

Center for American Progress



# The Progressive Intellectual Tradition in America

Part One of the Progressive Tradition Series

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John Halpin and Conor P. Williams April 2010

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# Contents

**1 Introduction**

**4 The rise of progressivism**

**15 Conclusion**

**17 Endnotes**

*With the rise of the contemporary progressive movement and the election of President Barack Obama in 2008, there is extensive public interest in better understanding the origins, values, and intellectual strands of progressivism. Who were the original progressive thinkers and activists? Where did their ideas come from and what motivated their beliefs and actions? What were their main goals for society and government? How did their ideas influence or diverge from alternative social doctrines? How do their ideas and beliefs relate to contemporary progressivism?*

*The new Progressive Tradition Series from the Center for American Progress traces the development of progressivism as a social and political tradition stretching from the late 19th century reform efforts to the current day. The series is designed primarily for educational and leadership development purposes to help students and activists better understand the foundations of progressive thought and its relationship to politics and social movements. Although the Progressive Studies Program has its own views about the relative merit of the various values, ideas, and actors discussed within the progressive tradition, the essays included in the series are descriptive and analytical rather than opinion-based. We envision the essays serving as primers for exploring progressivism and liberalism in more depth through core texts—and in contrast to the conservative intellectual tradition and canon. We hope that these papers will promote ongoing discourse about the proper role of the state and individual in society, the relationship between empirical evidence and policymaking, and how progressives today might approach specific issues involving the economy, health care, energy-climate change, education, financial regulation, social and cultural affairs, and international relations and national security.*

*Part One examines the philosophical and theoretical development of progressivism as a response to the rise of industrial capitalism in the late 19th and early 20th centuries.*

# Introduction

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## What is progressivism?

Progressivism at its core is grounded in the idea of *progress*—moving beyond the status quo to more equal and just social conditions consistent with original American democratic principles such as freedom, equality, and the common good. Progressivism as an intellectual movement emerged between 1890 and 1920 as a response to the multitude of problems associated with the industrialization of the U.S. economy—frequent economic depressions, political corruption, rising poverty, low wages, poor working conditions, tenement living, child labor, lack of collective bargaining power, unsafe consumer products, and the misuse of natural resources.

The original Progressive Era is known primarily for two major developments in American politics:

- One, **political reforms** crafted to break up the power of privileged interests, such as expanded suffrage, direct primaries, direct election of senators, and the initiative and referendum process
- Two, **economic reforms** structured to counterbalance the excessive power of business and to fight inequality measures such as the graduated income and inheritance taxes, the right to organize and other labor protections, unemployment insurance, worker's compensation, old age and disability provisions, food and drug safety laws, and conservation measures

As a philosophical tradition, progressivism in its most complete form developed as a “new liberalism” for a new century—updating the American liberal tradition from its Jeffersonian, small-government, republican roots best suited for the agrarian economy of the nation's founding era to a more democratic and modern liberalism capable of checking rising corporate power. The original progressives argued that changes in the economy's organization required a more complete understanding of human freedom, equality, and opportunity that Jefferson championed so persuasively. Progressives believed that formal legal freedom alone—the negative protections against government intrusions on personal liberty—were not enough to provide the effective freedom necessary for citizens to fulfill their human potential in an age of rising inequality, paltry wages, and labor abuses. Changed conditions demanded a changed defense of human liberty.

Writing at the height of the New Deal reform era, John Dewey explained the progressive view of liberty as a continuation of historic movements for human liberation:

Liberty in the concrete signifies release from the impact of particular oppressive forces; emancipation from something once taken as a normal part of human life but now experienced as bondage. At one time, liberty signified liberation from chattel slavery; at another time, release of a class from serfdom. During the late seventeenth and early eighteenth centuries it meant liberation from despotic dynastic rule. A century later it meant release of industrialists from inherited legal customs that hampered the rise of new forces of production. Today it signifies liberation from material insecurity and from the coercions and repressions that prevent multitudes from the participation in the vast cultural resources that are at hand.<sup>1</sup>

Progressives argued that rigid adherence to past versions of limited government had to be discarded in order to promote genuine liberty and opportunity for people at a time of concentrated economic power. Progressives challenged excessive individualism in social thought and politics, promoted an alternative to laissez-faire economics, and replaced constitutional formalism with a more responsive legal order that expanded American democracy and superseded the economic status quo with a stronger national framework of regulations and social reforms.

Progressives sought above all to give real meaning to the promise of the Preamble of the U.S. Constitution—“We the people” working together to build a more perfect union, promote the general welfare, and expand prosperity to all citizens. Drawing on the American nationalist tradition of Alexander Hamilton and Abraham Lincoln, progressives posited that stronger government action was necessary to advance the common good, regulate business interests, promote national economic growth, protect workers and families displaced by modern capitalism, and promote true economic and social opportunity for all people.

In the famous formulation of progressive thought often associated with the progressive theorist Herbert Croly, this meant using Hamiltonian means (national action) to achieve Jeffersonian ends (liberty, equality, and opportunity). Progressives’ overall goal was to replace a rigid economic philosophy—one that had morphed from its egalitarian roots into a legalistic defense of economic power and privilege—with a more democratic political order that allowed people to flourish individually within a larger national community.

Progressivism has always been part of a broader global movement to build a more humane, just, and economically stable international community based on full opportunity and self-determination for all citizens. Progressives on both sides of the Atlantic learned from one another in their attempts to build more responsive and democratic governments. But as a distinctly American response to the nation’s economic conditions and its political tradition, progressivism steered a middle way between the radical ideas of socialism prevalent in some parts of Europe and the unbending hands-off approach of conservatives ascendant in the United States.

