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## Statesmanship and Ethics: The Case of Thomas Jefferson's Dirty Hands

*The topic of statesmanship has been largely neglected by public administration scholars. This article underscores the moral dilemmas and implications that arise when statesmen abandon their principles for the good of the state, as was the case when Thomas Jefferson purchased the Louisiana Territory from France without congressional consent. This example draws our attention to the important connections between statesmanship and administrative ethics. Jefferson's decision to abandon his strict constructionist principles to acquire Louisiana illustrates the ethical complexities of public administration, public management, and the democratic governance process.*

Statesmanship is one of the most important elements of administrative ethics and should be a noteworthy topic of discussion within the field of public administration. The democratic governance process enables public administration, in both theory and practice, to advance the good of the state. When public servants, whether they are elected or appointed, make extraordinary decisions that elevate them to the level of statesmen despite the ethical consequences to their individual self, they are ensuring the preservation of the very state that is intrinsically connected to public administration (Terry 1990, 2002).

Public administration courses devoted to developing students' advanced understanding of moral reasoning, democratic governance, public management, and topics in policy studies—at both the MPA and doctoral level—should emphasize what characteristics make up statesmanship within each of these contexts. Unfortunately, in most graduate programs of public administration, this does not occur, largely because statesmanship is a difficult concept to understand. A homogeneous definition does not exist. Max Weber (1958), Richard Neustadt (1990), Werner Dannhauser (1980), Mark Moore (1980), Herbert Storing (1980), David and Roberta Schaefer (1992), and John Rohr (1988) are among the few scholars who have focused on expanding our knowledge of statesmanship while reminding public administrators, public managers, and political scientists of its importance to the practice of good government. A more comprehensive understanding of the value-added dimension that the study of statesmanship brings to public-sector ethics would enhance the field's overall awareness of

the ethical complexities associated with democratic governance, public administration, and public management at the highest levels of government.

Contemporary political theorists such as Isaiah Berlin (1990) and Sheldon Wolin (1969, 2004) have maintained that political theory is particularly concerned with connecting the past to the present by means of developing a greater appreciation for how history, context, and categories directly affect the study and practice of politics. Thus, the type of moral reasoning exercised by statesmen in ethically questionable situations is relevant not only for public administrators but for political theorists as well. As Wolin argues, "A tradition of political thought provides a connecting link between past and present; the facts that succeeding political thinkers have generally adhered to a common political vocabulary and have accepted a core of problems as being properly the subject of political inquiry have served to make the political thought of earlier centuries comprehensible, as well as exciting" (2004, 23).

Thomas Jefferson's decision to purchase the Louisiana Territory from France without congressional consent is one of the most important examples of statesmanship that occurred during the first two decades of the American Republic. By carefully examining the political and administrative dynamics that led to the Louisiana Purchase, we

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can investigate not only how the past connects to the present, but, more important for public administration, how Jefferson's decision making demonstrated statesmanship. The moral reasoning exhibited by President Jefferson at the time of this historic land deal provides contemporary constitutional scholars with a distinctive case that demonstrates how a statesman can cope when he knowingly makes a decision that violates his constitutional principles in order to provide lasting economic and national security protection for future generations.

This article begins with an overview of the events that led to the Louisiana Purchase and the discretionary judgment demonstrated by Robert Livingston and James Monroe when they accepted Napoleon's offer. Careful consideration is also afforded to how Secretaries James Madison and Albert Gallatin persuaded Jefferson to comply with the terms and conditions set forth by France. Understanding the political, economic, and national security issues affecting the United States at the time of this decision enables us to appreciate the moral dilemmas and implications of Jefferson's judgment in a way that often has been overlooked by historians and political scientists interested in the Jefferson presidency. Next, I turn my attention to Michael Walzer's theory of "dirty hands," Reinhold Niebuhr's belief that moral men can live in an immoral society, and Max Weber's notion of how politics becomes a vocation. When integrated, the works of these scholars provide a useful theoretical framework for examining the ethical complexities associated with this situation in a broader, more comprehensive way than has been outlined in the past. This article concludes by connecting Walzer's dirty hands dilemma to Weber's criterion for how a genuine man demonstrates the calling for politics—an important and problematic undertaking, especially because Walzer is highly suspicious of Weber's conviction that the dirty hands problem can be resolved entirely within the confines of the individual self.

