



The Constitution and Social Justice in the Progressive Era



Thursday November 8, 2007 5:00 – 8:30 pm
Educational Service District 112 Conference Center
Michael Willrich, Brandeis University

Michael Willrich teaches history and directs the American history graduate program at Brandeis University, where he specializes in American social and legal history, urban history, and the Progressive Era (1890–1920). A former urban affairs journalist, he is the author of *City of Courts: Socializing Justice in Progressive Era Chicago* (Cambridge University Press, 2003).

He writes:

During the Progressive Era (1890-1920), America became a recognizably modern society and nation. The era opened amidst the industrial strife and agrarian discontent of the 1890s and closed with the nation's cultural and political retrenchment after WWI. In the span of three decades, sweeping historical forces—mass industrialization, capitalist expansion, mass immigration, and rapid urbanization—transformed American society, culture, and politics, and triggered movements for social justice and social control. Americans of different social classes and persuasions challenged the political logic of individualism and laissez-faire, which had dominated American politics in the Gilded Age. They called upon their local, state, and national governments to achieve their diverse and conflicting purposes. Muckraking, trust-busting, the social science disciplines, Jim Crow laws, eugenics, social insurance, environmental conservation: all of these first appeared on the American scene or assumed their distinctively modern forms during this “Age of Reform.” Many politically active Americans of the day called themselves and their era “progressive,” an optimistic and open-ended slogan that conveyed their sense that they were living through a time of intense historical change,

cultural ferment, and social and political reform aimed at achieving a more efficient, moral, and, most important, socially just democracy.

The problem of justice during the Progressive Era centered on the altered meanings of liberty and responsibility in a modern, urban-industrial society. Progressive thinkers, writers, and social reformers rejected the individualism of late nineteenth-century social and political thought. They emphasized social interdependence over individual autonomy and social rather than individual responsibility. One of the most compelling philosophical questions that Americans living in the period grappled with was how to deal with the inherent tensions between social justice and individual liberty. Could Americans have both? Progressives thought the answer was yes. Indeed, they insisted that under modern social and economic conditions, greater state intervention was necessary in order to make individual liberty possible. So, the problem of justice in the Progressive Era raised a host of fascinating questions that we will explore in detail through our discussions of constitutional controversies from the period:

The Essential Questions:

- What did individual freedom actually mean in a nation of industrial cities, mass immigration, and modern business corporations?
- What were the necessary conditions of social justice?
- In what specific ways did the U.S. Constitution—and the courts that interpreted its meaning—constrain and/or enable the pursuit of social justice in the Progressive Era?

Preparatory Readings Included

- Eric Foner, “Freedom and the Progressive State”
- Nancy Woloch, “Introduction”, Muller v Oregon: A Brief History with Documents
- Lochner v New York (1905)
- Muller v Oregon (1908)

Michael Willrich recommends for further exploration

- The Progressive Party Platform of 1912:
<http://teachingamericanhistory.org/library/index.asp?document=607>
- Louis D. Brandeis, "The Opportunity in the Law" (1905):
<http://www.law.du.edu/russell/lh/alh/docs/brandeis.html>