

Recovering the Jeffersonian Vision of Limited Government

By Stephen Lazarus

What is the purpose of government according to the Founding Fathers? Dr. Roger Pilon, Senior Fellow at CATO Institute, tackles this important question in *Limiting Leviathan*, a provocative new book available soon from Public Interest Institute.

Pilon explains that the Founders designed the law of the land — the Constitution — to establish a federal state with strictly limited powers. They sought to circumscribe carefully the powers of the new government. Yet, ironically, with the rise of today's welfare and regulatory state, the 20th century has rightly been called "the century of government" in America. Is this what the Founder's had in mind?

Elected leaders have lost sight of Thomas Jefferson's original political vision of individual liberty, personal responsibility, and limited government. This is the vision of the Declaration of Independence, according to which the main purpose of government is to secure the rights of its citizens to life, liberty, and the pursuit of happiness. Furthermore, insist the Founders, this important but restricted task is subject to the consent of the governed. Neglecting this vision, we have witnessed the growth of a federal state which closely resembles the threatening beast, Leviathan, about which the Founders warned us.

The rise of big government today and the loss of personal liberty would distress the Founders. Pilon makes the startling claim that, "...the most cursory reading of the writings of the [Founders'] day makes it plain that the Founders intended nothing like our present American leviathan." To understand their original vision for America, he suggests, we must rediscover and apply the principles of our founding documents in our day as they would.

The American Revolution posed a problem for the Founders. When they severed their ties with the British Empire, they had to explain why the new government they formed deserved to be obeyed by citizens. In the Declaration, they pointed to a higher "natural law" of right and wrong, revealed by "Nature and Nature's God" which supplies the standard by which to judge all laws made by government. Natural law limits the range of what is acceptable for a government to do. Through reason, they argued, we discover that all people are created equal with the same rights to life, liberty, and the pursuit of happiness. When a government violates these rights of the people, "...it is their right, it is their duty, to throw off such government, and to provide new guards for their future security."

Natural rights are granted by God, not the government. People entrust their rights to the protection of government, which rules by their consent. Only governments which protect these natural rights to life, liberty, and the free pursuit of happiness deserve the obedience of its citizens. Government's purpose, then, is to serve the people as the guardian of their rights (and not the other way around as under King George.)

Thus, the Founders secured liberty through law — first by appealing to natural law, and second by establishing a Constitution to limit legally the ability of any government to exercise more power than its citizens give it. With the powers of government strictly limited, citizens could be free to pursue their particular visions of happiness and the good life.

The Founders, Pilon explains, regarded these basic rights of citizens to be a type of property. Rights to life, liberty, and the freedom to pursue happiness belong to citizens as other property they might possess. A government with limited powers, they reasoned, will make a better guardian of this property than an unlimited government which can easily misuse its powers. They wanted to prevent any possibility of tyrannical government developing in the colonies.

To do this, they also instituted the principle of consent by the governed. They designed the new government not only to protect rights, but also to represent the interests of the people. Regular public elections allowed citizens to express their approval or disapproval of the decisions and actions of their representatives. "Thus," concludes Pilon, "do reason and consent go together to limit government, lending it a measure of legitimacy in the process."

The Founders also carefully listed or "enumerated" the specific powers of the federal government in the Constitution. With the Tenth Amendment they stressed the principle of federalism: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

To provide further defense against any governmental threat to liberty, they divided the powers of the federal government between the legislative, executive, and judicial branches. They established each institution to check and balance the power of the others, to prevent any one from dominating the other two. The principles of enumerated powers, federalism, separation of powers, and checks and balances all represent important constitutionally-imposed limits on the power of government. They reflect Jefferson's original vision for the country, and the Founders understanding of the purpose of government.

Pilon concludes by arguing convincingly that this vision is under severe threat today. Since the Progressive Era and Roosevelt's New Deal, Legislators have turned the Constitution on its head. They have transformed Jefferson's framework for government from a guardian of basic rights into an agent of regulation and redistribution of wealth. By ignoring limits on government's power, such as those prescribed by natural rights, enumerated powers, and federalism, our representatives jeopardize not only Jefferson's legacy, but also liberty, and the very foundation of legitimate government established by the Founders. This is why it is so urgent to recover the Jeffersonian vision.

This Institute Brief is one in a series on the chapters of an upcoming book, Limiting Leviathan, edited by Dr. Don Racheter, Executive Director of Public Interest Institute, and Dr. Richard Wagner, Economics Professor at George Mason University and Chair of PII's Academic Advisory Board. Limiting Leviathan makes a case for limited government and discusses the types of limitations on government that are appropriate and necessary.

The author of this chapter in Limiting Leviathan is Dr. Roger Pilon, Senior Fellow at CATO Institute.

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