

southern wing of the Democratic party in conjunction with Republican business conservatives set severe restrictions on how far he could go toward aiding the poor. Thus even at its highwater mark, progressive statecraft at the national level stopped far short of the kind of statist authority found in Germany. Instead of a German-style welfare state, President Wilson supported women's protective legislation on the state level and the federal child labor act, but scarcely anything more. Instead of full-scale federal mediation of industrial relations, he supported the exercise in public relations known as the Commission on Industrial Relations and the Adamson Act, but, again, little else. Instead of extensive state controls on central banking, Wilson set up the Federal Reserve System under private management with minimal federal oversight, and he appointed friends of business to the Federal Trade Commission. In short, instead of a statist bureaucracy, he constructed a corporate-regulatory complex within the liberal state that left society supreme over the state. As a consequence, the most powerful element in the market—that is, big business—remained supreme in society.

The corporate-regulatory complex pointed the way toward a new governing system in which corporate property and a new form of the nuclear family oriented toward consumption instead of production might be better secured than in the increasingly outmoded shell of laissez-faire liberalism. Certainly, the Federal Reserve helped legitimate Wall Street's finance capitalists at a time when their trusts had come under strong public censure. Likewise, protective legislation came to the support of the family ideal of husband-breadwinner/wife-homemaker, which legitimated women's subordination at a time when radical voices had been raised in favor of equality between the sexes. In addition, the new corporate order increased inequalities of wealth and income to the point that a higher share of income went to the top than ever before in American history; several combined studies show that inequality of income distribution peaked in 1916. In sum, the achievement of Wilson's progressive statecraft was to remake the liberal state so that liberalism could continue as the dominant tradition in altered form, and also as a tradition that upheld the dominance of rich, white men.

This does not mean that social antagonism was adjourned, or that the great questions of the day had been answered, or that there would never be another attempt to remake the liberal state. But it did mean that progressivism would never get another chance; for even as the Wilsonians were putting the finishing touches on their work, a new dynamic took command of events as more and more the United States was drawn into the vortex of the Great War in Europe.

## Freedom and the Progressive State

ERIC FONER

Whether the aim was to regulate or destroy the power of the trusts, protect consumers, civilize the marketplace by eliminating cutthroat competition, or guarantee "industrial freedom" at the workplace, Progressives assumed that the modern era required a fundamental rethinking of the functions of government. The national

Eric Foner, *The Story of American Freedom* (New York: W. W. Norton, 1988), 152-161. Copyright © 1999 by Eric Foner. Used by permission of W. W. Norton & Company, Inc.

state, noted one Progressive commentator, was "a moral agent," which should set the rules under which society conducted its affairs.

Most of the era's reform legislation, including changes in voting requirements, regulation of corporations, and the overseeing of safety and health conditions in factories, was enacted at the municipal and state levels. But the most striking development of the early twentieth century was the rise of the nation-state, complete with administrative agencies, independent commissions, and laws establishing the parameters for labor relations, business behavior, and financial policy, and acting as a broker among the disputatious groups whose conflicts threatened to destroy social harmony. These were the years when the Federal Reserve Board, the Federal Trade Commission, and other agencies came into existence, and when the federal government, through measures like the Pure Food and Drug Act (1906), sought to set basic rules for market behavior and protect citizens from market abuses.

To most Progressives, the tradition of localism and states' rights seemed an excuse for parochialism, an impediment to a renewed sense of national purpose. Poverty, economic insecurity, and lack of industrial democracy were national problems that demanded national solutions. As for laissez-faire, this, observed the Progressive social scientist Horace Kallen, had become "a mathema among lovers of liberty." Many Progressives believed that economic evolution, rather than the misconduct of capitalists, had produced the large corporation acting nationally and even internationally. The same kind of process, they concluded, had made the national state the natural unit of political action. Only energetic government could create the social conditions for freedom. The democratic state, wrote Herbert Croly, embodied an alternative to control of Americans' lives by narrow interests that manipulated politics or by the all-powerful corporations. To achieve the "Jeffersonian ends" of democratic self-determination and individual freedom, he insisted, it was now necessary to employ the "Hamiltonian means" of a government-directed economy.

