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The Progressivism of America's Founding

Part Five of the Progressive Tradition Series

Conor Williams and John Halpin October 2010

Center for American Progress



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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 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 and climate change, education, financial regulation, social and cultural affairs, and international relations and national security.

Part five of the series examines the origin of progressive commitments to human liberty, equality, and the public good as expressed in the Declaration of Independence, the U.S. Constitution, and the political thought of Thomas Jefferson and Alexander Hamilton.

Introduction

Conservatives have spent a great deal of time and effort in recent years distorting the relationship between progressivism and America's Founding. Progressives throughout history have venerated the ideals of America's Founding, particularly as expressed in the Declaration of Independence and the Preamble to the U.S. Constitution, and have employed its inspirational values of human liberty, equality, and commitment to the general welfare as the underpinnings of their own search for social justice and freedom for all. There may not be a singular progressive viewpoint on our nation's founding values, but nearly all progressives agree that the United States was created to fulfill a promise of free and equal political life for all of its citizens. The bulk of progressive activism and political thought over time has focused on bringing these core founding values into reality for all people.

Some of the original progressive thinkers, such as Herbert Croly and Charles Beard, were deeply skeptical of the constitutional order they inherited. But this skepticism is often misunderstood as disdain for the Constitution itself or a desire to replace it with some other document or set of values. This is misplaced. Early progressives were quite clear that their skepticism of the constitutional order rested on the predominant conservative interpretation of the Constitution as an unbending defense of property rights above all other values at a time when millions of Americans were suffering from the hardships of industrialization.

By the late 19th century, newly formed corporate entities had acquired "rights" originally intended solely for individual American citizens. Courts in that era treated commonplace reforms such as the ban on child labor and establishment of minimum-wage laws as constitutional violations of individual rights and the due process clause of the 14th Amendment. Progressives argued that this approach to the Constitution—exemplified in *Lochner v. New York*, which struck down limits on work hours as "unreasonable, unnecessary and arbitrary interference with the right and liberty of the individual to contract"—was logically incoherent and economically and socially disastrous.

Progressives rightly stated that corporations are not citizens and that the Constitution was not written to defend a *laissez-faire* approach to the economy or to prevent Congress from taking necessary steps to secure the well-being and opportunity of all Americans. Progressives argued that the Constitution explicitly grants Congress the power to lay and collect taxes, to regulate foreign and interstate commerce, and to do what is “necessary and proper” in order “to provide for the common defense and general welfare of the nation.” They used this constitutional authority to tackle a whole range of social problems associated with industrialization—from workplace safety and labor regulations to protections of the nation’s food and medical supply and our natural resources.

This is a crucial distinction in understanding the relationship between progressivism and the Founding. Progressives believe in fulfilling the revolutionary values embedded in the American founding and the U.S. Constitution. They do not believe in twisting these values or misapplying the Constitution to serve the interests of the wealthy and powerful at the expense of the freedom and equality of the rest of us.

Much of the conservative rhetoric against progressive treatments of America’s founding revolves around criticism of the belief that the Constitution is “living law,” as we address in part one of this series, “The Progressive Intellectual Tradition in America.” Progressives have argued since the days of Thomas Jefferson that the Constitution is not a fixed, static document that locks future generations of Americans into late 18th century constitutional interpretations. The genius of the Constitution lies in its ability to adapt to the changing norms and knowledge of new eras. The Founders wanted citizens to draw on the best available evidence and evolving understandings of democracy to keep the spirit of individual liberty and political equality alive. That is exactly what the Founders did in first pressing for separation from Britain—drawing on existing values to build new arrangements of self-government that better suited the mentality and situation of the early American colonists.

Jefferson argued that laws and institutions must evolve with the “progress of the human mind.” Our increased understanding about society and the world around us requires us to constantly apply constitutional rules to new situations. Progressives believe that a dogmatic opinion of the Constitution as a fixed document requires not only the suspension of advanced knowledge collected over time, but also a bizarre acquiescence to illiberal opinions from centuries past. Treating the Constitution this way would mean reviving the Founders’ original intent regarding slavery and excluding most men and all women from voting and other forms of democratic life.

The original progressives argued that the Constitution—and the Founding more generally—was a powerful moment not simply because it provided stable rules of politics, but also because it represented an enduring commitment to liberty, equality, and justice under representative political institutions. America’s Founding was a critical time that promised the goods of democratic government to present and future Americans. The goal of successive generations of Americans was to turn those values into concrete laws and social arrangements that honored that commitment to human freedom and political equality.