### **The United States Acquires Louisiana: The Political, Economic, and National Security Context**

To appreciate how Thomas Jefferson's decision to purchase Louisiana exemplifies statesmanship, we must begin by analyzing the political, economic, and national security concerns that led to this historic purchase. At the beginning of the Jefferson presidency, the administration learned of an undisclosed agreement between France and Spain in which Spain agreed to relinquish its claim over Louisiana in favor of France. In 1783, France ceded Louisiana to Spain, but, when Napoleon demanded the territory be returned to France in 1800, Spain complied with Bonaparte's request and signed the Treaty of Ildefonso,

which legally returned the land to France.

The repossession of Louisiana by France alarmed the entire administration, especially the president. Jefferson feared that French control of New Orleans, one of the most important trade routes in North America, would jeopardize national security and the economic advancement of the new nation, because France had a more powerful fleet than Spain and because Napoleon had begun his conquest of a large portion of Europe. In a letter to Robert Livingston, Jefferson's minister to France, the president maintained, "The cession of Louisiana and the Floridas by Spain to France works most sorely on the United States. The day that France takes possession of New Orleans fixes the sentence which is to restrain her forever within her low-water mark. It seals the union of two nations, who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation" (Hirst 1926, 390). Jefferson's position in this correspondence is striking. Since the Revolutionary War, his distrust of Great Britain had increased exponentially while his support for France remained remarkably positive. As this letter demonstrates, Jefferson realized that French control of the seaport of New Orleans would force the United States to align itself with Great Britain. Economic stability, and especially national security, demanded no less. The possibility of such an agreement clearly contradicted Jefferson's public and private opinions regarding Great Britain's hostility toward the United States, as well as the economic, political, and national security roles he hoped France would play in his foreign policy agenda. Jefferson refused to allow this situation to occur, and subsequently he appointed James Monroe special envoy to France with the expectation that Monroe would assist Livingston in negotiating the purchase of New Orleans and the Florida provinces.

After Monroe agreed to serve as ambassador, Jefferson consulted the Congress on the paramount need to acquire these territories. Congress responded immediately to the administration's request and appropriated \$2 million "to enable the Executive to commence with more effect negotiation with the French and Spanish governments relative to the purchase from them of the island of New Orleans and the provinces of East and West Florida" (Hirst 1926, 391). Congress and President Jefferson authorized Monroe and Livingston to negotiate for New Orleans and Florida—nothing more and nothing less. If they failed to secure New Orleans, Jefferson feared war would be the only alternative to enable the United States to maintain its economic independence and to safeguard its national security. Jefferson could not consider this option because he had drastically reduced appropriations for the army and navy in a fervent effort to decrease the size of the national debt.

Once Livingston and Monroe began negotiating with Talleyrand, Napoleon's minister of foreign affairs, it became apparent that France was uninterested in relinquishing its ownership of New Orleans. As the American ambassadors were preparing to return to the United States, fearful of the president's reaction to their inability to acquire the needed territory, Napoleon, against the advice of Talleyrand, abruptly decided to sell the United States not only the seaport of New Orleans but the entire Louisiana Territory for \$15 million, or less than 3.5 cents per acre. Relinquishing ownership of Louisiana would allow Napoleon to pursue his impending crusade against other European nations more effectively, a goal that was far more important to him than maintaining ownership of France's North American territory.

Initially, Livingston and Monroe were hesitant to accept Napoleon's offer. "Livingston's authority had not extended to making territorial arrangements; he had been instructed merely to inquire into possibilities and prices" (Malone 1970, 289). After carefully considering their options, Livingston and Monroe accepted the terms of Napoleon's proposal, fearing that if they refused or waited to consult with Jefferson at home, the United States would never again be afforded such a generous land deal. Napoleon and the American ambassadors agreed to a payment of \$11,250,000 to France in 6 percent stock and another payment of \$3,750,000 for claims over French citizens living in the territory. The treaty also stipulated that French and Spanish ships would pay the same rate as their American counterparts to enter U.S. ports. Finally, the agreement granted the Louisiana inhabitants American citizenship as soon as the territory was successfully incorporated within the Union.