Progressives could reject the traditional assumption that a powerful government posed a threat to freedom because their understanding of freedom was itself in flux. In a lecture in 1880 that would exert a powerful influence on Progressive social thought, the British philosopher T. H. Green had argued that freedom was a positive concept, a matter, ultimately, of "power." Green's call for a new definition of freedom was taken up throughout Progressive America. "Effective freedom," wrote John Dewey, who pondered the question from the 1890s until his death in 1952, was far different from the "highly formal and limited concept of liberty" as a preexisting possession of autonomous individuals that needed to be protected from outside restraint. It meant "effective power to do specific things," and as such was a function of "the distribution of powers that exists at a given time." Thus, freedom was "always a social question" and inevitably also a political issue. Freedom—and the individual endowments, powers, and desires it embodied—was constructed by and enjoyed through social institutions and democratic citizenship. "Freedom," wrote Dewey's brilliant young admirer Randolph Bourne, "means a democratic co-operation in determining the ideals and purposes and industrial and social institutions of a country."

What the nineteenth century had called autonomy appeared to Progressives like Dewey and Croly mere isolation; real freedom, they believed, involved the constant ongoing process of self-realization, to be sure, they harked back to the "freedom"

notion of personal fulfillment and even to Jefferson's natural right to "the pursuit of happiness." But to traditional notions of individualism and autonomy. Progressives wedded the idea that such freedom required the conscious creation of the social conditions for full human development. To Croly, this suggested that the state must become responsible for "a morally and socially desirable distribution of wealth." For Dewey, it meant equipping Americans with the intellectual resources required to understand the modern world, and empowering the state to combat economic deprivation and disempowerment. Progressivism, said the social scientist William F. Willoughby, "looks to state action as the . . . only practicable means now in sight of giving to the individual, all individuals, not merely a small economically strong class, real freedom."

Yet while Progressive intellectuals developed a new conception of the national state, their "new democracy" (the title of Walter Dill's influential book) had a highly ambiguous relationship to the inherited definition of political freedom as democratic participation in governance. Enhancing the power of the state made it all the more important to identify the boundaries of political participation. During the Progressive era, a host of changes were implemented in the electoral process and political arena, many seemingly contradictory in purpose. The electorate was simultaneously expanded and contracted, empowered and removed from direct influence on many functions of government. The era witnessed the massive disenfranchisement of blacks in the South (a process begun in Mississippi in 1890 and completed in Georgia in 1908), and a constitutional amendment enfranchising women—the largest expansion of democracy in U.S. history. It saw the adoption of measures like the initiative, referendum, and recall, designed to allow the electorate to propose and vote directly on legislation and remove officials from office, and the widespread replacement of elected mayors by appointed city managers. It saw literacy tests (increasingly common in the North as well as the South) expanded, and new residency and registration requirements implemented in the hope of limiting the franchise among the poor.

Taken as a whole, the electoral changes of the Progressive era represented a significant and ironic reversal of the nineteenth-century trend toward manhood suffrage and a rejection of the venerable idea that voting was an inalienable right of American citizenship. To most Progressives, the "fitness" of voters, not their absolute numbers, defined a functioning democracy. In the name of improving democracy, millions of men—mostly blacks, immigrants, and other workers—were eliminated from the voting rolls, even as millions of white women were added. The more egalitarian Progressives, like Dewey, believed that given the necessary opportunities and resources, all citizens were capable of mastering the spirit of disinterested inquiry and of applying themselves to finding pragmatic, "scientific" solutions to social problems. Thus, government could safely be removed from the control of trusts and machines and placed in the hands of "the people." Yet most Progressive thinkers were highly uncomfortable with the real world of politics, which seemed to revolve around the pursuit of narrow class, ethnic, and regional interests. Indeed, one reason for many Progressives' support for women's suffrage was the belief—encouraged by feminists—that as an independent, non-partisan force, women voters could help rescue politics from politicians and partisanship and reorient it toward the pursuit of the common good.