In terms of its political values, progressivism throughout the years stressed a range of ideals that remain important today:

- **Freedom**, in its fullest sense, including negative freedom from undue coercion by government or society and the effective freedom of every person to lead a fulfilling and economically secure life
- **The common good**, broadly meaning a commitment in government and society to placing public needs and the concerns of the least well-off above narrow self-interest or the demands of the privileged
- **Pragmatism**, both in its philosophical form of evaluating ideas based on their real world consequences rather than abstract ideals, and in more practical terms as an approach to problem solving grounded in science, empirical evidence, and policy experimentation
- **Equality**, as first put forth by Jefferson in the Declaration of Independence and updated in the Universal Declaration of Human Rights, “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”
- **Social justice**, the proper arrangement of law, society, and the economy to ensure that all people have the formal and informal capacity to shape their own lives and realize their dreams
- **Democracy**, the full participation of citizens in the major decisions and debates that affect their lives
- **Cooperation and interdependence**, particularly as these ideas relate to global affairs, an overall humanitarian vision, and the importance of shared social and economic knowledge

This paper explores these progressive values and traditions in more detail by looking at the historical context that gave rise to progressivism, the conservative traditions it challenged, and its affirmative values, ideas, and goals.

# The rise of progressivism

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## Responding to industrial capitalism, constitutional formalism, and philosophical individualism

The intellectual development of American progressivism has its roots in the difficult transition from an agrarian to an industrial economy in the 19th and 20th centuries. The United States grew and changed at an impossible pace between the Civil War and World War II. Fundamental economic and political shifts helped to drive corresponding changes in American philosophical and political thought. A nation nearly torn apart by competing visions of its fundamental identity became a nation united in defense of freedom across the globe.

Progressivism emerged as a necessary response to the shifting nature of American life, as historian Walter Nugent describes in his recent book on the era:

Americans increasingly gained the sense, as the nineteenth century lumbered through its final years, that their society was changing—sometimes for the better, but in important ways, for the worse. Undoubtedly better were the prosperity that marked the 1880's, the multiplication of miles of railroad tracks that promoted and enabled economic development, the first electrified city streets and public places, and the first skyscrapers. On the other hand, undoubtedly worse were the working conditions in factories and mines, the monopolistic control that those very railroads placed on millions of farmers, and above all the increasingly visible disparities in rewards between the most fortunate members of society and the general mass of people. The rich were getting richer—far richer—than most people. Up to a point that seemed reasonable and justifiable, but beyond that point, it felt unfair and unjust. What, if anything, could be done?<sup>2</sup>

The various intellectual strands of progressivism were rooted in the nation's attempt to respond to the opportunity and strain of such widespread changes. Progressive critiques of industrial capitalism, constitutional formalism, and philosophical individualism formed the backdrop of an alternative moral and political system that dramatically changed and improved American life during this period.<sup>3</sup> The response to these challenges formed the core of the progressive intellectual tradition from its inception. These challenges reinterpreted the American tradition in a variety of powerful ways and helped to pave a path to a more vibrant democratic polity.

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## Challenge one: Industrial capitalism

Progressivism developed alongside and in response to great advances in scientific and technological knowledge in the 1800s.<sup>4</sup> Post-Civil War America was converting from a nation of small farms to a nation with significant urban industrial centers. Scientific progress led to further innovation in industrial technology as the cities grew. The American economy became a significant source of finished goods instead of exporting only raw goods and natural resources. This boom in both the scope and diversity of American production, along with major military mobilizations, brought the United States to the global economic and political forefront.

Many individuals left their rural homes and moved to the growing urban centers, leaving behind the social networks that had long sustained American community life. Unfortunately, the economic opportunities that drew individuals to the cities were often built upon consolidation of corporate influence and growing inequalities that also challenged the stability of traditional social norms. The breakdown of these strong communities and traditions left many individuals isolated and vulnerable—socially, economically, and politically.

Monopolization of key industries like steel, textiles, and the railroads threatened laborers and consumers alike. Historian Christopher Lasch writes, “The energies released by the Civil War proved almost wholly commercial and rapacious—the old Yankee shrewdness without its Puritan scruples or even the rustic simplicity that once served as a partial check on the appetite of wealth.”<sup>5</sup> Then, as now, corporate economic interests justified their actions by wrapping themselves in the theories of natural rights, the Constitution, and American individualism that had defined an early part of American society. Financiers, industrialists, conservative politicians, and jurists claimed for corporations the same protection of accumulated wealth, property, and contracts that individuals received under the Bill of Rights.

## Competing voices

So-called “Social Darwinists” looked at the new economic conditions as simply an extension of the biological competition for survival. Herbert Spencer’s *Social Statics* inspired these thinkers to apply biological principles to human economic relations. In *What the Social Classes Owe to Each Other*, William Graham Sumner outlined the tenets of the Social Darwinist approach for American audiences, arguing that “natural” concentration of wealth is desirable and that government economic intervention is dangerous.

Using language suggestive of Ayn Rand’s later “objectivism,” Sumner took a hard line regarding wealth accumulation, arguing that individual members of a community ought to pursue their own self-interest without interference from others—particularly public

institutions. Individuals should never be asked to give to those who they do not choose, instead forming “ties without favor or obligation, and [cooperating] without cringing or intrigue.” Sumner claimed that “noble social reformers” robbed those who had successfully won their wealth and perpetuated weakness and dependency on the part of the poor.<sup>6</sup> Social Darwinists believed that robust economic growth and the strength of American society depended upon preserving the market’s competitive sphere despite any systematic cruelties this activity might produce.

