

# Publius' Proleptic Constitution

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*Even as The Federalist is frequently read to illuminate the origins of the American constitutional order, it advances a powerful account of the political future to be created and encountered by the polity the Constitution would found. Central to this account is a proleptic mode of analysis used to anticipate probable political developments and future patterns of constitutional politics, depict their systemic consequences, and identify how those consequences would feed back into the political system. Publius' proleptic analyses comprise a descriptive theory of constitutional development according to which success on the terms stipulated—namely, the realization of a stable and well-administered constitutional union—would both bolster the new national government and supply the conditions for the expansion of its authority. Together, The Federalist's proleptic analyses and the developmental theory they comprise disclose a dynamic constitutional imagination characterized by the changeability of authority relations.*

## INTRODUCTION

Today *The Federalist* is widely read to illuminate America's constitutional origins. As a work created to urge ratification of the Constitution, the logic runs, the eighty-five essays written by Alexander Hamilton, James Madison, and John Jay under the pseudonym Publius provide unparalleled insight into the document's original meaning (Hamilton, Madison, and Jay 1961).<sup>1</sup> This justification undergirds *The Federalist's* inclusion in secondary and post-secondary curricula across the United States, its invocation in both political and popular discourse, and its citation by courts up to and including the Supreme Court. Despite its warrants, this backward-looking perspective threatens to obscure the robust account Publius presents of America's constitutional *future*. This account is advanced via a pervasive mode of analysis that, borrowing from literary theory, I call *proleptic analysis*. Prompted by Anti-Federalist objections to the Constitution, Publius employs proleptic analysis to anticipate probable political developments and future patterns of constitutional politics, depict their systemic consequences, and identify how those consequences would feed back into the political system. Taken individually, Publius' proleptic analyses depict discrete dimensions

of future constitutional politics, which in turn structure larger arguments about the desirability and defensibility of the proposed Constitution. Taken together, they comprise a descriptive theory of constitutional development according to which success on the terms stipulated—improved representation, stability, and good administration—would cultivate a political culture more favorable to the national government. In turn, these developments would furnish the conditions for the expansion of national authority, triggering feedback mechanisms that would bolster the national government's capacity and popular support. *The Federalist* thus portrays a Constitution characterized not by stasis and settlement but dynamism and development. Although later readers must of necessity look back on Publius' work, Publius looks forward to the possible futures the Constitution would simultaneously preclude and inaugurate. Proleptic analysis is the means by which the constitutional politics of those futures are depicted.

Written in the midst of a pitched battle over ratification, *The Federalist* is fundamentally a work of political rhetoric: its overarching aim was to secure support for the Constitution. Moreover, as a collection of public essays aimed at persuasion, it is particularly well suited to analysis as a rhetorical work. While few would contest this description, disagreements emerge over whether Publius' rhetorical purpose undermines the value, accuracy, or sincerity of the arguments he advances. In this essay, I take *The Federalist* to be a work of deliberative rhetoric in the Aristotelian tradition, construing the essays as instances of political reasoning oriented toward persuading readers of the expediency of ratifying the Constitution (Arnhart 1990; Zug 2022, 27–32). By itself, though, deliberative rhetoric under-specifies the phenomenon with which we are concerned, stopping short of specifying *how* Publius' deliberative enterprise is advanced. A full understanding of the text thus requires

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<sup>1</sup> Because the analysis advanced here seeks to identify and then unite analytical threads that run throughout *The Federalist*, I refer to the author in the singular as “Publius.” While this approach treats the work as an integrated text, it should not be taken as a rejection of the differences between the essays' authors (Banning 1995, 198–202; Estes 2008). All references are to the Cooke (1961) edition and include both the essay number(s) and relevant page(s).

a deeper level of investigation, one that identifies the different analytical modes Publius employs in service of his arguments in behalf of the Constitution. Such an examination reveals that Publius uses a number of approaches to explicate and defend the Constitution, ranging from historical analysis to philosophical inquiry.

What distinguishes *The Federalist's* proleptic analysis, and what merits its identification as a distinct analytical approach, is the contribution it makes to Publius' deliberative rhetoric. While deliberative rhetoric appeals to shared understandings of "the common good or advantage of the political community" (Yack 2006, 421), proleptic analysis is oriented toward informing such assessments through accounts of how constitutional politics would develop over time and what the consequences of those developments would be. If deliberative rhetoric is concerned with normative evaluations of the perceived consequences of a proposed course of action, proleptic analysis supplies a vision of the future on the basis of which such evaluations can be made. Given the centrality of this analytical mode to both *The Federalist's* main arguments and its broader deliberative purpose, Publius' proleptic analysis and the developmental theory it comprises deserve recognition as constitutive features of the text.

But an even more significant claim can be made: the analytical mode that is the focus of this essay discloses a conception of the Constitution that contrasts sharply with the dominant contemporary conception. Such conceptions, or "constitutional imaginations" as Gienapp refers to them in his pathbreaking work on American constitutional history (2018), structure how we understand constitutional ontology and meaning, as well as the modes and processes of justification appropriate to constitutional discourse. The central commitments of the contemporary constitutional imagination are that the Constitution is fundamentally a textual, prescriptive, and codified instrument that defines authority relations, circumscribes lawful political conduct, and functions as the supreme law. A corollary of this understanding is the belief that the Constitution fixes constitutional meaning, freezing in place the authority relations it established upon ratification. As Antonin Scalia put it, "It certainly cannot be said that a constitution naturally suggests changeability; to the contrary, its whole purpose is to prevent change" (1997, 40). While this view has an obvious affinity with originalist methods of interpretation, it enjoys broad acceptance. So hegemonic is this constitutional ontology that it sets the terms of debate for even its critics. Many opponents of originalism advocate an interpretive approach directed toward transcending the Constitution Scalia describes and, in so doing, concede the accuracy of that description (Gienapp 2018, 10–1; Tulis and Mellow 2018, 42–3). This prevailing constitutional imagination implies a sharp distinction between the periods of constitutional creation and constitutional interpretation. *The Federalist* is widely consulted today to inform the second by way of explicating the first (e.g., Lupu 1998; Scalia 1997, 38).

As Gienapp demonstrates, however, this modern constitutional imagination differs significantly from the imagination expressed by many among America's founding generation. In fact, what was just described as the contemporary American constitutional imagination developed out of and, to a large extent, supplanted an older way of thinking about constitutions. Drawing on a long tradition of constitutional thinking rooted in British history and extending through colonial politics, many at the time of the founding understood constitutions as "dynamic interlocking systems of powers rather than inert objects defined by their textuality" that, "because of their fluid character, were simultaneously fixed yet changing" (2018, 23; cf. Grey 1978 and Sherry 1987, 1128–46). While this earlier constitutional imagination informed the construction of the Constitution, it was contested in and ultimately refashioned by pivotal early contests. Through these disputes emerged a more determinate conception of the Constitution, "as an artifact circumscribed in time and space" whose meaning was discovered by "historical excavation" (Gienapp 2018, 10 and 11). Thus, Gienapp argues, the Constitution became "fixed" in the decades following ratification—not repaired or improved but "imagined...as a written, discrete, inert, historically conceived object composed of words, contained on parchment, and enforced by judges" (2018, 326).

Situating *The Federalist* within the discursive and conceptual landscapes of founding-era constitutional imaginations casts fresh light on this well-known text. Because they are used to illuminate the Constitution, invocations of *The Federalist* employ—either explicitly or implicitly—assumptions about what kind of thing the Constitution is, what it does, and how it should be understood. An awareness of the uncertainty and contestation surrounding the basic features of constitutional ontology at the founding thus reveals the different ways *The Federalist* might be understood. My goal, then, is not to argue for the importance of one analytical mode over others but to identify in *The Federalist* a pervasive but neglected mode of analysis underpinning a powerful account of constitutional change. Doing so reveals that *The Federalist* expresses a constitutional imagination that accommodates both fixity and flux, stability amidst development. In sharp contrast with the now dominant constitutional imagination, the changeability of authority relations is at the heart of the Constitution that Publius describes.

Accordingly, attention to the role of proleptic analysis in *The Federalist* promises not only to enrich our understanding of the text as a work of political rhetoric but also to provide a clearer picture of the broader understanding of constitutionalism that informed its authors and readers alike. The pervasiveness of these arguments reflects a constitutional imagination that has significant implications for our understanding of constitutional meaning and, consequently, the role of different political institutions in discovering, creating, and articulating that meaning. Recognizing the nature, extent, and broader significance of proleptic analysis in *The Federalist* is, therefore, essential for understanding the ideological context in which the American Constitution was

constructed and debated, as well as the background against which it has developed. Finally, because Publius' proleptic analyses are bound up with the characteristic features of modern constitutionalism—namely, a fundamental law entrenching political institutions, processes, and protections oriented toward realizing a particular kind of future—this essay formalizes an analytical mode that may be a feature of deliberative foundings more generally (Elster 2000, 88–115). For this reason, a close examination of the seminal text of American political thought should ultimately lead us to inquire into other cases of constitutional creation characterized by “reflection and choice” (1:3).