"He didn't believe in democracy; he believed simply in government." J. L. Mecklen's quip about Theodore Roosevelt came uncomfortably close to the mark for many Progressive advocates of an empowered national state. The government could best exercise intelligent control over society through a "democracy" run by impartial experts and in many respects unaccountable to the citizenry. This technocratic impulse toward order, efficiency, and centralized management—all, ostensibly, in the service of social justice—was an important theme of Progressive reform. The title of Walter Lippmann's influential work of social commentary, *Drift and Mastery* (1914), posed the stark alternatives facing the nation. "Drift" meant continuing to operate according to the outmoded shibboleth of individual autonomy; "mastery," recognition that society could be remade by the application of rational inquiry to social problems and conflicts. "The scientific spirit," Lippmann wrote, was "the outlook of a free man." But, Lippmann feared, ordinary citizens, attached to antiquated ideas and parochial concerns, were ill-prepared to embrace it. . . . The new generation of corporate managers and educated professionals could be trusted to address creatively and efficiently America's deep social problems. For Lippmann, political freedom was less a matter of direct participation in governance than of proper policy outcomes.

But alongside this elitist administrative politics arose a more democratic Progressive vision of the activist state. As much as any other group, organized women reformers were its midwives. In the first two decades of the century, as women's suffrage for the first time became a mass movement, it moved beyond the citizenism of the 1890s to engage a broad coalition, ranging from middle-class club women to unionists, socialists, and settlement house workers, and its rhetoric became more democratic and less nativist. Among the reasons for the movement's expanding base was that it became linked to the broad demand for state intervention on behalf of economic freedom. The immediate catalyst was a growing awareness of the plight of the immigrant poor among women involved in the settlement house movement, and the emergence of the condition of women and child laborers as a major focus of public concern.

Still barred from political participation in most states, women nonetheless were central to the era's political history. The effort of middle-class women to uplift the poor, through clubs, settlement houses, and other agencies, and of laboring women to uplift themselves, helped shift the center of gravity of political discourse toward activist government. Well-educated middle-class women not only found a calling in providing social services and education to poor families, but discovered the severe limitations of laissez-faire orthodoxy as an explanation for urban poverty and the failure of even well-organized social work to alleviate the problems of inadequate housing, income, and health. Out of the settlement houses came not only Jane Addams and Florence Kelley but also Julia Lathrop, the first woman to head a federal agency (the Children's Bureau, established in 1912) to investigate the conditions of mothers and children and advocate their interests) and Frances Perkins, secretary of labor during the 1930s. In turning to government for assistance to working women helped to launch a mass movement for governmental regulation of working conditions and direct state assistance to improve the living standards of the poor.

"We need the ballot," said labor leader Leonora O'Reilly, "to do justice to our work as home-keepers. Children need pure milk and good food, good schools and

playgrounds, sanitary homes and safe streets." What historians have called "maternalist" reform—based on the assumption that the state had an obligation to encourage women's unique capacity for childbearing and childrearing—inspired many of the era's experiments in governmental policy. Ironically, those who sought to exalt women's role within the home helped to inspire the state-building process during the Progressive era.

By the time the United States entered World War I in 1917, Progressives had succeeded in bringing governmental power to bear in seeking to enhance the conditions of women's freedom, at work and at home. Laws providing for mothers' pensions (state aid to mothers of young children who lacked male support) spread rapidly after 1910. Although the pensions tended to be meager and local eligibility requirements opened the door to discrimination in application (white widows were always the primary beneficiaries, single mothers were widely discriminated against, and only 3 percent of the recipients nationally were black), the laws recognized the government's responsibility to enable women to devote themselves to their children and be economically independent at the same time. . . . Laws prohibiting child labor, a major issue at a time when an estimated 2 million children under the age of fifteen were gainfully employed, represented another "maternalist" reform (although these laws were often opposed by poor families for whom income earned by children was essential for family survival).