More utopian thinkers on the opposite end of the ideological spectrum enthusiastically, and somewhat naively, seized upon new scientific knowledge as proof that humans could build a world devoid of pain and suffering. Edward Bellamy’s widely read novel, *Looking Backwards*, was archetypal of newfound American faith in a perfectible future.<sup>7</sup> Bellamy depicted a world where the problems of scarcity and resource distribution had been completely solved by technological and scientific means. At the 20th century’s outset, machines seemed to be removing toil and trouble from the least pleasant parts of human existence—who would claim to know their limits?

Similarly expansive in his expectations of the new era, pragmatist philosopher Charles Saunders Peirce wondered if scientific inquiry “were to go on for a million, or a billion, or any number of years you please, how is it possible to say that there is any question what might not ultimately be solved?”<sup>8</sup> New management theorists such as Frederick Winslow Taylor and Frank and Lillian Gilbreth sought to design better and more efficient factories, workflows, and even kitchens.<sup>9</sup> There seemed to be no limit to the benefits of applying science to human problems for these and many other technological utopians. American ingenuity might solve any problem with enough time and energy.

Still others were less sanguine about the effects that ongoing industrialization of the American economy would have on longstanding elements of American life. Conservative populist intellectuals in the “Southern Agrarian” tradition claimed that at best, industrialization was irrelevant to human moral difficulties, and at worst, exacerbated them.<sup>10</sup> They argued that most American political problems were moral, while the scientific method could yield only technical solutions.

Even moderate liberals such as Reinhold Niebuhr offered cautions later in the 20th century to overweening faith in human science. Niebuhr, a minister, argued that those who hoped for worldly or material salvation by industrial means ignored the depravity and injustice such a process brought into the world, writing: “Nothing that is worth doing can be achieved in our lifetime; therefore we must be saved by hope. Nothing which is true or beautiful or good makes complete sense in any immediate context of history; therefore we must be saved by faith.”<sup>11</sup>

## Progressive response

The progressive response to American industrialization was multifaceted, but its ultimate purpose was to steer a middle path between excessive optimism for a better future and real concerns about those left out of the new economy. Though it spanned a wide range of thought, the progressive response to American scientific and industrial breakthroughs generally took some inspiration from a variety of these positions.

Intellectuals such as John Dewey joined early progressive activists, among them Jane Addams, to call attention to the astonishing cruelties stemming from deregulated, unfettered industrialization.<sup>12</sup> They admitted, with Niebuhr, that the presence of new and exciting technology was insufficient to solve seemingly perennial human problems, but they avoided his pessimism regarding the worth of seeking solutions. In the face of mass suffering across wide swaths of American society, progressives refused to accept that these conditions be justified *solely* by faith in markets, faith in dogmatic political ideology, or faith in a better world in the afterlife.

Furthermore, while many progressives shared the utopians' excitement about new scientific and industrial potential, they also shared the more agrarian concern for the place of individuals in a world remade by human technology and design. Dewey worried that "The subordination of the enterprises to pecuniary profit reacts to make the workers 'hands' only. Their hearts and brains are not engaged."<sup>13</sup> Supreme Court Justice and progressive legal theorist Louis Brandeis wrote, "Yet, while invention and discovery created the possibility of releasing men and women from the thralldom of drudgery, there actually came, with the introduction of the factory system and the development of the business corporation, new dangers to liberty."<sup>14</sup>

While the agrarians looked nostalgically to an irretrievable past, progressives pursued forward-looking, but feasible, solutions. Mechanization of the American economy posed challenges, but it also yielded great opportunities. The progressives were both encouraged by industrialization and wary of it, and thus made the welfare of individuals their primary concern.

Many progressives realized that the existing legal structure of American economic and political life benefitted consolidated capital and indirectly contributed to widespread mistreatment of workers and farmers. Dewey maintained in this spirit that, "Only by economic revision can the sound element in the older individualism—equality of opportunity—be made a reality ... [for] a régime of industry carried on for private gain does not satisfy the full human nature of even those who profit by it."<sup>15</sup>

Progressives charged that there was little sacred or pure about the current system of political and economic relations; supporters of laissez-faire economics were merely defending a particular set of rules that suited their interests. Progressives maintained that these rules were incompatible with the democratic egalitarian ideals of the early republic.<sup>16</sup> Though



Intellectuals such as John Dewey joined early progressive activists, among them Jane Addams, to call attention to the astonishing cruelties stemming from deregulated, unfettered industrialization.

PHOTO: PORTRAIT OF JANE ADDAMS, MOFFETT, LIBRARY OF CONGRESS

industrialization had improved the overall quality of life in a number of ways, its failures were becoming more apparent to Americans. Progressives demanded that Americans consider whether the consequences of their economic and political institutions were consistent with American notions of equal treatment and justice.

The most extended treatment of this line of progressive political thought emerged from Herbert Croly in his influential 1909 book, *The Promise of American Life*. Many commentators point to Croly's famous tome when looking for the seminal text of progressive thought. This is understandable, if somewhat overstated, given the historical and theoretical depth of the book that is missing in earlier tracts. For Croly, the Jeffersonian goal of "equal rights for all and special privileges for none" was grounded in a myopic view of the economy and a naïve desire to return American society to times that no longer existed. Croly's alternative was a progressive version of Hamiltonian nationalism with expanded powers for the executive branch to help guide and regulate the economy and provide for the general welfare of those left behind in the new economy.