Livingston and Monroe's decision to purchase Louisiana from France without the consent of Congress or the president is an extraordinary example of administrative discretion during the early history of the United States. They did not have the legal authority to accept Napoleon's offer, yet they agreed to his terms with confidence. In a letter written to Rufus King in May 1803, Livingston maintained, "The treaty which we have just signed has not been obtained by art or dictated by force; equally advantageous to the two contracting parties, it will change vast solitudes into flourishing districts. From this day the United States take their place among the powers of first rank" (Holtman 1988, 127). Although Livingston and Monroe were unable to acquire the Florida provinces, they considered the Louisiana Purchase an exceptional diplomatic achievement that would provide lasting security and prosperity to the United States.

## Jefferson's Constitutional Dilemma

Jefferson received word of the historic acquisition while he was at Monticello in May 1803 and was delighted to

learn the United States would soon double in size. In a letter written to John Dickenson in August of the same year, Jefferson expressed his initial sentiments regarding the purchase of Louisiana: "The acquisition of New Orleans would of itself have been a great thing, as it would have insured to our Western brethren the means of exporting their produce; but that of Louisiana is inappreciable, because, giving us the sole dominion of the Mississippi, it excludes those bickerings with foreign powers which we know of a certainty would have put us at war with France immediately; and it secures to us the course of a peaceable nation" (Mayo 1998, 248).

As Jefferson began thinking of ways to persuade Congress to support this treaty, however, he realized that such an agreement violated his strict constructionist principles. Throughout Jefferson's political career, he had maintained that elected officials did not have the authority to enforce laws or implement policies that were not granted to them by means of written law. Unlike Alexander Hamilton, who was a proponent of implied powers, "Jefferson posited a fairly strict theory which presumed against the exercise of federal powers in doubtful cases and, indeed, excluded from 'the ordinary exercise of constitutional authority' the exercise of implied powers. Hamilton posited a theory of liberal construction with the opposite effect" (Mayer 1994, 196). Prior to his presidency, Jefferson had defended his strict constructionist beliefs by publicly opposing Hamilton's plan to establish a national bank in 1791 and through his anonymous authorship of the Kentucky Resolutions, which openly criticized the constitutionality of the Alien and Sedition acts. The opportunity to purchase Louisiana in its entirety, however, convinced Jefferson to abandon this principle.

Because the Constitution does not afford the president the power to purchase foreign territory, Jefferson initially recommended that the administration propose a constitutional amendment that would allow him to acquire Louisiana while upholding his strict constructionist principles. In a letter to John Dickenson, Jefferson expressed his concern for amending the Constitution: "The general government has now powers but such as the constitution has given it; and it has not given it a power of holding foreign territory, & still less of incorporating it into the Union. An amendment of the Constitution seems necessary for this" (Ford 1905, 29). Despite the president's argument in support of a constitutional amendment, Secretary of State James Madison and Secretary of the Treasury Albert Gallatin respectfully disagreed. Both secretaries maintained that Jefferson was obligated to accept Napoleon's offer immediately. In Hamiltonian language, this was a "case of extreme necessity."

As Madison and Gallatin pointed out, a constitutional amendment was not practical because of the limited time



constraints on the administration to finalize Napoleon's offer. No one, including Jefferson, wanted to jeopardize the opportunity to gain control of Louisiana; therefore, Madison encouraged Jefferson to enforce the implied powers clause of the Constitution (Article II, section 1). The implied powers clause for the executive branch was originally advocated by Hamilton during the Constitutional Convention of 1787. Article I (section 8, clause 18) of the Constitution is often referred to as the "necessary and proper" clause and affords Congress the authority "to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof." Hamilton argued that one of the fundamental defects in the Articles of Confederation was the lack of power afforded to a federal legislative body. He maintained that the necessary and proper clause was one way the new Constitution improved this deficiency. Hamilton also insisted that the executive branch have the same type of authority. He recognized that unforeseen events would certainly arise in the country's future and that the president must have the implied executive authority to act in the best interest of the nation and its citizenry (Chernow 2004). Article II, section 1 of the Constitution states that "the executive Power shall be vested in a President of the United States of America." The framers did not mention that the president's power was "herein granted." For Hamilton, the omission of this language supported a strong executive with implied powers.