Conservatives maintain that the original rules of the Constitution, and the intent of its drafters, are adequate and sufficient measures for evaluating complex contemporary issues and should not be reinterpreted based on changing facts and societal norms. Progressives disagree. The lineage of early constitutional thought is clear in some cases, but entirely murky and indeterminate in many others. There is often no way to know for sure which ideas mattered most to the Founders when they drafted the Constitution, whose intent was most important, or how they expected us to decide among conflicting intentions. And why should the intent of lawmakers from long ago matter more than our deliberative democratic process today? These are not light questions for progressives.

Progressives also take issue with the conservative view that America’s “true” founding values are located exclusively in the 18th century Constitution. Progressives believe that the drafting and adoption of the Constitution was a unique and fundamental moment in American history. But from the perspective of our nation’s political values and public philosophy, it should not displace the importance of the Declaration of Independence, the radicalism of the Revolutionary War, or longstanding colonial social contract traditions, which offer additional and sometimes competing values.

The remainder of this paper will explore the progressive nature of the Founding Era and explain how progressives came to combine the egalitarian and individual rights-based ideals of Thomas Jefferson with the national greatness tradition of Alexander Hamilton.

Individual rights and the public good in early America

Many people forget that the pre-Revolutionary Era had long-standing progressive values centered on representative democracy, political equality, and the necessity of civic community. These values are evident in documents such as the Fundamental Orders of Connecticut, enacted in 1639, which opens with the provision that “the Inhabitants and Residents” of the state “enter into combination and confederation together, to maintain and pursue the liberty and purity of the gospel of our Lord Jesus.” The document specified that local magistrates and the governor were to be elected by the people.¹

The Massachusetts Body of Liberties, enacted in 1641, claimed similar rights for all men:

The free fruition of such liberties, immunities, and privileges as humanity, civility, and Christianity call for as due to every man in his place and proportion ... we hold it therefore our duty and safety while we are about the further establishing of this government to collect and express all such freedoms as for present we foresee may concern us, and our posterity after us, and to ratify them with our solemn consent.²

The Massachusetts Body of Liberties was a crucial document for colonial governments given Massachusetts’ importance in early colonial times. The Massachusetts compact argued, just like the Fundamental Orders of Connecticut, that government is founded on individuals joining together to devise public institutions and to consent to laws under a framework of self-government. Nearly all of the colonies had such documents.³

This colonial political tradition inspired the protests that eventually culminated in the American Revolutionary War. American colonists challenged British political authority on a variety of grounds, but the central claim was that American individuals were burdened with duties that were out of balance with the promised rights and benefits extended to the colonists as part of the British political community,

and put forth in their own compacts and charters. The colonists complained most famously that they were required to pay new taxes imposed upon them by institutions that did not include representatives from the colonies. It is important to note that the colonists were not opposed to taxation as a general rule, but to taxation imposed by nonrepresentative institutions.

British imperial institutions were not only nonrepresentative; they were no longer adequate for the colonies' emerging economy. British economic policy attempted to extract raw resources from the colonies at minimum cost to feed the manufacturing sector in England. Britain would convert these resources into more valuable finished goods so that they could sell them back to the colonies, thus strengthening England's trade balance in relation to the colonies. The growth of the American manufacturing sector made this arrangement increasingly unsatisfactory for many classes of Americans, not just wealthy elites. Changing economic conditions in the colonies implied a need for changed political institutions.

The implication of this untenable economic and political arrangement was manifestly progressive. Early Americans believed that political communities have the right to deliberate on the economic rules and institutions shaping their lives. The colonies decried "taxation without representation" from the Boston Tea Party on. New institutional relationships were necessary to restore free and equal government to the colonies. Later progressives would use the same reasoning to claim that existing political rules and institutions were out of step with changing economic conditions.

Political changes were necessary as the country's industrial development fueled explosive economic growth in the late 19th century in order to combat widening wage inequalities and outright exploitation of the underprivileged. Arguments for implementation of an income tax, housing regulations of tenement slums, and extending universal suffrage to all Americans all took this form. Progressives thus drew on the Founders' position that government responsiveness to public economic concerns is one of its central tasks.⁴

The American Revolution and the Constitution were in some ways continuations of British traditions, but they also included important breaks. The Founding was in general terms a combination of a number of threads within Enlightenment philosophy. Most well known, of course, was the early American adherence to classical liberal political theory as expressed in the writings of John Locke and Thomas Paine.