Both judicial invocations and scholarly uses of *The Federalist* tend to eschew its future-oriented dimensions in favor of an emphasis on how Publius' essays can inform questions of constitutional interpretation. As one empirical study of the Supreme Court's use of *The Federalist* concludes, despite oft-repeated concerns about the reliability of Publius' writings as a guide to objective meaning, “they nonetheless remain a primary and influential source of original interpretation and original meaning of the Constitution” (Corley, Howard, and Nixon 2005, 331). Although the text has been cited both more frequently by conservative justices and as support for multiple variants of original meaning (Maggs 2007), reliance on *The Federalist* for purposes of constitutional interpretation has hardly been limited to the Court's originalists. In one high-profile instance, a justice went so far as to confess that, “In deciding these cases...it is *The Federalist* that finally determines my position” (Printz v. United States 1997, 971). In that case, as in others, *The Federalist* was adduced to determine the limits of constitutionality by reference to Publius' account of what was permissible or expected practice under the Constitution. Such uses carry the implication that the constitutional text contains the answers to questions about constitutional meaning, and that Publius is an authoritative (if not dispositive) source for illuminating those answers.

Turning from judicial to scholarly treatments we find much of the same, with *The Federalist* serving as a touchstone for those seeking to assess the Constitution's meaning, logic, and intended operation. Prominent among this category are Rakove's (1996) influential historical contextualization of the Constitution—itsself something of a response to originalist invocations of founding-era history—as well as a range of studies addressing federalism (Barber 2013; Beer 1993), separation of powers (Thomas 2008; Tulis 1987), and the executive, legislative, and judicial branches (Kleinerman 2009; Weiner 2019). Though distinct from judicial invocations of *The Federalist* in both purpose and effect, works in this vein are nonetheless similar in their treatment of Publius' essays as particularly insightful accounts of the meaning, design, and justification of the Constitution in whole and in part.

A further methodological approach treats *The Federalist* as an explication of the philosophical commitments of the Constitution or its authors. Illustrative works in this genre include Epstein's (1984) and

White's (1987) synoptic studies of *The Federalist*. Despite their differences, both treat Publius' writings principally within the context of their philosophical commitments, fundamental principles, and theoretical significance. This approach has enabled *The Federalist* to serve as a key source for assessments of the relative influences of liberalism and republicanism on the founding (e.g., Sellers 1998), as well as that of ancient and modern thinkers ranging from Aristotle and Cicero to Hume, Locke, and Montesquieu (e.g., McDonald 1985; West 2017). Other topical treatments have adduced Publius' essays in examinations of justice, human nature, political authority, popular sovereignty, and self-government in the political system established by the Constitution (e.g., Allen 1993; Banning 1995; Diamond 1959; Sheehan 2009).

The purpose of this overview of prevailing approaches to *The Federalist* is neither to criticize them nor to argue that they are inaccurate. Rather, I mean to suggest that the interpretive methods regularly brought to bear on the text—spurred by the substantive concerns motivating appeals to it—lead readers to prioritize (indeed, to *see*) certain themes or arguments and not others. Among those neglected aspects is the pervasive analytical approach Publius uses to identify the processes by which the scope and location of political authority could shift over time and how governmental administration and political culture would structure those shifts. Unlike previous examinations of *The Federalist*'s rhetorical structure and strategies (Estes 2008; Riker 1996) or formal techniques of Publius' deliberative rhetoric like metaphor and enthymeme (Arnhart 1990, 55–63; Taylor 2002, 267–73), this essay is principally concerned with explicating a particular analytical mode. In so doing, I build on a range of seminal works on *The Federalist* that highlight the centrality of administration and political culture, and the relationship of both to political authority (e.g., Carey 1989a, 1989b; Diamond 1961; Greene 1994; Levy 2007; Smith 2007; Storing 1981, 1:3–76).

The most developed argument along the lines of the account presented here, advanced by Tulis and Mellow, identifies in *The Federalist* “an unrecognized political logic of the Constitution” which “meant the nationalization of American politics, ‘big government,’ a powerful presidency, and a judiciary at the national level with wide interpretative license” (2018, 28 and 44). Similarly, though they do not necessarily acknowledge the historical developments Gienapp traces, a range of studies discern in the founding a distinctive (though superseded) way of thinking about constitutions as future-forging instruments (Harris 2009; Thomas 2015, 20–5; Tulis 2011, 177). Despite their many strengths, this literature is limited by efforts to connect *The Federalist*'s anticipation of future constitutional politics to particular historical developments; specific political concerns, like interbranch relations (Thomas 2008) or the creation of a civic body politic (Finn 2014); or overarching objectives, such as solving coordination problems (Ferejohn and Hills 2020). Moreover, all of these studies draw on only a small subset of Publius' essays.

Extending these works, I trace Publius' proleptic analysis across the full sweep of *The Federalist*, drawing widely from Hamilton's, Madison's, and Jay's contributions; incorporating material from each thematic subset; and engaging all eighty-five essays. Adopting an exegetical and textual focus, I refrain from addressing the accuracy or historical consequences of Publius' arguments. Doing so helps guard against "confusing the *Federalist* with the Constitution itself" (Furtwangler 1984, 33) while also keeping open the possibility that, as I believe, the Constitution's operative logics are more complex and ambivalent than Publius' presentation. Such a comprehensive analysis allows us to see the full scope of an analytical approach that is only partially described by earlier scholarship. Equally important, it provides a clearer view of the broader understandings of constitutionalism and constitutional development that Publius' essays disclose.

In what follows, I introduce the concept of proleptic constitutional analysis, grounding it in both the essays of *The Federalist* and the broader debate over ratification. I then identify Publius' proleptic arguments in the three domains that structure his dynamic account of constitutional politics: constitutional union, political culture, and governmental administration. Finally, I describe the theory of constitutional development comprised of these arguments before offering a brief conclusion.

## CONSTITUTIONAL PROLEPSIS AND THE AMERICAN FOUNDING

Drawn from literary theory, prolepsis is a mechanism by which a future event, development, or state of affairs is anticipated or prefigured. More formally, prolepsis is "the narrative manoeuvre that consists of narrating or evoking in advance an event that will take place in the future" (Genette 1980, 40). A classic example of prolepsis is Tiresias' prophecy early in Sophocles' *Oedipus Rex* that Oedipus would marry his mother and murder his father. A more contemporary example, noted by Brescò (2017, 283), is the opening line of Gabriel García Márquez's *One Hundred Years of Solitude*, in which the reader is told: "Many years later, as he faced the firing squad, Colonel Aureliano Buendía was to remember that distant afternoon when his father took him to discover ice" (1970, 1). As it does in both of these works, prolepsis serves as a narrative guide for the reader, identifying a future point toward (and frequently through) which the intervening story moves. Linking its meaning and purpose, Toolan (2013, 43) describes prolepsis as "an achronological movement forward in time, so that a future event is related textually 'before its time', before the presentation of chronologically intermediate events (which end up being narrated later)."

In addition to this technical definition, prolepsis also has a more expansive meaning, reflected in its use in psychology and memory studies (e.g., Brescò 2018; Cole 1996, 183–5), and can be understood as "bringing the future into the present" (Brescò 2017, 283). By characterizing Publius' analytical mode as *proleptic*, I mean to

leverage this broader meaning in order to capture *The Federalist's* account of how politics would develop both under and in the absence of the Constitution's institutions, offices, and processes. Unlike the narrative use of prolepsis, Publius' use does not anticipate specific events that would transpire or end states that would be realized. Deployed in service of establishing a particular constitutional order oriented toward securing substantive ends and aspirations (Barber 1984; Jacobsohn 1986), the proleptic analyses of *The Federalist* prefigure probable developments and patterns of constitutional politics—not just in the immediate future, but over and through time.

Whereas literary prolepsis is made possible by the existence of a narrative that comprehensively defines an order and trajectory of events, Publius' analytical prolepsis is made possible by the deliberative context of ratification. The conjunction of the prospective nature of political decision-making and the polity-forging purposes of modern constitutions introduces a temporal frame to the ratification debate—a relative past, present, and future—that supplies the prerequisites for prolepsis. While some rhetorical uses of prolepsis emphasize *argumentative* anticipation (e.g., Leff and Goodwin 2000)—presenting a response to an interlocutor's imagined counterargument—applying prolepsis to the domain of political analysis emphasizes a different sense of anticipation, that oriented toward depiction or description of the future (Dupriez 1991, 356). In *The Federalist*, Publius' proleptic analyses are not intended to anticipate objections but to present descriptive accounts of future politics on the basis of which deliberative assessments can be made.