Other Progressive legislation recognized that large numbers of women did in fact work outside the home, but defined them as a dependent group (analogous to children) in need of state protection in ways male workers were not. In 1908, in the landmark case of *Miller v. Oregon*, the Supreme Court unanimously upheld the constitutionality of a maximum hours law for women. In his famous brief supporting the Oregon measure, Louis Brandeis invoked a battery of scientific and sociological studies to demonstrate that because they had less strength and endurance than men, long hours of labor were especially dangerous for women, while their unique ability to bear children gave the state a legitimate interest in their working conditions. Thus, three years after the notorious *Lochner* decision invalidating a state law limiting the working hours of bakers, the Court created the first large breach in liberty of contract orthodoxy. But the cost was high: at the very time that women in unprecedented numbers were entering the labor market and earning college degrees, Brandeis's brief and the Court's opinion solidified the idea that women workers were weak, dependent, and incapable of enjoying the same economic freedom as men. By 1914, twenty-seven states had enacted laws limiting the hours of labor of female workers.

While the maternalist agenda built gender inequality into the early foundations of the welfare state, the very use of government to regulate working conditions called into question basic assumptions concerning laissez-faire and the sanctity of the labor contract. . . . Although not all reformers were willing to take the step, it was easy to extend the idea of protecting women to demand that government better the living and working conditions of men by insuring them against the vagaries of unemployment, old age, ill health, and disability. Brandeis himself insisted that a broad definition of social welfare formed part of the "liberty" protected by the Fourteenth Amendment and that government should concern itself with the health, income, and future prospects of all its citizens. . . .

Brandeis . . . envisioned a different welfare state from that of the maternalist reformers, one rooted less in the social work tradition and visions of healthy motherhood than in the idea of universal economic entitlements, including the right to a decent income and protection against unemployment and injury on the job. This vision, too, enjoyed considerable support in the Progressive era. By 1920, nearly all the states had enacted workmen's compensation laws, the entering wedge for broader programs of social insurance. But state minimum wage laws and most laws regulating working hours applied only to women. The provision of a basic living standard and a set of working conditions beneath which no individual should fall would await the coming of the New Deal.

All the cross-currents of Progressive-era thinking about what *McClure's Magazine* called "the problem of the relation of the State and the corporation" came together in the presidential campaign of 1912. A "year with supreme possibilities," as Eugene V. Debs put it, 1912 witnessed a four-way contest between Republican president William Howard Taft, former president Theodore Roosevelt, now running as candidate of the Progressive Party, Democrat Woodrow Wilson, and Debs himself, representing a Socialist Party at the height of its influence. The campaign became an extended national debate on the relationship between political and economic freedom in the age of the large corporation. At one end of the political spectrum stood the president, a bona fide Progressive, although in 1912 he stressed that economic individualism could remain the foundation of the social order so long as government and private entrepreneurs cooperated in addressing social ills. At the other end was Debs, the only candidate to demand a complete change in the economic structure to propel the nation "from wage slavery to free cooperation, from capitalist oligarchy to industrial democracy." Relatively few Americans adhered to the party's goal of abolishing the "capitalistic system" altogether, but its immediate demands—including public ownership of the railroads and banking system, government aid to the unemployed, legislation establishing shorter hours and a minimum wage, and a graduated income tax—summarized the most forward-looking Progressive thought.