Unlike the more populist reformers who wanted to restrict the size of new business conglomerates in favor of smaller producers and competition, Croly accepted the rise of large corporations and combination of business interests as a necessary and potentially useful development in the American economy if their power was met by an equally powerful national government. Croly was also skeptical of large labor unions and wanted a strong state to keep excessive demands from workers in check as it countered business and pursued new policies to restore opportunity and alleviate social problems. The notion of strong national executive and more effective public administration to deal with the numerous challenges of modern life arose out of these ideas. Many of these ideas were made reality in the early presidency of Theodore Roosevelt and the later presidencies of Woodrow Wilson and Franklin D. Roosevelt.

Croly's political philosophy is often criticized by those on the right for being too state focused and, by extension, too collectivist. Croly, however, clearly states in his less studied but more complete work, *Progressive Democracy*, that the goal of his "new economic nationalism" is wholly consistent with the principles of democracy and is designed to allow human autonomy to flourish within a stronger commitment to common national purpose, much as Lincoln had argued.<sup>17</sup> Furthermore, Croly explicitly rejects more radical ideas about the organization of society saying, "The recognition of a necessary inequality and injustice in the operation of the existing institution of private property, coupled with the recognition that the immediate abolition of private property would be both unjust and impracticable, constitutes the foundation of any really national and progressive economic policy."<sup>18</sup>



Croly accepted the rise of large corporations and combination of business interests as a necessary and potentially useful development in the American economy if their power was met by an equally powerful national government.

PHOTO: PORTRAIT OF HERBERT CROLY, PUBLIC DOMAIN

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## Challenge two: Constitutional formalism

Progressives pointed to history and earlier American ethical and political commitments to strengthen their economic arguments. They argued that political institutions and economic policy should be oriented to match a particular conception of democracy built from core American notions of fairness, equality, and liberty. While many conservatives read the Constitution as a fixed set of principles whose alteration would tear apart the fabric of American democracy, progressives answered that the Constitution should be read as a commitment to the “realization of democracy.”<sup>19</sup> Advocating for a new interpretation of the U.S. Constitution—one more consistent with the democratic intentions of the early Americans—became a major component of the progressive political and economic projects.

For Dewey and other progressive thinkers, American democracy was founded as a promise to be fulfilled or a project to be undertaken, rather than a static set of principles. Experience and evidence mattered to progressives in determining how best to fulfill constitutional promises. The notion of unbending literalism in interpreting the Constitution was anathema to progressive intellectuals just as it was to Thomas Jefferson who wrote in 1816:

Some men look at constitutions with sanctimonious reverence, and deem them like the arc of the covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age well; I belonged to it, and labored with it. It deserved well of its country. It was very like the present, but without the experience of the present; and forty years of experience in government is worth a century of book reading; and this they would say themselves, were they to rise from the dead. I am certainly not an advocate for frequent and untried changes in laws and constitutions. I think moderate imperfections had better be borne with; because, when once known, we accommodate ourselves to them, and find practical means of correcting their ill effects. But I know also, that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors.<sup>20</sup>

Herbert Croly denounced the static, conservative interpretation of the Constitution in *Progressive Democracy* as retrograde and insufficient for the modern age: “The particular expression of the conservative spirit to which progressivism finds itself opposed is essentially, and, as it seems, necessarily doctrinaire and dogmatic. It is based upon an unqualified affirmation of the necessity of the traditional constitutional system to the political salvation of American democracy.”<sup>21</sup>



“Laws and institutions must go hand in hand with the progress of the human mind.”

- Thomas Jefferson, 1816

PHOTO: PORTRAIT OF THOMAS JEFFERSON, GILBERT STUART/ NATIONAL GALLERY OF ART, WASHINGTON

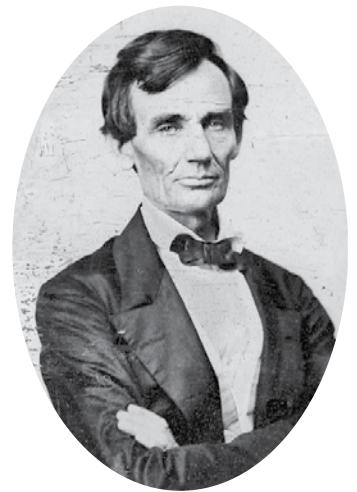
For progressives, the Constitution derived its value not solely from its original language—odious elements like the three-fifths and fugitive slave trade clauses formalizing racial prejudice made that clear—but from the commitment to achieve more robust forms of democracy.<sup>22</sup> Progressives argued that those seeking to uncritically appropriate the Founding Fathers and the founding moment as defenders of upper-class prejudice and classical economics had turned the Declaration and the Constitution into meaningless justifications of the status quo.