At the time of the Louisiana Purchase, Madison explained to Jefferson Hamilton's justification of implied executive powers (Chernow 2004). According to Madison, this situation presented the ideal opportunity to enforce the clause because of the benefits the new territory would provide to the state. In a letter to Monroe, Madison argued, "It is not impossible that in the spirit of indiscriminate objection to public measures the acquisition may produce criticism and censure. In some views it may even be a subject of *disquietude*. But the important uses to which it may be turned will amply justify the arrangement and ultimately silence the voice of faction" (Mattern 1986, 118). Jefferson reluctantly agreed with Madison and accepted Napoleon's offer without amending the Constitution and without the approval of Congress. The Republican-dominated legislature, however, did not object to the president's decision to enforce the implied powers clause. The Senate quickly ratified Jefferson's agreement with Napoleon without questioning its constitutionality and publicly praised the administration for ensuring the safety and continued prosperity of the United States.

The president's decision to purchase Louisiana without a constitutional amendment was certainly in the best economic, political, and national security interests of the

American people. It satisfied important utilitarian values associated with producing the greatest good for the greatest number. However, the moral dilemmas associated with Jefferson's decision to abandon his strict constructionist principles, regardless of the reason or utilitarian justification, creates major problems for the study and practice of statesmanship and administrative ethics more generally.

### Jefferson's Dirty Hands

Joseph Ellis argues that the Louisiana Purchase "was unquestionably the greatest achievement of the Jefferson presidency and one of the most consequential executive actions in all of American history" (1996, 204). Dumas Malone (1970), Noble Cunningham (1978, 1987), Robert Johnstone (1972, 1978), and Forrest McDonald (1976, 2000), all highly regarded scholars of the Jefferson presidency, agree with Ellis's assertion. However, what scholars of the founding period have failed to address is how Jefferson's decision to abandon his strict constructionist principles—tenets he believed were fundamentally necessary for the successful implementation of republican government—distorted his own understanding of responsible executive action.

Michael Walzer, a prominent political theorist, and Reinhold Niebuhr, a renowned theologian, provide the type of normative framework needed to examine how Jefferson's character was tarnished when he chose to abandon the principles he had advocated throughout his political career. The problem of dirty hands is particularly insightful when analyzing the moral dilemmas associated with Jefferson's decision to purchase Louisiana because, as Walzer points out, it "derives from an effort to refute absolutism without denying the reality of the moral dilemma" (1973, 162). That is, one violates an absolute moral principle while knowing full well one should not do so regardless of the beneficial consequences.

According to Walzer, we expect leaders to make difficult and ethically challenging decisions, but we also demand they suffer when they violate their principles as a means to ensure personal integrity. Walzer explains this assertion by describing a hypothetical situation in which a politician seizes power over a nation in the midst of colonial war. The politician promises to decolonize the territory, encourage peace throughout the region, and promote efforts that would improve prosperity. Soon after gaining power, the new leader must decide whether to torture a captured rebel leader who knows or probably knows the location of several hidden bombs concealed in local apartment buildings. These bombs are scheduled to detonate within 24 hours. The politician acknowledges that torture is morally indefensible, yet he elects to torture the suspect regardless of his moral convictions that find such actions

inexcusable. Such a decision, the politician hopes, will disclose the location of the bombs and prevent innocent people from being harmed. Walzer explains this justification:

Because he has scruples of this sort, we know him to be a good man. But we view the campaign in a certain light, estimate its importance in a certain way, and hope that he will overcome his scruples and make the deal: we want *him* to make it, precisely because he has scruples about it. We know he is doing right when he makes the deal because he knows he is doing wrong. (1972, 166)

Ontological differences certainly exist between a leader's decision to torture an individual who almost certainly possesses knowledge that would prevent others from being harmed and a president's decision to abandon his strict constructionist principles to acquire foreign territory.<sup>1</sup> Despite these important normative distinctions, however, the substance of Walzer's argument concerning how and why leaders develop dirty hands enables us to applaud Jefferson for violating his strict constructionist principles, not only because the incorporation of the Louisiana Territory into the United States was in the best interest of the nation but because the decision made the president suffer.