Despite its significance, proleptic analysis is but one analytical mode Publius employs. Other times he engages in what might be considered a philosophical mode of analysis, a method he describes as advancing arguments "on the ground of theoretic propriety" (61:413; cf. 70:474). Such analyses range from defending the proposed Constitution's fidelity to "republican principles" and defining "the aim of every political constitution" (39:250–2, 57:384) to invoking the axioms that justify particular design choices (23:147, 40:259–60, 80:535). Elsewhere *The Federalist* offers historical analyses, as in the series of essays chronicling the structure and vices of ancient and modern confederacies (Nos. 18–22). Political history is also a component of Publius' comparative analytic mode, which is most evident in his discussions of state constitutions and how they relate to the proposed national constitution (47:327–31, 48:335, 50:344–5, 52:357–8, 53:360–3, 55:373–4, 69 *passim*, 74:500, 83:565–8, 85:587–8). Other times, as Rakove has argued (2017, xii and 46–53), Publius makes use of a proto-game theoretic analysis, presenting assessments of how preference-possessing political actors facing institutionally imposed incentives and constraints would behave (e.g., 51 *passim*, 58:395–6).

The proleptic analyses that comprise *The Federalist's* theory of constitutional development go beyond simple depictions of the broad contours of future politics. But it is worth recognizing how prevalent such passages are because they are no less concerned with the nature of

future politics and, moreover, reveal Publius' understanding of both how particular institutions would function and what phenomena would bear on that functioning. Identifying these simpler instances of prolepsis will facilitate a clearer understanding of the more elaborate examples discussed in the following sections.

The most common case of simple proleptic analysis in *The Federalist* involves the anticipated relationship between actors serving in different levels of government. Multiple times, Publius cites the likely "rivalship" that will exist between state governments and the union, such that "in any contest between the federal head and one of its members, the people will be most apt to unite with their local government" (25:159; cf. 59:402, 84:582–3). But alongside inter-governmental *competition* he also anticipates *cooperation*, speculating that the collection of internal taxes "will generally be made by the officers, and according to the rules appointed by the several states" (45:313; cf. 54:371–2).

Another prominent area where Publius depicts the future of constitutionally structured politics is in his discussion of the nature of representation. Summarizing his previous argument in No. 35 about the propriety of confiding to Congress a general power of taxation, he argues at the outset of No. 36 that the Constitution would, "from the natural operation of the different interests and views of the various classes of the community," give rise to a set of representatives that "will consist almost entirely of proprietors of land, of merchants, and of members of the learned professions, who will truly represent all those different interests and views" (36:223). Further arguments along these lines occur in Publius' treatments of taxation (21:133–4, 32:202, 56:379–80), defense (24:157, 26:168–9, 41:270–1), and the institutional consequences of national expansion (75:508–9).

The identification of analytical prolepsis in *The Federalist* should not be surprising when we consider the broader context of ratification. That debate was rife with proleptic reasoning, a fact to which Publius repeatedly draws attention. Indeed, numerous Anti-Federalist objections to the Constitution—including some of the most significant—were explicitly proleptic in form. As Shklar characterizes the Anti-Federalists, "They did not see immediate dangers ahead but anticipated distant, irreversible consequences" (1977, 1287; but see Kenyon 1966, lvi). This is, perhaps, most clear in the charge of consolidation, one of the central components of the Anti-Federalist case against the Constitution and a persistent concern during ratification (Cornell 1999, 26–34; Storing 1981, 1:10–1).

According to this line of attack, the Constitution threatened to supplant the existing state governments, with the central government arrogating all power to itself and, in the process, stripping local governments of the powers they once possessed. The specific form of these arguments is crucially important, as it reveals the precise grounds of the objection. While some Anti-Federalists, like Cato and Agrippa (Storing 1981, 2:108 and 4:77), at times suggested that a consolidation would result immediately upon the Constitution's ratification, others argued that one would develop *over*

*time*. As Brutus put the argument, "[A]lthough the government reported by the convention does not go to a perfect and entire consolidation, yet it approaches so near to it, that it must, if executed, certainly and infallibly terminate in it" (Storing 1981, 2:365). Similarly, in a speech before the New York ratifying convention George Clinton concluded, "[W]e may safely venture to pronounce that it is not only possible but highly probable; that should the Constitution be adopted, it will ere long terminate in a consolidation of the United States into one general government" (Storing 1981, 6:183; cf. 2:13). Central to these arguments was the belief that the true consequences of the Constitution would become apparent only with time, as its institutions took root and its politics unfolded.

Judging from the tone and substance of *The Federalist* as a whole, Publius acutely perceived not only the significance of these Anti-Federalist objections but also their form and method. After summarizing one argument that claimed the proposed taxing power would "by degrees" produce a consolidation, Publius writes in No. 31: "This mode of reasoning appears sometimes to turn upon the supposition of usurpation in the national government; at other times, it seems to be designed only as a deduction from the constitutional operation of its intended powers" (31:197; cf. 46:323, 60 *passim*). Explicit recognition of the proleptic dimensions of Anti-Federalist arguments also appears in reference to objections concerning the supremacy and necessary and proper clauses (33:204), the likely composition of the House of Representatives (57:386), the national government's ability to regulate certain aspects of elections (61:414), the constitution of the executive (38:244, 67:452–3), and the consequences of the proposed federal judiciary (81:545, 552).

But Publius did not stop at simply acknowledging this feature of Anti-Federalist arguments. Nor was he above portraying their developmental concerns as the fruit of addled and paranoid minds. After spelling out the multi-step process entailed by Anti-Federalist arguments about the development of military establishments, Publius insists that they "appear to every one more like the incoherent dreams of a delirious jealousy, or the misguided exaggerations of a counterfeit zeal, than like the sober apprehensions of a genuine patriotism" (46:321). But even as he distinguished his opponents' proleptic fears from "genuine patriotism," Publius nevertheless recognizes that these arguments were rooted in concerns that, if accurate, were legitimate. As he writes later in No. 47: "Were the federal constitution, therefore, really chargeable with this accumulation of power, or with a mixture of powers, having a dangerous tendency to such an accumulation, no further arguments would be necessary to inspire a universal reprobation of the system" (324).

Ultimately, just as Anti-Federalists frequently argued that the Constitution's vices would be disclosed with the passage of time, so too does Publius argue that its virtues would emerge through the progressive operation of constitutional politics. In the course of responding to various criticisms of the Constitution, Publius explicitly acknowledges this and stresses that proleptic thinking is

necessary to appreciate the Constitution's merits. After canvassing Anti-Federalist arguments against the proposed revenue powers, he explains, "In pursuing this inquiry, we must bear in mind, that we are not to confine our view to the present period, but to look forward to remote futurity" (34:210). In the specific context of revenue powers, a proleptic perspective counseled looking beyond "immediate necessities" and confiding to the national government an expansive power to tax (34:211). Elsewhere, Publius stresses that it would not be possible to assess "the defects of the existing confederation" or "to determine clearly and fully the merits of this constitution" without "calculating its probable effects" (37:231). This was because, as is later argued in No. 82, "Time only can mature and perfect so compound a system, liquidate the meaning of all the parts, and adjust them to each other in a harmonious and consistent whole" (553; cf. 37:236, 78:525). Thus, for advocates as for opponents, the battle over ratification was in large measure a fight over the future contemplated by the proposed Constitution, a future that required depiction in order to be evaluated (Tulis 2011, 175–8).

## PROLEPTIC ANALYSIS IN *THE FEDERALIST*

Despite widespread agreement between Federalists and Anti-Federalists about the utility of union, Anti-Federalists broadly preferred extant modes and institutions of political life to the reforms the Constitution promised. This bias underlay the dark political future they believed was entailed by the charter of government proposed by the constitutional convention. Seen in this light, the Constitution entailed "the superimposition of a new form of politics, national politics, on top of political life forms that, at the time, did not represent local politics because there was virtually no national politics to which they could be compared" (Wolin 1989, 87). Accordingly, it was incumbent upon Publius to offer a counter-depiction of the political future. This is precisely what he does in *The Federalist*, presenting a comprehensive picture of both constitutional failure and constitutional success. This section traces Publius' proleptic analyses over the whole course of *The Federalist*, beginning with his account of a (dis)united future before turning to consider the roles of political culture and governmental administration in the development of constitutional politics.