Instead of abandoning the Constitution altogether—or dismissing it merely as a tool for elites—most progressives maintained that the American tradition contained the materials for its own correction and revitalization. In this vein, many progressives including Addams, Dewey, and Croly drew upon the legacy of Abraham Lincoln, who Dewey termed “our most beloved American.”<sup>23</sup>

Though Lincoln himself was not a progressive in any strict sense (the term was not in use mid-century), his broad influence on American politics unquestionably influenced the trajectory of progressivism. Lincoln’s greatest contribution to reinterpreting the American Constitution was his claim that the United States represents an “experiment,” founded upon what he called the American “political religion.” In other words, American politics rested upon political ideals gleaned from its cultural traditions: “While ever a state of feeling, such as this, shall universally, or even, very generally prevail throughout the nation, vain will be every effort, and fruitless every attempt, to subvert our national freedom.”<sup>24</sup>

Lincoln believed that American political stability, indeed, the union itself, depended upon broad national convictions, not narrow interpretations of specific elements of the Constitution. He believed that to be an American was to appreciate “all the good done in” the past, to remember “how it was done and who did it, and how we are historically connected with it ... [so] we feel more attached the one to the other, and more firmly bound to the country we inhabit.”<sup>25</sup> For Lincoln, the progressives, and later leaders like Martin Luther King Jr., the American founding was notable for its commitment to egalitarian democracy as an approach to community life. Thus, politics was a matter of bringing formal institutions into line with shifts in American understandings of liberty, equality, and justice.<sup>26</sup> The fact that the protections in the Bill of Rights are now granted to women, African Americans, and other minorities is proof of the power of Lincoln’s vision. His was a broad politics of shared national ideals, particularly those embodied in the Declaration of Independence.

Justice Oliver Wendell Holmes’ dissenting opinion in *Lochner v. New York* illustrates the progressive treatment of the Constitution well. The case asked the Court to consider whether or not states could regulate economic behavior, specifically the number of hours worked per day and week. Though his own credentials were unclear to many progressives, Justice Holmes’ argument that the Constitution “is not intended to embody a particular economic theory, whether of paternalism and the organic relation of the citizen to the State or of laissez faire” exemplified the progressive challenge to constitutional formalism.



Lincoln believed that American political stability depended upon broad national convictions, not narrow interpretations of specific elements of the Constitution.

PHOTO: PORTRAIT OF ABRAHAM LINCOLN, LIBRARY OF CONGRESS / PRESTON BUTLER

While his fellow justices argued that constitutional protections of the right of contract and free pursuit of property prevented states from regulating working conditions, Holmes claimed that such “general propositions do not decide concrete cases.” In simple terms, Holmes considered how constitutional principles and their interpretation changed over time, considering the Constitution as a “living” document.<sup>27</sup>

Justice Louis Brandeis, Holmes’ colleague, is especially eloquent on this point. Brandeis explained in his famed essay, “The Living Law,” that the meaning of the American Constitution necessarily shifted as democracy “deepened” over time. First pursuing a “government of laws and not of men,” Americans later sought “a government of the people, by the people, and for the people,” and finally pursued “democracy and social justice.” It should be noted, however, that Brandeis believed his argument to be well within the American founding tradition. He considered Alexander Hamilton “an apostle of the living law,” since he always considered the law to be “a reality, quick and human, buxom and jolly, and not a formula, pinched, stiff, banded and dusty like a royal mummy of Egypt.”<sup>28</sup>

He argued that courts could not remain “deaf and blind” to “newly arisen social needs” without eroding respect for the law and the broader legal system as a whole. Just as restrictive laissez-faire economic ideology was instrumentally useful to plutocrats with an interest in exploiting workers, constitutional formalism allowed courts to “[refuse] to consider the facts of life” in deciding any law’s constitutionality. Brandeis maintained as a result that “no law, written or unwritten, can be understood without a full knowledge of the facts out of which it arises, and to which it is to be applied.” The meaning of a law is to be considered in terms of its consequences, not a priori principles or fixed interpretations of such principles.

Since progressives are often misunderstood on this point, a preemptive correction is necessary. Conservatives sometimes charge that those who would reinterpret the Constitution strip it of any fixed meaning at all. Brandeis did not suggest that the Constitution’s—or any law’s—“letter” was irrelevant, only that its “spirit” changed with its social effects.<sup>29</sup> Brandeis and others held that the Constitution clearly seeks to “form a more perfect union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty.” These ideals should guide the spirit with which the rest of the document is interpreted.<sup>30</sup>

This approach to constitutional law mirrored contemporary developments in American political philosophy. During this period, political thinkers led by John Dewey, Lester Ward, and others engaged in an exhaustive reanalysis of the foundations of American politics. Orbiting at various distances around the “pragmatist” school of philosophy and political thought, these theorists argued that American politics (not only constitutional law) was confined within excessively formal limits of its own.



“[Law is] a reality, quick and human, buxom and jolly, and not a formula, pinched, stiff, banded and dusty like a royal mummy of Egypt.”

– Justice Louis Brandeis

PHOTO: PORTRAIT OF JUSTICE LOUIS BRANDEIS, LIBRARY OF CONGRESS PRINTS AND PHOTOGRAPHS DIVISION

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## Challenge three: Philosophical individualism

American pragmatism emerged as the philosophical response to the social and economic flux of the Civil War and years immediately afterward. The substantial changes in human life during this period prompted thinkers such as Charles Saunders Peirce, William James, and John Dewey to reevaluate the worth of truths long considered fixed and unchangeable.<sup>31</sup> The legacy of American pragmatism in politics was to replace the dominant individualist philosophy of laissez-faire conservatism with a commitment to social and political reforms evaluated by their real world consequences rather than abstract principles.

Peirce is generally credited with formulating the first formal version of pragmatism. He suggested that the “effects” and “practical bearings” of an abstract conception are “the whole of [the] conception.”<sup>32</sup> James formulated the same idea in somewhat more straightforward terms: “The pragmatic method in such cases is to try to interpret each notion by tracing its respective practical consequences. What difference would it practically make to anyone if this notion rather than that notion were true? You must bring out of each word its practical cash value, set it at work within the stream of your experience.”<sup>33</sup>

This reconsideration of the meaning of truth was the most novel and fundamental element in their work, but it took Dewey to draw out its political implications.<sup>34</sup> Dewey wrote canonical works of philosophy, educational theory, and democratic political theory in an academic career spanning nearly 70 years. In *Liberalism and Social Action*, *The Public and its Problems*, *Individualism Old and New*, and *Democracy and Education*, he argued that American democracy needed to be freed from classical liberalism’s version of “natural” individual rights in order to generate true freedom.