In a letter to John Dickenson in August 1803, shortly after Jefferson enforced the implied executive powers clause and knowingly violated his strict constructionist principles, the president clearly articulated his suffering:

The Executive in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the Constitution. The Legislature in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify & pay for it, and throw themselves on their country for doing for them unauthorized what we know they would have done for themselves had they been in a situation to do it. It is the case of a guardian, investing the money of his ward in purchasing an important adjacent territory; & saying to him when of age, I did this for your good; I pretend to no right to bind you: you may disavow me, and I must get out of the scrape as I can: *I thought it my duty to risk myself for you.* But we shall not be disavowed by the nation, and their act of indemnity will confirm and not weaken the Constitution, by more strongly marking out its lines. (Malone 1970, 313; emphasis added)

Jefferson recognized the constitutional immorality of his decision, but he chose to purchase Louisiana anyway. According to Walzer's theory of dirty hands, we know that Jefferson made the right decision because he recognized that he was doing wrong when he finalized Napoleon's offer; he sacrificed his soul for the good of the nation. Walzer's analysis suggests that such actions by statesmen recall

Isaiah's suffering servant. By relying on this passage from the Old Testament, we realize, by our own capacity to forgive others, why Jefferson violated the Constitution. We recognize the distinctiveness of such a decision and the exceptional nature of the events surrounding the Louisiana Purchase. This recognition conveys the sense that such decisions are not only rare, but costly as well.

## A Moral Man Living in an Immoral Society

Reinhold Niebuhr's classic *Moral Man and Immoral Society* (1960) provides an important distinction that enables us to understand how a statesman copes with Walzer's notion of dirty hands. Niebuhr argues that societal interests are not synonymous with individual interests because the way leaders govern society is different from the way individuals govern themselves. Specifically, "a sharp distinction must be drawn between the moral and social behavior of individuals and of social groups, national, racial, and economic" (xi) because justice is the primary value associated with governing a nation, whereas individuals are mostly concerned with acting in ways that promote unselfishness. Therefore, "Society must strive for justice even if it is forced to use means, such as self-assertion, resistance, coercion and perhaps resentment, which cannot gain the moral sanction of the most sensitive moral spirit. The individual must strive to realize his life by losing and finding himself in something greater than himself" (257).

Jefferson realized that as an individual citizen, he viewed strict construction as an indispensable tenet of republican government, but as president of the United States, he recognized that he had a moral responsibility to ensure the safety and prosperity of the American people. His decision to purchase Louisiana fulfilled this responsibility. He recognized the incorporation of Louisiana into the United States would enhance the future of his countrymen for generations yet unborn. For the president, that was more important than upholding the inviolable principle of strict construction, which remained inviolable in principle but was violated in practice.

Although Niebuhr's analysis is valuable for developing a broader understanding of the ethical and pragmatic difficulties that affected Jefferson's decision-making process, the notion of advancing the good of the state over the good of the man creates an intellectual delight for scholars who are interested in the study of statesmanship. We savor the ambiguity associated with Jefferson's predicament. On one hand, we recognize the moral dilemmas and implications of abandoning a principle that one has spent an entire political career advocating. On the other hand, we realize that if we were in Jefferson's position,



we would have made the same choice: We would have sacrificed our own principles for the good of the state, its institutions, and its citizenry.

