



JOHN TRUMBULL/PUBLIC DOMAIN

The Progressivism of America's Founding

Part Five of the Progressive Tradition Series

Conor Williams and John Halpin October 2010

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.

The Center for American Progress is a nonpartisan research and educational institute dedicated to promoting a strong, just and free America that ensures opportunity for all. We believe that Americans are bound together by a common commitment to these values and we aspire to ensure that our national policies reflect these values. We work to find progressive and pragmatic solutions to significant domestic and international problems and develop policy proposals that foster a government that is “of the people, by the people, and for the people.”