### Union: Visions of Success and Failure

*The Federalist's* case for the Constitution is built on a vision of union decisively defined by its negation. As Harris observes, "the Founding of Constitutional America encompasses a Constitution of Order substantially corresponding to a Constitution of Disorder" (2009, 66). On this understanding, the arguments in support of the Constitution were reciprocally defined by a detailed vision of political failure, giving rise to a Positive Constitution and a Negative Constitution. In *The Federalist*, these arguments "are developed as an imaginative

comprehensive alternative, in opposition to the Antifederalists' Positive and Negative constitutions" (2009, 77).

While Harris illustrates this argument with reference mainly to Nos. 14 and 15, Publius' contemplation of the contours of both a united and a disunited future are woven throughout the text as a whole. Moreover, this proleptic mode of analysis links his case for the necessity of union to his depiction of how politics within the new constitutional union would play out. In this way, as the next section explains, *The Federalist's* descriptive theory of constitutional development is inscribed within Publius' proleptic account of the political future held out by the Constitution.

*The Federalist* begins with an extended analysis of the advantages of union driven as much by the benefits to be realized as the calamities to be avoided if the Constitution were ratified. This is apparent from the first essay's identification of the alternatives facing the American people. In the oft-cited opening paragraph of No. 1, Publius frames the ratification debate as answering "whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitutions, on accident and force" (1:3). While the emphasis is most frequently placed on the "reflection and choice" component of this assertion, it is important to recognize how much time Publius devotes to adumbrating the consequences of receiving a constitution by "accident and force," that is, refusing to ratify the convention's proposal. Far from concealing his analytical approach, Publius explicitly describes it, further underscoring the salience of his proleptic arguments (e.g., 8:44). The Negative Constitution Publius elucidates in *The Federalist's* opening movement entails a political future of disunion and disorder. The immediate consequence of rejecting the Constitution, he argues, would not be the complete independence of the states but the development of several smaller confederations, formed in part out of necessity due to the internal and external convulsions that would emerge (2:8, 5:24–6, 8:49; cf. 28:177–8).

For Publius, a disunited future promised only worsened animosities and rivalries between states, with disputes likely to arise over territorial claims, commerce, and debt (7:41–2). In pursuit of their own economic advantage, states would (as they already had) impose regulations burdening out-of-state commerce, the costs of which would be passed on to consumers and producers alike (22:137, 42:283). The dissolution of the confederacy and ensuing strain that would be put on the states—or on any smaller confederacies that might form—would furnish both the conditions and the demand for the establishment of a standing army. The fear of a standing army was, along with the threat of consolidation, a central component of the Anti-Federalist case against the Constitution, and the irony was not lost on Publius. Faced with such criticisms, he countered, "But standing armies, it may be replied, must inevitably result from a dissolution of the confederacy" (8:46).

In a parallel move, to those who saw in the proposed Constitution the specter of monarchy, Publius responds

that the conditions of conflict that would attend disunion would invariably lead to the aggrandizement of the executive, with the result that “their constitutions would acquire a progressive direction toward monarchy” (8:46). In both cases, the result would be the development “by successive augmentations of its force and energy” of a government more powerful but less responsible than the one proposed by the Constitution (22:145). Even if the disunited states managed to avoid military conflict, Publius argues that no one could “suppose that the affairs of such a confederacy can be properly regulated by a government, less comprehensive in its organs or institutions, than that which has been proposed by the convention” (13:80). This was so not least because a “less comprehensive” government, and especially one that lacked “the power of extending its operations to individuals,” would have to rely on violence and force to ensure compliance with the law (16:101; cf. 15:95–6, 27:174–5).

The domestic consequences of disunion anticipated by Publius would only exacerbate the threats from abroad that the states already faced. Alluding to the foreign debts owed by many states, he argues in No. 7 that as internal disputes festered, “foreign powers would urge for the satisfaction of their just demands; and the peace of the states would be exposed to the double contingency of external invasion, and internal contention” (41). In this way, continued rivalry at home would leave the states ripe for exploitation, conquest, and domination from abroad. Clarifying this argument in No. 11, Publius explains that interstate rivalries would “make them checks upon each other,” preventing them from realizing the “advantages, which nature has kindly placed within our reach” (68). Thus incapacitated, Publius continues, “It would be in the power of the maritime nations, availing themselves of our universal impotence, to prescribe the conditions of our political existence” (11:69). In sum, disunion promised conflict, insecurity, economic strife, and ultimately a loss of freedom.

Against this comprehensive vision of failure, *The Federalist's* Positive Constitution offers a picture of future political success. Revealingly, Publius does not say that union would eventuate in peace—at least not in an uncomplicated fashion. Rather, he concedes that, when confronted with a stronger American union, “jealousies and uneasiness may gradually slide into the minds and cabinets of other nations,” to the point that “inducements to war may arise” (4:20). But the advantages of union would ultimately impel rival powers to pursue a path of conciliation and cooperation (4:22). Publius returns to this point in No. 59, where he predicts that the *united* states may well face a more bellicose international scene precisely because of the benefits union would produce (59:403).

Thus, in Publius' account, external risks would exist in a united and disunited future alike. The difference was that union promised advantages unavailable in a state of disunion, advantages that made facing the risks of foreign hostility both possible and worthwhile. Foremost among these was commercial independence, a goal that required the political agreement only union

could supply (11:72). Indeed, union held out the possibility that, as the political-economic order consolidated and grew in strength, the United States and their citizens could “hope, ere long, to become the arbiter of Europe in America” (11:68). This goal would, in Publius' view, require the development of a navy, the conditions for which—principally the homogenization of “the principles of navigation” and the provision of adequate revenue (11:70, 12:73–4)—would similarly be supplied by union over time. In this way, on Publius' account, the advantages of union were arrayed temporally, with some arising only after others were first realized, and entailed feedback processes by which these developments reinforced the viability and performance of the broader system.

Both the internal and external goals of the proposed constitutional order required not just any union but one with particular characteristics. Publius' arguments make clear that the success of the proposed Constitution—measured by its ability to avoid the failures and achieve the ends set out above—depended on the scope, internal structure, and republican character of the regime to be established. While these aspects of *The Federalist* figure prominently in many accounts of the structure of American politics and the foundations of American constitutionalism, they warrant identification here because they further clarify the nature of the aspirations the Constitution was intended to facilitate and secure: each of them would be realized principally in and through time.

Consider, for instance, Publius' celebrated arguments in Nos. 9 and 10 about the advantages of a “confederate republic,” one that entailed “the enlargement of the orbit” within which the political system would “revolve” (9:55, 52). Even Publius' choice of words to describe the system he was advocating—that it would “revolve” rather than simply exist—draws attention to the fact that the advantages of an extended republic would emerge from the *operation* of the system. The ability of a large republic to control factions, to produce both better representatives and better representation, to furnish the stability necessary for economic flourishing and effective governance (10:62–3, 64–5)—all of these are features of political *performance*, achievements only to the extent that they are actively maintained and reproduced. The character of these aims is well captured in No. 68, where Publius confidently asserts that “the true test of a good government is, its aptitude and tendency to produce a good administration” (461). Crucially, as we will see shortly, administration is a process and not a state, a diachronic rather than a synchronic phenomenon. To the extent that it serves as a byword for the broader object of constitutional reform, Publius' deep concern about administration is a marker of the proleptic mode of analysis that pervades *The Federalist*.

## Political Culture: Confidence and Attachment

Having limned the alternative political futures that hung in the balance during the ratification debates, Publius turns to a closer examination of the internal

structure of the government proposed by the Constitution. Here he begins to construct a more general vision of how future constitutional politics would be structured, as well as how they might develop. This vision is animated by two broad sets of political considerations, the first related to political culture and the second to the administration of government. Each of these is inscribed within the political future of union that Publius elaborates in the opening series of essays.

While elements of this analysis appear in the essays that discuss the advantages of union, it is developed most fully in those that defend the Constitution against the specific charge of consolidation and a variety of related objections centered on the dangers posed by the powers granted to the new national government. As we saw earlier, Anti-Federalist arguments along these lines were proleptic in character, urging “that the operation of the federal government will by degrees prove fatal to the state governments” (45:310). Publius’ response is notable not only for its similarly proleptic mode but also for the grounds it cites. The full sweep of Publius’ arguments on this front make clear the belief that the future politics of the Constitution’s reformed union would be decisively shaped by political culture, which can be broadly understood as the “particular pattern of orientations to political action” in which the political system is embedded (Almond 1958, 396). In *The Federalist*, political culture registers in the ubiquitous rhetoric of popular attachment, confidence, sentiment, and public opinion—all of which mark widely held beliefs, dispositions, commitments, and affections (Ewing 2016, 704–12; Pears 2021, 39–75). In the near term, Publius argues, that culture and the material realities it supported would favor the states. This is reflected in the repeated citation of the contingent political advantages enjoyed by the states that, he contends, would protect against encroachment by the national government. Political culture, not legal limitations or parchment barriers, is the operative mechanism in the *The Federalist*’s response to the Anti-Federalists’ charge of consolidation (cf. Levy 2007, 464–6).

