rather than punish error. Writing in 1787, he argued that conscience, not compensation or execution in detail, would compel safety:

The moral sense, or conscience, is as much a part of man as his leg or arm. It is given to all human beings in a stronger or weaker degree, as force of members is given them in a greater or less degree. It may be strengthened by exercise, as may any particular limb of the body. This sense is submitted indeed in some degree to the guidance of reason; but it is a small stock which is required for this: even a less one than what we call common sense. State a moral case to a ploughman and a professor. The former will decide it as well, and often better than the latter, because he has not been led astray by artificial rules. (Bergh 1903–5, 6:257)

Absent this sense of conscience, which was unlikely to be found in a government filled with “cormorants” seeking to feed.
Conclusion

Hamilton and Jefferson obviously held very strong and often conflicting opinions on their definitions of good government. However, these conflicts do not mean that the two definitions are mutually exclusive.

There is no reason why extensive and arduous enterprise cannot embrace a measure of limited and simple exertion, energy cannot embrace elements of restraint, adequate provision of support cannot involve a call to frugality and efficiency, steadiness cannot coexist with appropriate adaptability, and transparency cannot coexist with the call to duty.

Moreover, as the essays in this special issue strongly suggest, many of Hamilton’s beliefs are being tested today, whether because of polarization between strong-willed factions or the understandable inability to predict the rise of the administrative state. Described so artfully in the Federalist Papers, it seems reasonable to ask a series of questions about how Publius now might blend more of Jefferson’s philosophy into the basic framework of their explanation.

Federalist No. 1 Appendix

An appendix to Federalist No. 1 would begin with a foreshadowing of Hamilton’s final summary of the case for ratification of the Constitution:

These judicious reflections contain a lesson of moderation to all the sincere lovers of the Union, and ought to put them upon their guard against hazarding anarchy, civil war, a perpetual alienation of the States from each other, and perhaps the military despotism of a victorious demagogue, in the pursuit of what they are not likely to obtain, but from time and experience. It may be in me a defect of political fortitude, but I acknowledge that I cannot entertain an equal tranquility with those who affect to treat the dangers of a longer continuance in our present situation as imaginary. A nation, without a national government, is, in my view, an awful spectacle. (Wright 1962, 547)

The appendix would proceed as follows:

Despite our hopes that the national government would undertake extensive and arduous enterprises for the public benefit, we now worry that the executive oversees an administrative apparatus that can no longer assure the Constitution’s direction that the laws be faithfully executed.

We worry that the executive now is overburdened with enterprises that do not meet our call for extensive and arduous tasks. Therefore, we believe that the three branches of government must find agreement on a central mission that focuses the national government on a more precise agenda of endeavor, with appropriate attention to initiatives that are clearly in the national interest.

We still believe that an energetic executive is essential for an effective administrative state, but have serious concerns that the executive has extended his power to include broad interpretations of the Constitution that reach beyond our initial proposal. Therefore, we believe that it is time for redefinition of safety in the executive to provide restraint the exercise of the executive’s range of engagement beyond the lines we described in our original design.

We also strongly urge that the executive branch receive the adequate provision of support necessary to faithfully execution of the laws. We see this erosion of support as a significant barrier at all levels of the modern bureaucracy. Although we once argued that pay, promotion, and tenure would be salutary incentives for employment, we now read reports that national government’s newest employees report that they accepted their role for these emoluments instead of their commitment to arduous and extensive enterprises.

We also worry that the process for accessing talent is too cumbersome and confusing, and that safety in the executive is no longer assured through discipline for the failure to execute the laws with dispatch and detail. We therefore call for a greater focus on the call of duty as a primary attribute of all executive officers with an appropriate diminution of the role of pay, promotion, and tenure as primary interests in the recruitment of new employees, and a more prominent emphasis on conscience as a source of safety in the executive.

In addition, we worry that the rising national debt requires action to assure that the administrative state is as effective and frugal as possible. We did not intend that the administrative state be encumbered with enterprises that would raise costs unnecessarily, and urge compromise across the three branches of government to assure wise action to restore discipline in appropriate expenditures for the effective administration of the laws through action to redress costs that have increased through complacency and fractious conflict over restraining costs.

We also worry about the need for greater adaptability in administration through new methods for creating successful initiatives for the public benefit. We read reports that show a troubling reluctance within the administrative state to experiment with alternative methods for achieving impacts, but also caution that such initiatives be girded with appropriate regard for faithfully executing the laws. We still endorse steadiness in administration, but recognize basic changes in the Constitution through appropriate exercise of the amending power have made steadiness in administration a less useful approach to guaranteeing the general welfare.

At the same time, we urge a general effort to trim the administrative state of unwarranted laws and rules that interfere with needed flexibilities as the world changes and threats to tranquility change with rapid force.

Finally, we recognize that transparency has never been more important in guaranteeing appropriate control of the executive, and must restate again the role of conscience in assuring discipline and accountability.
within the administrative state. Even as we restate our call for “vigor and expedition” in the pursuit of effectiveness, we now see the need for refreshment of the administrative apparatus to do so without embarrassing our often-stated desire for safety. The once-appropriate focus on execution in detail has moved well beyond appropriate instruction to a cacophony of laws and regulations that appear to depress the adaptability now needed for faithfully executing the laws.

Therefore, we strongly urge the three branches of the national government to work together to remedy the administrative problems raised above. We do not believe such remedies will easily emerge from fractious debate. We remind the current leaders of the three branches of our opinion that factions serve no purpose in faithfully executing the laws, which we emphasized in what has become known as Federalist No. 70:

In the legislature, promptitude of decision is oftener an evil than a benefit. The differences of opinion, and the jarrings of parties in that department of the government, though they may sometimes obstruct salutary plans, yet often promote deliberation and circumspection, and serve to check excesses in the majority. When a resolution too is once taken, the opposition must be at an end. That resolution is a law, and resistance to it punishable. But no favorable circumstances palliate or atone for the disadvantages of dissension in the executive department. Here, they are pure and unmixed. There is no point at which they cease to operate. They serve to embarrass and weaken the execution of the plan or measure to which they relate, from the first step to the final conclusion of it. They constantly counteract those qualities in the Executive which are the most necessary ingredients in its composition, vigor and expedition, and this without any counterbalancing good.

Even as we still emphasize the need for a strong and well-provisioned administrative state, we recognize the palliative effects of philosophies embedded in a cautionary approach to the implementation of our design. We urge the three branches and the public writ large to find insights in the wisdom of our critics as the national government embarks on essential reforms for assuring full realization of the Constitution’s promise to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.

—PUBLIUS

References