John Locke's influence on the American Constitution is well established. Locke argued that government exists to protect individuals' liberty and security, and that its legitimacy rests upon the consent of these individuals. Such a government rests upon this contract with individuals, and this contract specifies the appropriate relationship between citizens and political institutions. The social contract tradition—exemplified by Locke's most famous work, *Two Treatises on Government*—had enormous sway at the Founding and would later inspire progressives who believed that outdated, ineffective political institutions were failing 20th century American citizens just as the inherited tradition of Britain had failed the early colonists.⁵ Early American liberals, and their progressive counterparts in the 20th century, maintained that existing guarantees for political liberty had become insufficient and were in need of substantial reform.

This brand of liberalism was also combined with egalitarian democratic ideas from the French wing of Enlightenment philosophy. Many American Founders, including Thomas Jefferson and Benjamin Franklin, admired the humanist ideals and the direct challenge to monarchical rule that drove the French Revolution.⁶ There are important differences but the parallels between American challenges to British colonial rule and French unrest under Louis XVI were clear to the Founders. Both believed that any remnant of the supposed divine right of monarchs must be tossed aside in favor of increasing economic and political egalitarianism. Americans also drew upon the ideas of Montesquieu in designing their own political institutions. Federalists and Anti-Federalists alike cited his ideas on the separation of powers and other areas as the supreme authority on rules of political organization during debates over adoption of the Constitution.⁷

Most of the influences listed above had deep roots in the American colonies before the Revolutionary War, but the adoption of the Constitution reflected a significant theoretical advancement that was also progressive in orientation. Many of the Founders believed that humanity was entering an age where individual human reason would challenge monarchs' arbitrary privilege. Absolute power, whether by coercive force or religious decree, was no longer a legitimate source for political right. The American Constitution attempted to institutionalize the implications of this core premise. It asserted that the power of political institutions would have to be harnessed for the good of a country's citizens and that these institutions needed to be predictable, reliable guarantors of equal legal treatment for all members of the body politic.



Locke argued that government exists to protect individuals' liberty and security, and that its legitimacy rests upon the consent of these individuals.

PHOTO: PORTRAIT OF JOHN LOCKE, PUBLIC DOMAIN

The colonies organized a central political authority after winning the war under the Articles of Confederation. The central government had very little power to set national policy under this arrangement, and this often led to chaotic national politics and a chronic inability to address collective problems. The framers of the Constitution and the authors of *The Federalist Papers* recognized that public institutions without effective power would do more harm than good. Founders such as James Madison, John Adams, and Alexander Hamilton were animated by arguments over the belief that effective government mattered as much as the principles of limited government in designing the new federal constitution.

Contrary to contemporary conservative arguments, the Constitution itself represents a deeply held American belief in the necessity of properly functioning and responsive national government over more attenuated forms of state rule. The Constitution itself would not have been ratified if the majority of early Americans were truly devoted to ideals of severely limited federal government rule. Progressives would later draw on many similar arguments in response to *laissez-faire* ideology in late 19th and early 20th century politics. Progressives, like their founding forefathers, believe that a government with institutions incapable of performing their duties and protecting the freedoms and equality of all people is no government at all.⁸

Progressives argued just over a century after the Founding that American politics should also be guided by the liberal democratic ideals promised in the Preamble to the Constitution: “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity do ordain and establish this Constitution for the United States of America.”

Progressives asserted that conservative or more traditional interpretations of specific parts of the Constitution were inadequate to secure the blessings of liberty in a modern industrial democracy. In doing so, progressives proclaimed that new interpretations of elements of the Constitution were needed to preserve its revolutionary promise. This new interpretation would aim to preserve the “Jeffersonian ends” of free people participating equally in self-government by incorporating “Hamiltonian means” of national and federal government strength to uphold these values in changing times.