As Publius transitions out of the argument for the advantages of union, he stresses the necessity of an unmediated relationship between a government and its citizens, the absence of which had brought the confederation to “almost the last stage of national humiliation” (15:91). Rather than depending on the states for the enforcement of laws or the collection of revenue, a national government free from the mediation of the states would be equipped to do so itself. Unsurprisingly, this raised suspicion among those wary of the centralization of power. Thus they argued, in Publius’ words, that the Constitution “would tend to render the government of the union too powerful, and to enable it to absorb those residuary authorities, which it might be judged proper to leave with the states for local purposes” (17:105; cf. 45:308).

To answer this objection, Publius does not adduce legal strictures or limitations but instead points to how the populace would respond to the operations of the new government. Because the national government

would concern “general interests” that were distant or obscure, he argues, its operations would be “less likely to inspire a habitual sense of obligation, and an active sentiment of attachment” (17:108). In conjunction with the state governments’ regulation of “more minute interests,” the “diffusive construction of the national government” would furnish the states with a strong base of popular support and influence (17:106, 107). These claims—both proleptic in character—were grounded in the observation, which Publius calls “a known fact of human nature,” that popular “affections are commonly weak in proportion to the distance or diffusiveness of the object” (17:107).

Returning to this argument in Nos. 45 and 46, Publius again stresses the advantages enjoyed by the states, saying that “the first and most natural attachment of the people, will be to the governments of their respective states” (46:316). After surveying both the comparative capacities of the governments that would compose the new federal system and the political culture in which they would be embedded, Publius confessed that it seemed to him the threat of encroachment ran in the opposite direction from what Anti-Federalists insisted (45:311–3; cf. 29:185). He was convinced, he writes in the conclusion of No. 45, “that the balance is much more likely to be disturbed by the preponderancy” of the state governments rather than the national government (45:310; cf. 44:305).

Despite repeatedly emphasizing that the states benefitted from the prevailing political culture and thus had little to fear from encroachment, Publius’ arguments also suggest that political culture was itself variable. Indeed, *The Federalist* makes clear that the regime contemplated by the Constitution was oriented toward the transformation of political culture. After all, a corollary of the “fact of human nature” noted above is that popular affections would become *stronger* as their objects became closer or the government less diffuse, which is precisely what Publius contends would happen with the new national government (27:173). A crucial part of this process, as for much else in the Constitution, was the ability of the national government to secure revenue without the intervention of the states. So equipped, the national government would both have more reliable revenue streams and be better able to borrow from creditors abroad, two areas of especial incapacity under the Articles of Confederation. As a result, “Foreigners, as well as the citizens of America, could then reasonably repose confidence in its engagements” (30:193). These arguments suggest that, to the extent it was successful, the government established by the Constitution would first create a new locus of popular attachment within the polity and then increasingly attract popular support as its operations became known to the people.

Finally, political culture was also a fundamental consideration in Publius’ analysis of a central goal of the proposed Constitution: stability (10:56–7, 43:296, 62:420–2). In many respects, instability (or “mutability,” as it is at times referred to) was at the heart of *The Federalist*’s condemnation of the Articles of Confederation. Remediating this flaw is



cited as both the purpose of and justification for multiple features of the convention's proposal, including the original reeligibility of the president (71:484–5, 72:490–1), its veto provisions (73:496), and the process of appointing federal officials (62:419–20, 76:513, 77:515–6). Moreover, stability is also cited as a broader purpose of government: “Stability in government, is essential to national character, and to the advantages annexed to it, as well as to that repose and confidence in the minds of the people, which are among the chief blessings of civil society” (37:234; cf. 49:340). As in this passage, Publius' treatment of stability frequently emphasizes its connection to political culture, specifically the opinion people hold of government, their estimation of others' opinions of government, and the confidence those opinions inspire or fail to inspire. In addition to rendering public policy ineffective, mutability was so dangerous because it produced a “want of confidence” that “damps every useful undertaking” (62:421). “But the most deplorable effect of all,” Publius writes at the end of No. 62, “is that diminution of attachment and reverence, which steals into the hearts of the people, toward a political system which betrays so many marks of infirmity, and disappoints so many of their flattering hopes” (422; cf. 63:422). This aspect of political culture also forms a central piece of Publius' well-known argument against frequent constitutional amendment in No. 49. Further illustrating the salience of feedback processes in *The Federalist*, there Publius argues that repeated “reference of constitutional questions to the decision of the whole society” would, by exciting popular passions and diminishing veneration for government, foster instability, which in turn would fuel further demands to alter the Constitution (49:339–41).

To the extent that attachment was necessary in republican governments—a point on which Federalists and Anti-Federalists agreed—stability was an essential component of constitutional vitality and success. And just as stability is an attribute of governmental operation, popular attachment and confidence are temporally extended phenomena—they are not achieved as much as they are cultivated and maintained. Similarly, just as Publius argues that the union proposed by the Constitution would produce benefits that, via feedback processes, would further fortify and entrench that union, so too does he argue that stability would cultivate greater public support, which would in turn produce greater stability.

### Good Government: Stability and Administration

The second component of Publius' vision of future constitutional politics concerns the administration of government. As we saw earlier, he goes as far as saying that a political system's “aptitude and tendency to produce good administration” is “the true test of a good government” (68:461; cf. 76:509). Like political culture, discussions of the administration of government are woven throughout *The Federalist*. But unlike

political culture, Publius offers an explicit definition of what he means when he uses the term “administration”:

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 in its most precise signification, it is limited to executive details, and falls peculiarly within the province of the executive department. (72:486)

Usage of administration in *The Federalist* thus parallels the dominant contemporary application of the term to executive-branch politics while also identifying a broader meaning that captures the conduct and character of government operations as a whole, a conception that is central to Publius' account of both the requirements and limits of republican self-government (14:85, 39:251). As a result, administration is invoked in Publius' treatment of each branch of government (e.g., 70:471–2, 76:513, 78:522).

From this vantage point, we can see that many of Publius' arguments about the weaknesses of the Articles of Confederation are directed toward how it was administered—indeed, quite often toward the ways in which the structure of the confederation virtually guaranteed feeble and ineffective administration (6:35). This was principally because the structural dependence of the confederation government on the states for raising revenue and enforcing laws left force as the only option for effecting compliance when states refused to abide by the confederation's duly imposed requirements (15:95). Whereas the confederation government subjected the prospects of enforcement to the whims of the states and risked the necessity of violent coercion, on Publius' telling the Constitution promised to make nonviolent compliance and enforcement possible, to substitute “the mild and salutary *coertion* of the *magistracy*” in place of “*violence...or the destructive coertion of the sword*” (20:129). Significantly, a precondition Publius identifies for the “regular and peaceable execution of the laws of the union” is “prudent administration,” the absence of which had characterized government under the Articles (27:175).

Central to Publius' treatment of administration is the relative capacity of the different levels of government. Recall that the rejoinder found in *The Federalist* to the Anti-Federalist charge of consolidation emphasizes the role of political culture in reducing the likelihood of encroachments by the national government. Alongside those arguments is another set of reasons rooted in the administrative capacity of the state governments as compared to the likely capacity of the new national government. Publius argues that, following ratification, the states would employ far more people than the national government, even to the point that the national government would need to utilize state officials to collect revenue or to rely on state judicial officers to wield the authority of the national judiciary (45:312–3). Further underscoring the significance of administrative capacity and its role in structuring the relationship between levels of government, Publius argues that even if the national government would

become disposed to encroach upon the states, it would find that doing so “would be as troublesome as it would be nugatory” (17:106).

As we saw earlier, Publius’ response to the charge of consolidation hinges on the popular support the states would enjoy. In turn, that support was contingent on the quality of the state governments’ administration, on whether they “administer their affairs with uprightness and prudence” (17:106). Just as Publius’ proleptic arguments depict a future in which political culture would play a central role in structuring the relationship between the national and state governments, his account of administration stresses the role it would play in shaping the contours of political culture. This is important for two reasons. The first is that Publius’ treatment of administration makes clear that he understood it as a foundation of political culture. Characterizing the disposition of the people toward their governments, he writes in No. 27, “I believe it may be laid down as a general rule, that their confidence in, and their obedience to, a government, will commonly be proportioned to the goodness or badness of its administration” (27:172). In this way, administration is depicted as prior to popular attachment and confidence in ways that made the latter two variable through changes in the quality of administration.