Liberal thinkers since John Locke and Thomas Paine had argued that the individual was the most important unit of political analysis. Individuals were born naturally free with a right to make use of all of nature’s accessible resources.<sup>35</sup> In such an uncertain state, each man eventually agreed to contract with other men to accept some limits to each of their freedom in order to secure the goods available to a united community.<sup>36</sup> When outlining these limits, men sought to ensure that they received the maximum of collective goods—safety and stability—while giving up the minimum degree of individual liberty.

The work of Locke and others was to outline the contours of this exchange, and many concluded that men in such a state would rightly insist upon protection of large spheres of individual action from interference by community institutions. Men engaging in the social contract sought individual rights, and since they were defended as those that all men would require in order to give up their natural liberty, these rights were natural. Natural rights were firm foundations for settling political disputes because they derived from inherent elements in man’s makeup.<sup>37</sup>

But how solid were these foundations when tested in practice? Dewey argued that the



Men sought to ensure that they received the maximum of collective goods—safety and stability—while giving up the minimum degree of individual liberty.

PHOTO: PORTRAIT OF JOHN LOCKE, NATIONAL PORTRAIT GALLERY, LONDON: NPG 3846

consequences of fixed “natural rights” of individuals were incompatible with any serious notion of political liberty. The meaning of natural rights in pragmatic terms consisted of their effects. If the traditional interpretation of the right to amass property resulted in suffering, exploitation, and inequality, then this was the real meaning of this principle. It remained for voters and political leaders to consider if these consequences were in keeping with the good of the community, but Dewey was convinced that they were not.

While the social contract tradition still contained worthwhile insights and necessary protections of individuals, classical liberal individualism was in need of serious renovation. Put simply, Dewey opposed the rigidity of existing interpretations of natural rights, not the notion that individual liberty should be protected. If democracy was to be “deepened” in Brandeis’s sense, it would need to adapt to the new limits individuals faced in modern, industrialized democracies.

Dewey argued in his *Individualism Old and New* that existing political protections of the individual were well out of step with the transformations within the United States. While American individuals at the founding sought protection from government intervention in their private lives, 20th century Americans found their lives more dangerously determined by massive economic and social forces. Dewey wrote, “Present evil consequences are treated as if they were eternally necessary, because they cannot be made consistent with the ideals of another age. In reality, a machine age is a challenge to generate new conceptions of the ideal and the spiritual.”<sup>38</sup>

The devaluing of human individuality was especially damaging to the poor. Modern economic complexity rendered it nearly impossible for modern laborers to understand the causes of their predicament or how they might escape it. This was, for Dewey, a perjuring of liberalism’s fundamental promise: “the liberation of individuals so that realization of their capacities may be the law of their life.”<sup>39</sup>

If natural rights once offered individuals freedom, they had since become complicit in constraining them. Once more, progressives argued that past ideology could not be blindly relied upon to solve all present and future political problems. The work of modern politics, in their eyes, was to discern what resources from the American tradition could be brought to bear on these challenges.

In other words, Dewey’s attempt to build a “renascent liberalism” was an attempt to draw forth a conception of “positive” liberty within the American tradition. In his famous essay, “Two Concepts of Liberty,” philosopher Isaiah Berlin argues that there are two fundamental ways of understanding liberty. Negative liberty is the freedom from formal coercion, restraint, or limits. It is closely linked to the classical liberal school of political thought. Positive liberty is the freedom to pursue and achieve ends. It is often considered in terms of human individual flourishing. Individuals are free insofar as they are capable of pursuing the ends they choose. Dewey took this to be the true meaning of liberty in a modern democratic state.<sup>40</sup>



“Present evil consequences are treated as if they were eternally necessary, because they cannot be made consistent with the ideals of another age. In reality, a machine age is a challenge to generate new conceptions of the ideal and the spiritual.”<sup>38</sup>

– John Dewey

PHOTO: PORTRAIT OF JOHN DEWEY, AP PHOTO

Progressives understood that individual political liberty could not be divorced from economic or social considerations. Dewey wrote, “Assured and integrated individuality is the product of definite social relationships and publicly acknowledged functions.”<sup>41</sup> Systemic limitations to individuals could just as easily be economic or social, particularly if individual liberty was considered in terms broader than “being left alone.” The absence of official political restraints was no guarantee of individual liberty. Progressives held that the formal right to amass property meant nothing to a human without resources or skills by which to obtain them. Dewey argued that it was the job of public institutions to buttress individuals against the activity of consolidated economic interests. Democracy as an ideal required that individual liberty be considered in terms of both human flourishing and self-determination.<sup>42</sup>

Most progressives appreciated that natural rights protections applied to all individuals. They rejected, however, the notion that these could be as fixed or as formal as usually presented and denied that these natural rights sanctioned a particular economic regime that protected accumulated wealth and corporate power. Dewey argued that true liberty was historical, social, and economic in character: “If the early liberals had put forth their special interpretation of liberty as something subject to historical relativity they would not have frozen it into a doctrine to be applied at all times under all social circumstances ... they would have recognized that effective liberty is a function of the social conditions existing at any time.”<sup>43</sup>

For progressives, therefore, real liberty can only be measured in terms of what individuals are capable of successfully doing within a framework of guaranteed civil rights and liberties. Rights without capacity are meaningless, particularly in a democratic regime promising a fair chance to each of its citizens. Progressives argued that the economic and social threats to American individual liberty required political responses. From President Theodore Roosevelt’s trust busting to President Franklin D. Roosevelt’s New Deal programs, progressives refused to accept that the present generation of economic iniquities were irreparable, let alone consistent with the intent of American democracy from the nation’s inception forward.