Thomas Jefferson's influence on progressive thought

For many progressives, Thomas Jefferson's works are the clearest and most inspiring outline of the core political ideals of American society and government. Progressives believe that the Declaration of Independence is the one document that has most stirred the American soul—the fundamental statement of America's "political religion," in Abraham Lincoln's words.⁹ No single sentence in American history has had as much meaning to those seeking progressive change and social advancement than Jefferson's elegant restatement of classical liberalism: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." Progressivism has always been about the search for liberty, equality, and happiness for all within a system of democratic government and social and economic opportunity.

Jefferson's civic republican vision is less discussed today, but his emphasis on political self-determination and participation in governing has also served as an inspiration for progressives. Jefferson understood that democracy is more than the "form of our constitution;" it is founded upon the "the spirit of our people."¹⁰ Jefferson believed men needed to be independent, self-sufficient, and publicly attuned to the issues of the day in order to be effective citizens. He tasked these citizens with keeping watch over public institutions, which required them to be competent, capable members of their communities. His vision of limited government was directly tied to his civic republican vision of free and enabled citizens ready and able to take on the difficult task of governing.

Jefferson's ideal "yeoman farmer" may have seemed outdated to later progressives pushing to reform massive urban industries, but many of their efforts were inspired by his vision of a civically engaged, politically competent nation.¹¹ These progressives also embraced his vision of robust communities as the very essence of American democratic life. Progressive political leaders found it easy to assume the Jeffersonian mantle. Theodore Roosevelt, sometimes a critic of Jefferson, echoed his words by taking up the crusade against the unscrupulous "malefactors



Jefferson understood that democracy is more than the "form of our constitution;" it is founded upon the "the spirit of our people."

PHOTO: PORTRAIT OF THOMAS JEFFERSON BY REMBRANDT PEALE, PUBLIC DOMAIN

of great wealth” who threatened the stability of American democracy by degrading and exploiting the masses. Roosevelt also believed that public institutions should secure “justice and fair dealing as between man and man here in the United States ... through the joint action of all of us,” although he also joined Jefferson in claiming that “we can never afford to forget that in the last analysis the all-important factor for each of us must be his own character.” Several decades later, Franklin Delano Roosevelt would describe Jefferson’s vision of democracy as the “utopia” guiding American politics. Achieving this endgame required Americans to “recognize the new terms of the old social contract,” a dream which had to be brought “to realization ... lest a rising tide of misery engendered by our common failure engulf us all.”¹² Both Roosevelts and other progressives during that time essentially saw Jefferson as the sage who first recognized the meaning of American democratic life.

Progressive intellectuals also took cues from Jefferson. John Dewey admired Jefferson as one “who was attached to American soil and who took a consciously alert part in the struggles of the country to attain its independence,” and consequently understood “that constant tempering of theory with practical experience which also kept his democratic doctrine within human bounds.”¹³

Yet early progressives recognized as the nation’s economic situation changed that the original ends of Jeffersonian thought would have to be adapted to new forms of government. As Dewey wrote, “[T]he interests originally represented by Jefferson ... have now changed places with respect to exercise of federal power. For Jeffersonian principles of self-government, of the prime authority of the people, of general happiness or welfare as the end of government, can be appealed to in support of policies that are opposite to those urged by Jefferson in his day.”¹⁴

Alexander Hamilton's influence on progressive thought

Progressives may have adopted Jefferson as “our first great democrat,” but they admired Alexander Hamilton’s nationalist politics, as well.¹⁵ Hamilton was one of the leading advocates of stronger national institutions after the abject failure of the decentralized Articles of Confederation. He argued in the *Report on the Public Credit* and *The Federalist Papers* for a federal power capable of holding together states with distinct interests. He believed that the former colonies would only be able to unite into a single nation if there was a stronger central power to tie them together. Hamilton was not one of those who held that American national prosperity would develop of its own accord; he advocated for the federal government to assume responsibility for building a reliable economic infrastructure to support growth. He understood the world of commerce, capital, and industry far better than many of his agricultural-minded colleagues, Jefferson included.¹⁶

Hamilton’s support of federal investment in public works inspired many progressives during uncertain economic periods in the early 20th century. Herbert Croly, the most prominent progressive writer of his time, argued in his 1909 book, *The Promise of American Life*, that Hamiltonian nationalism showed Americans the potential for collective political action to construct institutions supporting individual freedom.¹⁷ Dewey agreed with Hamilton that, “instead of awaiting an event to know what measures to take, we should take measures to bring the event to pass.”¹⁸ Hamilton showed progressives that democratic institutions can actively work with the common good in mind, since they are designed to represent and protect citizens. Progressives agreed that “a powerful National government” was not only consistent with founding American principles, but often necessary to secure a democratic life.¹⁹

Progressives throughout history have worried that Hamilton preferred political hierarchy to democracy, but they have also acknowledged his genius for addressing political conflicts. Woodrow Wilson wrote that Hamilton had “that deep and passionate love of liberty, and that steadfast purpose in the maintenance of it... [no one else] could have done the great work of organization by which he estab-



Hamilton advocated for the federal government to assume responsibility for building a reliable economic infrastructure to support growth.