Second, the centrality of administration to the anticipated politics of the constitutional order, in conjunction with its relationship to political culture, illuminates other things said about the topic in *The Federalist*. Perhaps most importantly, Publius makes overt reference to the expected relationship between the administration of the national and state governments. Prefacing a recapitulation of arguments he had already canvassed, Publius observes, “Various reasons have been suggested, in the course of these papers, to induce a probability, that the general government will be better administered than the particular governments” (27:172). Foremost among these reasons is the improved representation the Constitution would bring about by the “extension of the sphere of election,” the mediating role of the states in selecting members of the Senate, and the superior knowledge and temperament of those who would serve in the national legislature. These considerations, Publius argues, justified the belief that the government proposed by the Constitution would avoid the woes of the Negative Constitution he depicted at the outset of *The Federalist* while also attaining the fundamental goals of stability and good administration.

## CONSTITUTIONAL DEVELOPMENT

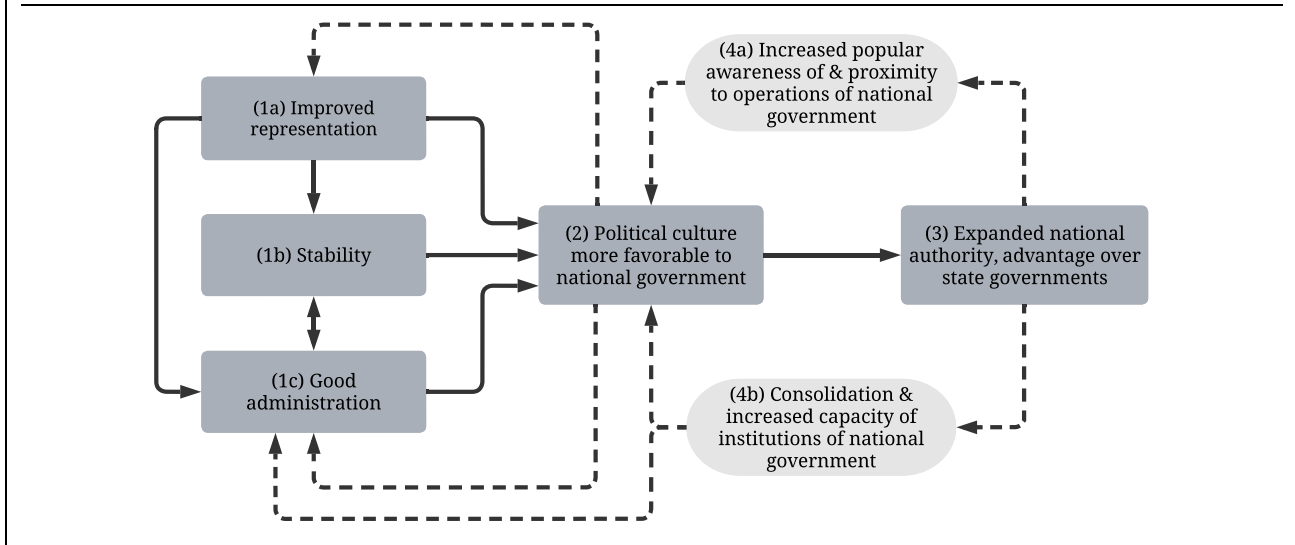
The anticipated roles of political culture and governmental administration in the future politics of the new constitutional order are importantly linked throughout *The Federalist*. Indeed, it is often difficult to highlight one without also drawing attention to the other. Taken together, and within the broader context of the account of union Publius lays out, *The Federalist* advances a robust description of how constitutional politics would

operate and what the consequences of that operation would be. According to this account, the central goals to be attained by the new Constitution—improved representation, stability, and good administration—would effect changes in political culture, increasing the people’s attachment to and confidence in the national government. In turn, these changes would both generate demands for and facilitate the expansion of national authority. Finally, this expansion would set off further developments that would reinforce the earlier steps, initiating a positive feedback process that would fortify the underlying causes of the expansion of national authority. These analyses thus comprise a descriptive theory of constitutional development rooted in the consequences of the character of both political culture and administration within the future constitutional union. Figure 1 presents a schematic overview of this theory.

The theory of constitutional development advanced in *The Federalist* is decisively structured by the linkages between the aspects of future constitutional politics Publius deems most consequential. Broadly, those concern the first-order effects of the central goals of union on political culture, and the second-order effects of changes in political culture on the scope and location of political authority. These correspond, respectively, to the movements from step (1) to (2) and from step (2) to (3) in Figure 1.

Taking the first set of linkages, Publius argues that good administration would follow from improvements in representation brought about by the structure of both the union and the legislative branch of government (27:171–3; Nos. 66 and 77 *passim*). By furnishing better and better-insulated representatives, those improvements would also aid in avoiding the instability that had characterized governance under the Articles of Confederation (10:56–7). A stable and well-administered government led by responsible representatives would, Publius explains, attract the support, confidence, and respect of the people (Storing 1981, 41–3). As discussed above, Publius’ response to the Anti-Federalist objection concerning consolidation is that the state governments, rather than the national government, would enjoy the attachment of the people. This was because, as he argues in No. 17, it was a “known fact in human nature, that its affections are commonly weak in proportion to the distance or diffusiveness of the object” (17:107).

But he includes an important proviso to his conclusion that this “fact” would advantage the state governments: “unless the force of that principle should be destroyed by a much better administration of the latter” (17:107). Thus, even in the course of arguing that states would have little to fear from the new national government, early in *The Federalist* Publius identifies a limiting principle: the quality of administration. Publius also explicitly (and at some length) argues that the national government would be administered at least as well as—and likely much better than—the state governments (3:15; 68 *passim*). Having argued that the people’s “confidence in and obedience to a government will commonly be proportioned to the goodness or

**FIGURE 1. The Federalist's Theory of Constitutional Development**

badness of its administration” (27:172), it follows from Publius’ argument that improvements in governmental administration across different policy areas would yield a political culture more favorable to the national government (Smith 2007, 578–82).

The related influence of stability on political culture is suggested by Publius’ claims about the consequences of *instability*, namely, its tendency to produce a “want of confidence” and “diminution of attachment and reverence” (62:421, 422). The discussion in No. 62 of the advantages presented by the constitution of the senate makes clear that Publius thought a stable administration of government would not just prevent the continued loss of popular confidence and attachment but that it would also enable the generation of both in support of the national government. The inference to be drawn from this line of Publius’ arguments is that constitutional success—specifically the establishment of a government that would realize the representational and administrative advantages set out in *The Federalist*—would create the conditions for the cultivation of a political culture more supportive of the national government.

The significance of the variability of political culture for constitutional development becomes clear when we consider its consequences for the allocation of political authority within the compound republic. To see this, we can return to the essays that present *The Federalist’s* counterargument to the charge that the Constitution would eventuate in a consolidation. There, Publius identifies political culture as a key determinant in contests between levels of government and, more broadly, in the structure of the relationship between levels of government. This follows from the fundamental republican commitment to the authority of the people. As Publius argues in response to those he alleges to have forgotten that the “federal and state governments are in fact but different agents and trustees of the

people,” attempts by either “to enlarge its sphere of jurisdiction at the expense of the other...should be supposed to depend on the sentiments and sanction of their common constituents” (46:316).

Publius thus argues that contests between levels of government would be resolved by the people’s disposition toward their governments, precisely the aspects of political culture that *The Federalist* explains would turn in favor of the national government if it was well and stably administered (Carey 1989a, 96–127). The result would be an enlargement of its jurisdiction, a process that is intimated to be zero-sum in the context of the constitutional union. Recall also that Publius argues that the states would “be able effectually to oppose all encroachments of the national government” because they would “possess the confidence and good will of the people” (17:109). While the cultivation of popular attachment to and confidence in the national government need not necessarily imply a diminution of the share enjoyed by state governments, it does introduce the possibility of exactly the kind of conflicting loyalties and resulting contests that Publius argues would be resolved by the “sentiments and sanction” of those governments’ common constituents (Diamond 1961; Levy 2007).

Turning to the feedback mechanisms in *The Federalist’s* theory of constitutional development (steps [4a] and [4b] and the dashed arrows in Figure 1), Publius’ proleptic analyses identify a pair of processes resulting from the expansion of national authority that would reinforce the underlying foundations in political culture and governmental administration. In particular, he anticipates that the growth of the national government’s operations would cause them to become more visible to the people, which in turn would cause the people to become more positively disposed to it. We saw this earlier in the discussion of political culture, which highlighted Publius’ explanation that, “[T]he

authority of the union, and the affections of the citizens toward it, will be strengthened, rather than weakened, by its extension to what are called matters of internal concern” (27:173–4).