### Federalists Criticize but Hamilton Rejoices

Despite the ambiguity created by Jefferson's dilemma, history usually punishes statesmen for abandoning their principles, regardless of the justification, as a means of promoting honesty among contemporary statesmen. In *The Statesman*, Sir Henry Taylor illustrates this very point: "When a statesman sees fit to change an opinion which he has publicly professed, whether the change be right or wrong, it is required for the general guarding and sustaining of political honesty, that he would suffer for it, either in political character, or in immediate and apparent personal interests" (Schaefer 1992, 112). The Federalists were highly critical of Jefferson for deserting his strict constructionist principles. Senator John Quincy Adams, one of the most outspoken congressmen to oppose the president's decision, observed that "Jefferson would possess an assumption of implied power greater than all the assumptions in the years of the Washington and Adams administrations put together" (Ellis 1996, 210). Upon learning how Jefferson purchased Louisiana from France, William Plumer, Christopher Gore, and Timothy Pickering encouraged their states to withdraw from the Union. Pickering rationalized this assertion by arguing that he would "rather anticipate a new confederacy, exempt from the corrupt and corrupting influence and oppression of the aristocratic Democrats of the South" (McDonald 2000, 61). Although federalist criticism represented a small minority of public opinion, which strongly supported the administration's decision, collectively it speaks to Taylor's concern regarding the need for statesmen to safeguard their principles to ensure integrity within the democratic governance process and the administrative state. In other words, statesmen safeguard these principles even when they violate them by paying the personal and political price their actions exact.

Alexander Hamilton, unlike his Federalist colleagues, did not criticize Jefferson for violating his strict constructionist principles. Hamilton recognized the immediacy of acquiring Louisiana. Like Jefferson, he maintained, "Napoleon's control of Louisiana threatens the early dismemberment of a large portion of the country; more immediately, the safety of all the Southern States; and remotely, the independence of the whole Union" (Hamilton 1955). In an editorial published in the *New York Evening Post* on July 5, 1803, Hamilton, writing under the pseudonym "Pericles," argued the Jefferson administration had two options: First, it could negotiate with Napoleon and purchase Louisiana. If diplomacy failed, the United States would have no choice but to declare war on France. The

second option, according to Hamilton, was to seize New Orleans and the Florida provinces outright and negotiate for ownership afterward (Hamilton 1955).

After learning the administration had accepted Napoleon's offer and purchased the Louisiana Territory, Hamilton celebrated Jefferson's executive decision. However, he criticized Jefferson for the hypocrisy of insisting that the national debt be reduced while agreeing to a deal that increased the very debt the administration was trying to lower. Hamilton highlighted this point in his *New York Evening Post* article:

According to Mr. Gallatin's report, they had about 40,000 to spare for contingencies, and now the first "extraordinary event" that "supervenes" calls upon them for several million. What a poor starving system of administering a government! But how is the money to be had? Not by taxing luxury and wealth and whiskey, but by increasing the taxes on the necessities of life. Let this be remembered. (Syrett 1979, 134)<sup>2</sup>

Despite this observation, Hamilton knew that incorporating Louisiana into the Union would increase the administration's popularity among the citizenry exponentially. But he was also quick to point out "that the acquisition has been solely owing to a fortuitous concurrence of unforeseen and unexpected circumstances, and not to any wise or vigorous measures on the part of the American government" (1955, 374). Viewed in this context, Hamilton was right. Good fortune had just as much to do with the Louisiana Purchase as did Livingston and Monroe's ability to negotiate a deal with Napoleon and his advisers. Nevertheless, Hamilton was delighted with Jefferson's decision because it further legitimated his argument for a strong executive whose powers were constitutionally granted and implied. Indeed, Hamilton had astutely observed as far back as the 1790s that Jefferson was no enemy of the strong executive.

### Concern for Posterity

During Jefferson's retirement years, which spanned from the end of his presidency in 1809 to his death in 1826, he often reflected on the moral dilemmas associated with his decision to purchase Louisiana. Jefferson was extremely concerned with posterity and how history would remember his contributions to the political and administrative development of the United States. Douglass Adair, in *Fame and the Founding Fathers* (1974), argues that the love of fame, self-interest, and the ability to act in a way that would ensure posterity led the founding fathers to establish a government that valued and advanced liberty, justice, and the promotion of the general welfare. From Adair's perspective, Jefferson's concern for posterity, as well as his pur-

suit of fame, demanded that he further justify why he had abandoned his strict constructionist principles. In a letter to John B. Colvin in September 1810, Jefferson wrote on the very subject that worried Sir Henry Taylor: "A strict observance of the written law is doubtless *one* of the high duties of a good citizen, but it is not *the highest*. The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation. To lose our country by a scrupulous adherence to written law, would be to lose the law itself, with life, liberty, property and all those who are enjoying them with us; thus absurdly sacrificing the end to the means" (Malone 1970, 320).