But it was the battle between Wilson and Roosevelt over the meaning of freedom and the role of the state in securing it that galvanized public attention in 1912. The two differed on many issues, notably the dangers of governmental power and the inevitability of economic concentration, but both believed increased state action was necessary to preserve individual freedom. Though representing a party thoroughly steeped in states' rights and laissez-faire ideology, Wilson was deeply imbued with Progressive ideas. "Of course, we want liberty," he had declared in 1911, "but what is liberty?" "Old words . . . consecrated throughout many generations," he insisted, needed to be "translated into experience," and as governor of New Jersey, he had presided over the implementation of workmen's compensation and state regulation of utilities and railroads. Nonetheless, Wilson's 1912 "program of liberty," or the "New Freedom," as he came to call it, was heavily indebted to traditional Democratic ideology. Government, he insisted, was the antagonist of freedom: "the history of liberty is a history of the limitation of governmental power, not the increase of it." Yet freedom, Wilson maintained, meant more than Jefferson's time, and government had a responsibility to promote it: "freedom today is something more than being let alone. The program of a government of freedom

must in these days be positive, not negative merely." Strongly influenced by Brandeis, with whom he consulted frequently during the campaign, Wilson insisted that freedom was "an economic idea" as well as a political one, and that the way to reinvigorate democracy was to restore market competition by freeing government from subservience to big business. Freedom could only thrive in a decentralized economy that bred independent citizens and restored self-government to local communities—goals the federal government could pursue by strengthening antitrust laws, protecting the right of workers to unionize, and actively encouraging small entrepreneurs.

In retrospect, it seems clear that Wilson had little understanding of the myriad sources of corporate hegemony in a modern economy. But his warning that consolidated economic power might join with concentrated political power to the detriment of ordinary citizens was remarkably prescient, especially given the confidence of so many Progressives that the state could be counted upon to act as a disinterested arbiter of the nation's social and economic purposes. To Roosevelt's supporters, however, Wilson seemed a relic of a bygone era, whose program served the needs of small businessmen but ignored the ineluctable forces of professionalism, consumers, and labor. The New Freedom, wrote Lippmann, meant "freedom for the little profiteer, but no freedom for the nation from the narrowness, the . . . limited vision of small competitors." Wilson and Brandeis spoke of the "curse of bigness"; what the nation actually needed, Lippmann countered, was frank acceptance of the inevitability and benefits of bigness, coupled with the active intervention of government to counteract its abuses while guiding society toward common goals. Lippmann was articulating the core of the New Nationalism, Theodore Roosevelt's alternative vision of 1912. Wilson's statement that limits on governmental power formed the essence of freedom, Roosevelt pointedly remarked, "has not one particle of foundation in the facts of the present day." It was a recipe for "the enslavement of the people by the great corporations who can only be held in check by the extension of governmental power"; only the "regulatory, the controlling, and directing power of the government" could represent "the liberty of the oppressed."

Where Wilson opposed extensive social welfare programs for making citizens dependents of the state, the Progressive Party platform offered a myriad of proposals to promote social justice. Inspired by a group of settlement house feminists, labor reformers, and Progressive social scientists, the platform laid out a blueprint for a modern, democratic welfare state, complete with women's suffrage, federal supervision of corporate enterprise, national labor and health legislation for women and children, an eight-hour day and a "living wage" for all workers, the right of workers to form unions, and a national system of social insurance covering unemployment, medical care, and old age. Roosevelt called it the "most important document" since the end of the Civil War, and the platform brought together many of the streams of thought and political experience that flowed into Progressivism. Roosevelt, of course, lost the election (although once in office, Wilson often seemed to act as a New Nationalist). But his campaign helped give freedom a modern social and economic content and established an agenda that would continue to define political liberalism for much of the rest of the century.

Indeed, by 1916, writers like Herbert Croly were consciously attempting to re-define the venerable term "liberalism," previously shorthand for limited government

and laissez-faire economics, to describe belief in an activist, socially conscious state. This would become the word's meaning for most of the twentieth century. Modern liberalism, however, has other features conspicuously absent from the Progressive agenda: an overriding preoccupation with civil liberties, including the right to personal privacy and the free expression of ideas, and a pluralist concern for the rights of racial and ethnic minorities. With its impulse toward social cohesiveness and homogeneity, and its exaltation of the national state as the embodiment of democracy, mainstream Progressivism was not attuned to these understandings of freedom. Their origins lay elsewhere—among the radicals and cultural bohemians of Progressive America.

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