In this way, mediated by the dynamic nature of political culture, the expansion of national authority would bolster the underlying causes of its initial expansion. Moreover, Publius argues, the operations of the national government would attract popular attention and, as a consequence, “The affairs of union will become more and more objects of curiosity and conversation among the citizens at large” (53:363). This process would be facilitated by the “increased intercourse among those of different states,” which would produce an exchange of knowledge that would “contribute to a general assimilation of their manners and laws” (53:363, 364.; cf. 14:86–7). This increasing homogeneity and growing awareness of the national government’s operations would cultivate popular attachment and confidence in a manner that parallels the consequences of stable administration.

Underscoring the variability of the degree to which the United States would “assume a national form, and a national character,” Publius also anticipates that the consolidation of the union would cause “the good of the whole [to] be more and more an object of attention” (64:437–8). Read in conjunction with the claim that increased attention and awareness would lead to greater respect and attachment, this too points toward a feedback process by which expanded authority would increase popular awareness in a way that creates a political culture conducive to the further expansion of national authority. As we have already seen in the context of the relationship between administration and political culture, Publius repeatedly emphasizes his belief that increased knowledge and awareness of the national government’s operations would “inspire a habitual sense of obligation, and an active sentiment of attachment” to the national government (17:108). A related inference can be drawn from Publius’ analysis of the consequences of the “diffusive construction of the national government” and the “nature of the objects to which the attention of the state administrations would be directed,” both of which, he argues, would produce “a superiority of influence in favour” of the state governments (17:106). The expansion of national authority, and especially its anticipated extension into “matters of internal concern,” would act as countervailing forces to the claimed advantage of the state governments in this regard (27:174). To the extent that popular support is inversely related to diffusiveness and distance, which Publius explicitly suggests (17:107), the consolidation of the national government’s operations would yet again cultivate a political culture more favorable to the national government. In *The Federalist*, Publius thus argues that the successful operation of the national government would furnish the conditions for the expansion of its authority and, in so doing, fortify the underlying processes that occasioned that expansion.

Although Publius’ proleptic analyses identify how the national government could take on greater political

authority, it is necessary to recognize that this developmental process is not unconstrained. Instead, *The Federalist* identifies a range of structural, legal, and political factors that would limit or otherwise complicate the expansion of national authority into new domains. The structural constraints are rooted in the states’ roles as “constituent and essential parts of the federal government” (45:311; cf. Nos. 9 and 39 *passim*). Among other things, states were equally represented in the Senate and responsible for appointing senators, establishing electoral districts and voter qualifications for federal elections, and appointing presidential electors. Furthermore, as we saw earlier, a central component of Publius’ response to the consolidation charge was that, either through “rivalship” or “comparative ambition,” state governments would be able to resist national aggrandizement and influence the conduct of the national government (25:159, 46:315). Each of these structural features of the Constitution gave states an integral role in the exercise of national authority and ample opportunities to resist or frustrate its expansion.

A second set of constraints Publius identifies are legal in nature. The constitutional convention’s rejection of Madison’s proposed national veto in favor of the supremacy clause made constitutional *law* central to the definition of the jurisdictional boundaries separating state and national authority (LaCroix 2010). Publius thus calls attention to the judiciary as a key institution in this process, acknowledging its role in deciding “controversies relating to the boundary between the two jurisdictions” (39:256; cf. 16:102–4). In No. 78, after observing that legislative encroachments are endemic features of republican government, he describes “courts of justice” as “the bulwarks of a limited constitution” (78:526), a role for which judicial review would be required (78 *passim*, 80:534–5).

Perhaps the most fundamental constraints, though, are the very political considerations at the heart of *The Federalist*’s descriptive theory of constitutional development. Far from advantaging only the national government or enhancing only its authority, Publius’ response to the Anti-Federalist charge of consolidation makes clear that political culture and governmental administration serve as powerful reins on the national government. This is the best way to understand what Publius is saying in No. 46 when he writes, “[I]t is only within a certain sphere, that the foederal power can, in the nature of things, be advantageously administered” (317; cf. Smith 2007, 577). Here “the nature of things” is not a reflection on basic or inherent features of “foederal power” but rather a description of the contingent configuration of popular sentiment and administrative capacities that he reviews in that and the previous essay (cf. 65:439–43, 79:531). Significantly, Publius’ first invocation of institutional ambition as a check on usurpations of authority comes in the course of identifying a more fundamental, political limitation on national aggrandizement: popular “sentiments and sanction” (46:316).

*The Federalist* thus situates the institutional structure of the compound republic within a richly theorized web

of audiences and relationships that both facilitate and constrain the conduct of the constituent governments. In his penultimate essay, Publius returns to this theme. Addressing once more the safety of the people's rights under the proposed constitution, he reminds his audience that, "whatever fine declarations in any constitution respecting it," no rights formulation is so precise as to preclude "evasion." Instead, Publius continues, "security...must altogether depend on public opinion, and on the general spirit of the people and of the government" (84:580). This is the key to the theory of constitutional development *The Federalist* presents. For Publius, popular attachment, sentiment, and confidence—the facets of political culture that would be shaped by the performance of the new national government—are the critical determinants of who would wield political authority within the constitutional order.

## CONCLUSION

Even as *The Federalist* is frequently read to illuminate the origins of the American constitutional order, it advances a powerful account of the political future to be created and encountered by the polity the Constitution would found. Central to this account is a proleptic mode of analysis used to anticipate probable political developments and future patterns of constitutional politics, depict their systemic consequences, and identify how those consequences would feed back into the political system. Publius' proleptic analyses comprise a descriptive theory of constitutional development according to which success on the terms stipulated—namely, the realization of a stable and well-administered constitutional union—would both bolster the new national government and supply the conditions for the expansion of its authority. Incorporating the feedback mechanisms Publius identifies also reveals that this process of constitutional development would fortify the underlying causes of the earlier expansion of national authority, creating the conditions for further consolidation and expansion. Centered on the roles of political culture and governmental administration in future constitutional politics, Publius' proleptic analysis foregrounds the political determinants of constitutional authority.

Together, *The Federalist's* proleptic analyses and the developmental theory they comprise disclose a dynamic constitutional imagination characterized by the changeability of authority relations. In contrast with influential contemporary constitutional understandings, Publius' proleptic Constitution anticipates consequential shifts in the scope and location of political authority. For this reason, the arguments advanced here complicate efforts to retroject contemporary assumptions about constitutional ontology onto founding-era arguments and sources. At the same time, Publius' proleptic analysis illuminates a broader significance of *The Federalist*. Contrary to accounts that classify the text as mere propaganda—tracts that said whatever was necessary to promote ratification—this essay suggests an importantly different assessment.

Even in the face of an opposition preoccupied with the threats of consolidation and centralized authority, Publius' account of constitutional development offered a vision of "remote futurity" consonant with the aspirations of those who, like Madison and Hamilton, harbored misgivings about the Constitution's ability to effectively control and wield authority over the states. The developmental theory Publius offers is thus significant precisely because it links a contested descriptive account of constitutional operation to a similarly contested vision of future constitutional politics. In this respect, the text stands simultaneously at the end of one political process and the beginning of another. While contributing to the final step in the creation of a new constitutional order, *The Federalist* also anticipates the debates looming on the other side of ratification—debates that would test both the Constitution Publius advocates and the constitutional futures his proleptic analysis depicts.

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## CONFLICT OF INTEREST

The author declares no ethical issues or conflicts of interest in this research.

## ETHICAL STANDARDS

The author affirms this research did not involve human subjects.

## REFERENCES

- Allen, William B. 1993. *Let the Advice Be Good: A Defense of Madison's Democratic Nationalism*. Lanham, MD: University Press of America.
- Almond, Gabriel. 1958. "Comparative Political Systems." *Journal of Politics* 18 (3): 391–409.
- Arnhart, Larry. 1990. "The Deliberative Rhetoric of *The Federalist*." *Political Science Reviewer* 19: 49–86.
- Banning, Lance. 1995. *The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic*. Ithaca, NY: Cornell University Press.
- Barber, Sotirios A. 1984. *On What the Constitution Means*. Baltimore, MD: Johns Hopkins University Press.
- Barber, Sotirios A. 2013. *The Fallacies of States' Rights*. Cambridge, MA: Harvard University Press.
- Beer, Samuel A. 1993. *To Make a Nation: The Rediscovery of American Federalism*. Cambridge, MA: Belknap Press.