# Conclusion

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## Toward a more democratic national community

Herbert Croly argues in *Progressive Democracy* that progressives had a duty to offer a workable alternative political theory to complement their thoroughgoing critique of the conservative economic and constitutional system: “If progressivism is to be constructive rather than merely restorative, it must be prepared to replace the old order with a new social bond, which will be no less secure than its predecessor, but which will serve still more effectually as an impulse, an inspiration and a leaven.”<sup>44</sup>

For Croly, Dewey, and other progressives, the alternative to the failed doctrines of conservatism inherited from the 19th century was simple—more democracy and greater public control over our politics and economy. Since progressives argued that public policy ought to be designed to serve the common good, many enthusiastically applied the scientific method to the study of politics. Invigorated by recent successes in the natural sciences, progressives believed that economic and political science could help to improve public policy’s effectiveness and accountability. Modern sociology and psychology provided progressives with helpful evidence in support of political change. In many cases, this approach led to new, comprehensive shifts in the approach to longstanding political problems. This was particularly useful for adjudicating between competing interests in the political, economic, and social spheres, since it provided a way of stripping away rhetoric and exploring the actual consequences of various policy approaches.

Progressivism—the promotion of human autonomy within a democratic national community—thus provided Americans with the means and the ideas to shape their own lives and destinies in better ways. It provided them a viable way to free themselves from the tyranny of excessive corporate power and a corrupt political class without losing the positive effects of technology, industrialization, and capitalism. It made economic behavior subject to public regulation, instead of neglecting the domination of public institutions by economic interests. It paved the way toward the midcentury “mixed economy” that lifted living standards for millions of people, reduced poverty and inequality, and helped to create the vast American middle class.

This philosophical commitment to a more democratic national government in practical terms meant more direct participation of citizens in the selection of their leaders and the workings of government; more democratic control over their workplaces, homes, neighborhoods, and environment; more financial protections for workers and families from the vagaries of the economy; and a more unified commitment of the American people to tackle large-scale national problems.