Jefferson's thoughts in this correspondence are remarkable, especially in a letter written a year after he had retired from public office and seven years after he had acquired Louisiana from France. Prior to the presidency, we can be certain that Jefferson would not have made such remarks, publicly or privately; his vehement critique of broad construction tells us so. The political, economic, national security, and administrative responsibilities associated with governing the nation, however, changed Jefferson's thinking, just as Hamilton predicted. Jefferson did not abandon his belief in the doctrine of strict construction altogether, but the presidency did instruct him on the limitations associated with this philosophical position. Jefferson was a thoughtful man, and the moral dilemmas associated with purchasing Louisiana provided him with a newfound wisdom on the art and science of public administration, public management, and the democratic governance process.

The sentiments expressed in Jefferson's letter support Walzer's theory of dirty hands. We know Jefferson made the right decision because he consistently contemplated new ways to excuse the morality and constitutionality of the Louisiana Purchase, and the breadth of his justification demonstrates the nature of his suffering. Jefferson ultimately concluded, however, that the longevity of the United States depended on his sacrifice of his belief in the strict observance of written law. Such an argument certainly favors Niebuhr's assertion that the way individuals govern themselves is quite different from the way statesmen govern a nation. From an individualist perspective, Jefferson continued to support strict construction, at least in theory, but the pragmatic nature associated with governing the nation forced him to reject his absolutism to ensure national security and economic prosperity. Thus, he was a sadder but wiser man.

Jefferson's justification for abandoning his strict constructionist principles in this case is certainly comparable to President Abraham Lincoln's decision to suspend the writ of habeas corpus during the American Civil War. The Constitution is silent on which branch of government can suspend this right, but according to Article I, section 9, if

any branch has this power, it would be Congress, not the president. The preservation of the state in its entirety prompted Lincoln to suspend this constitutional protection. In a special session of Congress on July 4, 1861, Lincoln delivered a message to the country asserting that all the nation's laws could not and should not be sacrificed to preserve one—in this case, the writ of habeas corpus. Lincoln noted,

Are all the laws, but one, to go unexecuted, and the government itself go to pieces, lest that one be violated? Even in such a case, would not the official oath be broken, if the government should be overthrown, when it was believed that disregarding the single law, would tend to preserve it?... It was decided that we have a case of rebellion, and that the public safety does require the qualified suspension of the privilege of the writ which was authorized to be made.<sup>3</sup>

The similarities between Lincoln's decision to suspend the writ of habeas corpus and Jefferson's decision to abandon his strict constructionist principles are striking. In both situations, the preservation of the state was more important than upholding one particular law (in Lincoln's case) or, in Jefferson's circumstance, the firm belief that a strict constructionist approach to governing is essential for the preservation of republican government.

## Politics as a Vocation

Max Weber, like Walzer and Niebuhr, illuminates many of the difficulties and ambiguities associated with Jefferson's decision. In his classic lecture "Politics as a Vocation," Weber (1958) articulates the need for public officials to rely on an ethic of responsibility while recognizing that such an ethic cannot be unprincipled or without "an ethic of ultimate ends." For Weber, an ethic of responsibility corresponds to what might be called utilitarian or consequentialist ethics today. Conversely, an ethic of ultimate ends is similar to a deontological perspective. As Weber explains,

It is immensely moving when a *mature* man—no matter whether old or young in years—is aware of the responsibility for the consequences of his conduct and really feels such responsibility with heart and soul. He then acts by following an ethic of responsibility and somewhere he reaches the point where he says: "Here I stand; I can do no other." That is something genuinely human and moving. And every one who is not spiritually dead must realize the possibility of finding himself at some time in that position. In so far as this is true, an ethic of ultimate ends and an ethic of responsibility are not absolute contrasts but rather supplements, which

only in unison constitute a genuine man—a man who can have the “calling for politics.” (1958, 127)

Weber borrows a statement from Martin Luther: “Here I stand; I can do no other.” Luther is a curious source for an essay dedicated to ethics in politics with a strong emphasis on prudence and calculation—characteristics that typically are not associated with the highly principled but volatile Martin Luther. That Weber turns to Luther at the end of his essay shows that prudential calculation is not enough; the person devoid of absolute principles is “spiritually dead.”