- Brescó de Luna, Ignacio. 2017. "The End into the Beginning: Prolepsis and the Reconstruction of the Collective Past." *Culture and Society* 23 (2): 280–94.
- Brescó de Luna, Ignacio. 2018. "Imagining Collective Futures in Time: Prolepsis and the Regimes of Historicity." In *Imagining Collective Futures: Perspectives from Social, Cultural, and Political Psychology*, eds. Constance de Saint-Lauren, Sandra Obradović, and Kevin R. Carriere, 109–28. Cham, Switzerland: Palgrave Macmillan.
- Carey, George W. 1989a. *The Federalist: Design for a Constitutional Republic*. Chicago: University of Illinois Press.
- Carey, George W. 1989b. *In Defense of the Constitution*. Cumberland, VA: James River Press.
- Cole, Michael. 1996. *Cultural Psychology: A Once and Future Discipline*. Cambridge, MA: Belknap Press.
- Corley, Pamela C., Robert M. Howard, and David C. Nixon. 2005. "The Supreme Court and Opinion Content: The Use of the Federalist Papers." *Political Research Quarterly* 58 (2): 329–40.
- Cornell, Saul. 1999. *The Other Founders: Anti-Federalism and the Dissenting Tradition in America, 1788–1828*. Chapel Hill: University of North Carolina Press.
- Diamond, Martin. 1959. "Democracy and *The Federalist*: A Reconsideration of the Framers' Intent." *American Political Science Review* 53 (1): 52–68.
- Diamond, Martin. 1961. "The Federalist's View of Federalism." In *Essays in Federalism*, ed. George C. S. Benson, 21–64. Claremont, CA: Institute for Studies in Federalism.
- Dupriez, Bernard. 1991. *A Dictionary of Literary Devices: Gradus, A-Z*, trans. Albert W. Halsall. Toronto: University of Toronto Press.
- Elster, Jon. 2000. *Ulysses Unbound*. New York: Cambridge University Press.
- Epstein, David. 1984. *The Political Theory of the Federalist*. Chicago, IL: University of Chicago Press.
- Estes, Todd. 2008. "The Voices of Publius and the Strategies of Persuasion in *The Federalist*." *Journal of the Early Republic* 28 (4): 523–58.
- Ewing, Connor M. 2016. "The Politics of Sovereignty: Foundations, Consequences, and 'Basic Principles' Revisited." *Tulsa Law Review* 51 (3): 689–729.
- Ferejohn, John, and Roderick Hills. 2020. "Publius's Political Science." In *The Cambridge Companion to the Federalist*, eds. Jack N. Rakove and Colleen A. Sheehan, 515–56. New York: Cambridge University Press.
- Finn, John E. 2014. *Peopling the Constitution*. Lawrence: University Press of Kansas.
- Furtwangler, Albert. 1984. *The Authority of Publius: A Reading of the Federalist Papers*. Ithaca, NY: Cornell University Press.
- Genette, Gérard. 1980. *Narrative Discourse: An Essay in Method*. Ithaca, NY: Cornell University Press.
- Gienapp, Jonathan. 2018. *Second Creation: Fixing the American Constitution in the Founding Era*. Cambridge, MA: Harvard University Press.
- Greene, Francis R. 1994. "Madison's View of Federalism in 'The Federalist'." *Publius* 24 (1): 47–61.
- Grey, Thomas C. 1978. "Origins of the Unwritten Constitution: Fundamental Law in American Revolutionary Thought." *Stanford Law Review* 30 (5): 843–93.
- Hamilton, Alexander, James Madison, and John Jay. 1961. *The Federalist*, ed. Jacob E. Cooke. Middletown, CT: Wesleyan University Press.
- Harris, William F., II. 2009. "Constitution of Failure: The Architectonics of a Well-Founded Constitutional Order." In *The Limits of Constitutional Democracy*, eds. Jeffrey K. Tulis and Stephen Macedo, 66–88. Princeton, NJ: Princeton University Press.
- Jacobsohn, Gary J. 1986. *The Supreme Court and the Decline of Constitutional Aspiration*. Totawa, NJ: Rowman & Littlefield.
- Kenyon, Cecelia M., ed. 1966. *The Antifederalists*. Indianapolis, IN: Bobbs-Merrill.
- Kleinerman, Benjamin A. 2009. *The Discretionary President: The Promise and Peril of Executive Power*. Lawrence: University Press of Kansas.
- LaCroix, Alison. 2010. *The Ideological Origins of American Federalism*. Cambridge, MA: Harvard University Press.
- Leff, Michael, and Jean Goodwin. 2000. "Dialogic Figures and Dialectical Argument in Lincoln's Rhetoric." *Rhetoric and Public Affairs* 3 (1): 59–69.
- Levy, Jacob T. 2007. "Federalism, Liberalism, and the Separation of Loyalties." *American Political Science Review* 101 (3): 459–77.
- Lupu, Ira C. 1998. "Time, the Supreme Court, and *The Federalist*." *George Washington Law Review* 65 (5 & 6): 1324–36.
- Maggs, Gregory E. 2007. "A Concise Guide to the Federalist Papers as a Source of the Original Meaning of the United States Constitution." *Boston University Law Review* 87 (4): 801–47.
- Márquez, Gabriel García. 1970. *One Hundred Years of Solitude*. New York: Harper & Row.
- McDonald, Forrest. 1985. *Novus Ordo Seclorum: The Intellectual Origins of the Constitution*. Lawrence: University Press of Kansas.
- Pears, Emily. 2021. *Cords of Affection: Constructing Constitutional Union in Early American History*. Lawrence: University Press of Kansas.
- Printz v. United States*. 1997. 527 U.S. 898.
- Rakove, Jack N. 1996. *Original Meanings: Politics and Ideas in the Making of the Constitution*. New York: Alfred A. Knopf.
- Rakove, Jack N. 2017. *A Politician Thinking: The Creative Mind of James Madison*. Norman: University of Oklahoma Press.
- Riker, William H. 1996. *The Strategy of Rhetoric: Campaigning for the American Constitution*. New Haven, CT: Yale University Press.
- Scalia, Antonin. 1997. *A Matter of Interpretation: Federal Courts and the Law*, ed. Amy Gutmann. Princeton, NJ: Princeton University Press.
- Sellers, Mortimer N. 1998. *The Sacred Fire of Liberty: Republicanism, Liberalism, and the Rule of Law*. New York: New York University Press.
- Sheehan, Colleen A. 2009. *James Madison and the Spirit of Republican Self-Government*. New York: Cambridge University Press.
- Sherry, Suzanna. 1987. "The Founders' Unwritten Constitution." *University of Chicago Law Review* 54 (4): 1127–77.
- Shklar, Judith. 1977. "Publius and the Science of the Past." *Yale Law Journal* 86 (6): 1286–96.
- Smith, Troy E. 2007. "Divided Publius: Democracy, Federalism, and the Cultivation of Public Sentiment." *Review of Politics* 69 (4): 568–98.
- Storing, Herbert J. 1981. *The Complete Anti-Federalist*, 7 vols. Chicago, IL: University of Chicago Press.
- Taylor, Quentin P. 2002. "Publius and Persuasion: Rhetorical Readings of *The Federalist Papers*." *Political Science Reviewer* 31: 236–82.
- Thomas, George. 2008. *The Madisonian Constitution*. Baltimore, MD: Johns Hopkins University Press.
- Thomas, George. 2015. *The Founders and the Idea of a National University: Constituting the American Mind*. New York: Cambridge University Press.
- Toolan, Michael. 2013. *Narrative: A Critical Linguistic Introduction*, 2nd edition. New York: Routledge.
- Tulis, Jeffrey K. 1987. *The Rhetorical Presidency*. Princeton, NJ: Princeton University Press.
- Tulis, Jeffrey K. 2011. "Plausible Futures." In *The Presidency in the Twenty-First Century*, eds. Charles Dunn, 169–86. Lexington: University Press of Kentucky.
- Tulis, Jeffrey K., and Nicole Mellow. 2018. *Legacies of Losing in American Politics*. Chicago, IL: University of Chicago Press.
- Weiner, Greg. 2019. *The Political Constitution: The Case against Judicial Supremacy*. Lawrence: University Press of Kansas.
- West, Thomas G. 2017. *The Political Theory of the American Founding*. New York: Cambridge University Press.
- White, Morton. 1987. *Philosophy, The Federalist, and the Constitution*. New York: Oxford University Press.
- Wolin, Sheldon S. 1989. *The Presence of the Past: Essays on the State and the Constitution*. Baltimore, MD: Johns Hopkins University Press.
- Yack, Bernard. 2006. "Rhetoric and Public Reasoning: An Aristotelian Understanding of Political Deliberation." *Political Theory* 34 (4): 417–38.
- Zug, Charles U. 2022. *Demagogues in American Politics*. New York: Oxford University Press.