PHOTO: PORTRAIT OF ALEXANDER HAMILTON BY JOHN TRUMBULL, PUBLIC DOMAIN

lished the national credit, and with the national credit the national government itself.”²⁰ Wilson, along with Teddy Roosevelt and Herbert Croly, believed that Hamilton’s unique contribution to American politics was making pursuit of the national purpose a primary goal.

Hamilton, like Jefferson, recognized the danger of economic dependence. He wrote that in political, economic, or social life, and “in the general course of human nature, a power over a man’s subsistence amounts to a power over his will.”²¹ Democratic political leaders necessarily have to consider how social and economic conditions affect individual independence. Progressives noted during the industrial revolution when corporate interests made common practice of exploiting individual laborers, that a strong national government was necessary to enhance and protect individual political liberty.

This belief contrasts sharply with the traditional conservative account of America’s foundational values. Conservatives by the end of the 19th century used their interpretation of the Constitution to build an unsustainable defense of the privilege of capital and the acceptance of economic exploitation. Progressives believed that protecting the economic status quo not only violated the Constitution’s original meaning, but also ignored the longstanding American tradition of using federal power to defend individuals from threats to their self-determination.²²

President Woodrow Wilson recognized, following Hamilton, that the federal government would need to “make itself an agency for social reform” to protect equality of opportunity for all individuals. Wilson said at the end of the 19th century that, “the contest is no longer between government and individuals; it is now between government and dangerous combinations and individuals.”²³ Hamilton’s legacy of national action in pursuit of the collective good provided progressives with a model for adapting the nation’s political institutions to suit new economic realities in the industrial age.

Conclusion

Progressives throughout history have argued that there is no need to choose between individual freedom and a strong national government. Those who see the relationship between liberty and national action as a “zero-sum game”—where a strong government necessarily means a negation of human liberty—are generally those who believe that formal constraints on government are the only way to maintain political liberty.

Progressives reject this perspective, arguing that a narrow focus on “negative liberty” is a hollow conception of human freedom that is inconsistent with our founding values. The Founders’ commitment to individual liberty and equal treatment by public institutions inspired progressive intellectuals, grassroots activists, and political leaders alike. They believed, as Lincoln said, that new circumstances were always “testing” whether a nation “conceived in liberty, and dedicated to the proposition that all men are created equal ... can long endure.”²⁴

Thomas Jefferson taught progressives that individual self-determination and public equality are the prizes of free political institutions, while Alexander Hamilton made it clear that these institutions need to be strong enough to ensure these goals. Progressives took up the work of renewing American democracy and human liberty by pushing for equal political treatment for women, the direct election of senators, an end to exploitative child labor, environmental protections, and a pro-democracy approach to foreign policy.

Then-candidate Franklin Delano Roosevelt explained in his famous “Commonwealth Club Address” in 1932 that changes in American economic life had come to threaten individual liberty in new ways. Corporate economic entities made it possible for the United States to industrialize, but “equality of opportunity as we have known it no longer exists.”²⁵ The nation’s rapid economic development resulted in vast inequalities that were “now providing a drab living for our own people,” with the result that “more than half of our people do not live on the farms or on lands and cannot derive a living by cultivating our own property.”²⁶

Progressives recognized that corporations had become as great a threat to individual liberty as any public institutions could ever be. American political institutions, designed for an 18th-century economy, were overwhelmed by the new tasks before them.

Progressives recognized that the solutions to the nation's problems, and the threatened economic condition of millions of its citizens, lay within the American tradition, not beyond it. America's Founding was a fundamental historical moment that began an experiment in free and representative government. The promises of this legacy arrived to the 20th century somewhat frayed and worn, but progressives made its revitalization central to their political objectives.

Endnotes

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