The moral dilemmas and implications associated with Jefferson’s decision to purchase Louisiana undoubtedly forced him into a position in which he reiterated Martin Luther’s famous phrase, “Here I stand; I can do no other.” In 1803, President Jefferson was pressured into making a decision that challenged one of his most sacred principles. Just as Martin Luther believed he had no choice but to nail his 95 theses to the church door in Wittenberg to protest church abuses, Jefferson had no choice but to accept Napoleon’s offer. Jefferson’s decision to purchase Louisiana is one that embraces what Weber calls the ethic of responsibility and the ethic of ultimate ends; in other words, it balances consequentialist values with deontological values. Weber ultimately brings us back to Walzer because the balance he creates between the ethic of ultimate ends and the ethic of responsibility allows statesmen to violate their principles for the good of the state, so long as they suffer and agonize over their decision once it has been implemented.

Weber maintains that suffering occurs within the soul. Walzer’s critique of Weber’s suffering servant, however, is that there is seldom any real price paid other than internal anguish, which soon passes. As a result, the sufferer begins to ritualize the suffering and loses his or her sense of inwardness. Walzer and Taylor argue that internal suffering is not enough. Unlike Weber, they maintain that statesmen who violate their principles should suffer publicly; they should be criticized by the very people they seek to protect. Jefferson did not suffer in this manner. The Louisiana Purchase ensured that he would win a second term as president. However, Jefferson’s concern for posterity tells us that he thought future generations would criticize this decision as one devoid of principle. The possibility of such a legacy worried Jefferson until the day he died. For Weber, Jefferson’s internal suffering and his concern for posterity demonstrated that he had the calling for politics. He met the criterion of a “genuine man.” Jefferson admitted the constitutionally immoral nature of his actions, as well as the benefits provided to the nation, once Louisiana was incorporated into the Union. Jefferson embraced important Aristotelian values that Weber eloquently relies on

throughout this lecture: that the calling for politics is ultimately embedded in the idea that the fullness of a man or woman can be found within the polis. To borrow again from Weber, Jefferson lived *for* politics, and not *off* politics—meaning his decision to purchase Louisiana served to advance the good of the state, not that of his own self-interest.

## Conclusion

Thomas Jefferson’s decision to purchase the Louisiana Territory serves as an excellent case study of the difficulties that can occur when theory and practice collide. The opportunity to acquire Louisiana forced Jefferson to sacrifice his strict constructionist principles to provide lasting economic and national security protection to the United States. His choice was the wrong decision for his peace of mind, his moral consistency, and the principle of strict construction, but it was the right decision for the nation. Jefferson’s statesmanship is demonstrated by his recognition of the moral dilemmas associated with accepting Napoleon’s offer. He committed to an agreement that clearly went beyond the scope of his constitutional powers as a strict constructionist, but he also realized he had no choice but to make the deal—a deal that scholars of the founding period have recognized as “one of the most consequential executive actions in all of American history” and one that illustrates why statesmanship is vital to the study and practice of administrative ethics.

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## Acknowledgments

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John Rohr’s unwavering support and thoughtful critique is gratefully acknowledged. My appreciation also extends to the reviewers and to the *PAR* editorial staff.



## Notes

1. The examples used here are not all of the same significance, morally or politically. A decision to abandon one's political philosophy is different from a decision to torture another human being. Nevertheless, the dirty hands analysis that Walzer provides is useful in the context of understanding the moral dilemmas and implications of Jefferson's decision to abandon his strict constructionist philosophy to advance the good of the state.
2. In Jefferson's mind, the decision to sacrifice his strict constructionist principles was "dirtier" than the hypocrisy of increasing the national debt to acquire the new territory—debt that his administration had worked tirelessly to decrease since the beginning of his presidency in 1801. He did not view debt the same way he viewed strict construction. Jefferson did not take an oath against debt, but he did swear to protect and defend the Constitution, and he fundamentally believed the doctrine of strict construction was a central tenet designed to preserve core republican values associated with the Constitution.
3. For a more detailed account of President Lincoln's decision making in this case, see Supreme Court Chief Justice William H. Rehnquist's *All the Laws but One: Civil Liberties in Wartime* (2000).

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