# Endnotes

- 1 John Dewey, "Liberalism and Social Action." In Jo Ann Boydston, ed., *The Later Works of John Dewey, 1925–1953, Volume 11: 1935–1937* [electronic edition] (Carbondale, IL: Southern Illinois University Press, 2003), p. 35–6.
- 2 Walter Nugent, *Progressivism: A Very Short Introduction* (New York: Oxford University Press, 2010), p. 6.
- 3 Louis Menand, *The Metaphysical Club* (New York: Farrar, Straus, Giroux, 2001), xi.
- 4 Michael Kazin, *The Populist Persuasion: An American history* (Ithaca, NY: Cornell University Press, 1998).
- 5 Christopher Lasch, *The True and Only Heaven: Progress and its Critics* (New York: W.W. Norton, 1991), p. 280.
- 6 William Graham Sumner, *What the Social Classes Owe to One Another* (New York: Harper and Brothers, 1884), p. 23 and 26.
- 7 Edward Bellamy, *Looking Backward From 2000 to 1887* (Peterborough, Ontario: Broadview Press, 2003).
- 8 Charles Saunders Peirce, *The Essential Writings*. In Edward C. Moore, ed. (Amherst, NY: Prometheus Books, 1998), p. 156.
- 9 Lasch, *The True and Only Heaven*, p. 224; Frank Bunker Gilbreth, *Primer of Scientific Management* (Princeton, NJ: D. Van Nostrand Company, 1912).
- 10 Twelve Southerners, *I'll Take My Stand: The South and the agrarian tradition* (Baton Rouge, LA: Louisiana State University Press, 2006).
- 11 Reinhold Niebuhr, *The Irony of American History* (Chicago: University of Chicago Press, 2008), p. 63.
- 12 Menand, *The Metaphysical Club*, p. 308–14.
- 13 John Dewey, "Individualism Old and New." In Jo Ann Boydston, ed., *The Later Works of John Dewey, 1925–1953, Volume 5: 1929–1930* [electronic edition] (Carbondale, IL: Southern Illinois University Press, 2003), p. 104.
- 14 Louis Brandeis, "The Living Law," *Cardozo Law Review*, available at [http://www.cardozolawreview.com/index.php?option=com\\_content&view=article&id=115:thelivinglaw&catid=19:empathyandjustice&Itemid=23](http://www.cardozolawreview.com/index.php?option=com_content&view=article&id=115:thelivinglaw&catid=19:empathyandjustice&Itemid=23) (last accessed February 16, 2010).
- 15 Dewey, "Individualism Old and New," p. 84; John Dewey, "Education for a Changing Social Order." In Jo Ann Boydston, ed., *The Later Works of John Dewey, 1925–1953, Volume 9: 1933–1934* [electronic edition] (Carbondale, IL: Southern Illinois University Press, 2003), p. 163: "Economic conditions now are entangled at every point with politics, and economic forces decide political activity. Nevertheless, the determining economic conditions operate in ways that are not open and clear to the mass of the citizens. In theory and to a large degree practically in the minds of the average citizen politics and economics are kept apart. In spite of the fact that every important political issue arises out of industry, business and finance, we are constantly led to suppose that political and legal institutions work on independent and separate lines, lines that were laid down long ago and that are thoroughly democratic."
- 16 Charles Beard, "The Constitution as Economic Document" in *An Economic Interpretation of the Constitution of the United States* (New York: Free Press, 1986).
- 17 See Sidney Pearson, "Introduction," in Herbert Croly, *Progressive Democracy* (New Brunswick: Transaction Publishers, 1998), p. xlv.
- 18 Croly, *Progressive Democracy*, p. 113.
- 19 John Dewey, "Freedom and Culture." In Jo Ann Boydston, ed., *The Later Works of John Dewey, 1925–1953, Volume 13: 1938–1939* (Carbondale, IL: Southern Illinois University Press, 2003), p. 178. For one example of "laissez-faire" interpretation of the Constitution, see Justice Rufus Wheeler Peckham's majority opinion in *Lochner v. New York*.
- 20 Thomas Jefferson, "Letter to Samuel Kercheval," June 12, 1816.
- 21 Croly, *Progressive Democracy*, p. 20.
- 22 Richard Rorty, *Achieving Our Country* (Cambridge: Harvard University Press, 1998).
- 23 John Dewey, "Education for a New and Better World." In Jo Ann Boydston, ed., *The Later Works of John Dewey, 1925–1953, Volume 17: 1855–1953* [electronic edition] (Carbondale, IL: Southern Illinois University Press, 2003), p. 476.
- 24 Abraham Lincoln, "The Perpetuation of Our Political Institutions: Address Before the Young Men's Lyceum of Springfield, Illinois." In Roy P. Basler, ed., *Abraham Lincoln: His Speeches and Writings* (Cleveland: World Publishing, 1946), p. 80–2.
- 25 Abraham Lincoln, "Lincoln at Chicago, July 10, 1958." In Paul M. Angle, ed., *Created Equal? The Complete Lincoln-Douglas Debates of 1858* (Chicago: University of Chicago Press, 1958), p. 40.
- 26 For a fascinating analysis of the role of equality in American political life, see Alexis de Tocqueville's sections on equality, liberty, and individualism. Alexis de Tocqueville, *Democracy in America* (New York: Harper Collins, 2000), p. 503–8. The sections on American philosophy (p. 429–33) are also relevant to these questions.
- 27 Oliver Wendell Holmes, dissent in *Lochner v. New York*, 198 U.S. 45 (1905), available at [http://www.law.cornell.edu/supct/html/historics/USSC\\_CR\\_0198\\_0045\\_ZD1.html](http://www.law.cornell.edu/supct/html/historics/USSC_CR_0198_0045_ZD1.html) (last accessed February 16, 2010).
- 28 Brandeis, "The Living Law"; Frederick Scott Oliver, *Alexander Hamilton: An essay on American union* (New York: G.P. Putnam's Sons, 1921), p. 123.
- 29 Brandeis, "The Living Law."
- 30 U.S. Constitution, preamble.
- 31 Louis Menand's Pulitzer Prize-winning *The Metaphysical Club* (cited above) explores pragmatism's genesis in great details, as does Cornell West's *The American Evasion of Philosophy: A genealogy of pragmatism* (Madison, WI: Wisconsin University Press, 1989).
- 32 Charles Saunders Peirce, "How to Make Our Ideas Clear" and "Pragmatism and Pragmaticism." In Edward C. Moore, ed., *The Essential Writings* (Amherst, NY: Prometheus Books, 1998), p. 146 and 269.
- 33 William James, "Pragmatism" in *Pragmatism and The Meaning of Truth* (Cambridge: Harvard University Press, 1975), p. 28 and 31–2.
- 34 Cornell West corroborates my claim in *The American Evasion of Philosophy* (p. 6): "It is with Dewey that American pragmatism achieves intellectual maturity, historical scope, and political engagement."
- 35 Note that most social contract theorists from Thomas Hobbes to Jean-Jacques Rousseau to John Rawls accepted that the "state of nature" was a thought experiment, not a real situation from the past. Usually they suggested that it was an effective way of stripping away modern biases in considering individuals' appropriate political obligations.
- 36 The use of "men" instead of "humans" here is intentional. Until the work of Mary Wollstonecraft or Judith Sargent Murray, these arguments were largely considered to be about the natural political status of males.
- 37 Again, the use of gender-biased language here is intentional.
- 38 Dewey, "Individualism Old and New," p. 76.
- 39 Dewey, "Liberalism and Social Action," p. 41.
- 40 Isaiah Berlin, "Two Concepts of Liberty" in *The Proper Study of Mankind: An Anthology of Essays* (New York: Farrar, Straus, and Giroux, 1997).
- 41 Dewey, "Individualism Old and New," p. 67.
- 42 John Dewey, *The Public and its Problems*. In Jo Ann Boydston, ed., *The Later Works of John Dewey, 1925–1953, Volume 2: 1925–1927* [electronic edition] (Carbondale, IL: Southern Illinois University Press, 2003), p. 328.
- 43 Dewey, "Liberalism and Social Action," p. 27 [emphasis added].
- 44 Croly, *Progressive Democracy*, p. 25.

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## Acknowledgements

The authors would like to thank Megan Slack, Ed Paisley, Lauren Ferguson, Marta Cook, and Ruy Teixeira for their valuable insights and assistance in shaping this paper.

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