

subtopic

## American Progressivism

### **PROGRESSIVISM and AMERICA'S TRADITION of NATURAL LAW and NATURAL RIGHTS<sup>[1]</sup>**

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American Progressivism is an enduring topic for students of American politics and history because progressivism, at its core, presents a direct, philosophic challenge to the natural law tradition of America's founding. A study of the key texts of American Progressivism will thus help us to place the role of the natural law tradition in American political and constitutional theory, particularly as related to the historical developments of the 20th century and in our own time.

What is progressivism? In the context of American history, it is the political orientation that gave rise to America's original Progressive Era, which came in the last decades of the 19th century and the opening decades of the 20th, and whose principles of government inform contemporary political liberalism in the United States. It can be thought of as an argument to progress beyond the political principles of the American founding—and, in particular, to overcome the natural-law foundations of America's original political order. It is an argument to enlarge vastly the scope of national government for the purpose of responding to a set of economic and social conditions that, progressives contended, could not have been envisioned at the founding and for which the founders' limited, constitutional government was inadequate. The founders had posited what they had held to be a permanent understanding of just government, and they had derived this understanding of government from the "laws of nature and nature's God," as asserted in the [Declaration of Independence](#). The progressives countered that the ends and scope of government were to be defined anew in each historical epoch. They coupled this perspective of historical contingency with a deep faith in historical progress, suggesting that, due to historical evolution, government was becoming less of a danger to the governed and more capable of solving the great array of problems besetting the human race. Historically, these ideas formed a common thread among the most important American thinkers from the 1880s into the 1920s and beyond, manifesting themselves in the writings and speeches of Theodore Roosevelt, Woodrow Wilson, Herbert Croly, John Dewey, Robert LaFollette, and several others.

The Progressive Era was the first major period in American political development to feature, as a primary characteristic, the open and direct criticism of the political and constitutional theory of the American founding. While criticism of certain of the founders' ideas could be found during any period of American history, the Progressive Era was unique in that such criticism formed the backbone of the entire movement. In almost any progressive text that one may pick up, the reader is reminded that the Constitution is old, and that its principles were conceived in response to circumstances that have long ago been replaced by a whole new set of pressing social and economic ills.

The U.S. Constitution, as its framers understood it, was a means to an end. It was crafted and adopted for the sake of achieving the natural-law principles referred to in the Declaration of Independence. The progressives understood this very clearly as well, which is why many of the more theoretical works written by progressives feature sharp attacks on social compact theory and on the notion that the fundamental purpose of government is to secure the individual natural rights of citizens. While most of the founders and nearly all ordinary Americans did not subscribe to the radical epistemology of the social compact theorists, they did believe, in [Lockean](#) fashion, in natural law, and that men as individuals possessed rights by nature—rights that any just government was bound to uphold and that stood as inherent limits to the authority of government over individual liberty and property. The robust regulatory and redistributive aims of the progressive policy agenda were inevitably at odds with the natural-law theory of the founding. This basic fact makes understandable Woodrow Wilson's admonition (in an address ostensibly honoring Thomas Jefferson) that, "if you want to understand the real

Declaration of Independence, do not repeat the preface.”<sup>[2]</sup> Do not, in other words, repeat that part of the Declaration that draws on the natural law and enshrines natural rights as the focal point of American government.

Wilson here would turn our attention away from the natural law and the timelessness of the Declaration’s conception of government, and would focus us instead on the litany of grievances made against George III. In other words, he would show the Declaration to be a merely practical document, to be understood as a specific, time-bound response to a set of specific historical circumstances. Once the circumstances change, so too must our conception of government. It is with this in mind that Wilson urged that “we are not bound to adhere to the doctrines held by the signers of the Declaration of Independence,” and that every Fourth of July, instead of a celebration of the timeless principles of the Declaration, should instead “be a time for examining our standards, our purposes, for determining afresh what principles, what forms of power we think most likely to effect our safety and happiness.”<sup>[3]</sup> Like Wilson, Frank Goodnow (a progressive pioneer in constitutional and administrative theory) acknowledged that the founders’ system of government “was permeated by the theories of social compact and natural right,” and he complained that such theories were “worse than useless,” because they “retard development”<sup>[4]</sup>—that is, that the natural-law protections for individual liberty and property inhibit the expansion of government. In contrast to the principle of natural rights that undergirded the American system, Goodnow [praised](#) political systems in Europe where, he explained, “the rights which [an individual] possesses are, it is believed, conferred upon him, not by his Creator, but rather by the society to which he belongs. What they are is to be determined by the legislative authority in view of the needs of that society. Social expediency, rather than natural right, is thus to determine the sphere of individual freedom of action.”<sup>[5]</sup>

Goodnow, Wilson, and other progressives championed historical contingency against the Declaration’s talk of natural law and the permanent principles of just government. The natural-law understanding of government may have been appropriate, they conceded, as a response to the prevailing tyranny of that day, but, they argued, all government has to be understood as a product of its particular historical context. The great sin committed by the founding generation was not, then, its adherence to the doctrine of natural law, but rather its notion that that doctrine was meant to transcend the particular circumstances of that day. It was this very facet of the founders’ thinking that Abraham Lincoln recognized, and praised, in 1859 when he wrote of the Declaration and its primary author:

All honor to Jefferson—to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times.<sup>[6]</sup>

Recognizing the very same characteristic of the founders’ thought, John Dewey complained, by contrast, that the founding generation “lacked historic sense and interest,” and that it had a “disregard of history.” As if speaking directly to Lincoln’s praise of the founding, Dewey endorsed, instead, the doctrine of historical contingency. Natural law theory, Dewey argued,

blinded the eyes of liberals to the fact that their own special interpretations of liberty, individuality, and intelligence were themselves historically conditioned, and were relevant only to their own time. They put forward their ideas as immutable truths good at all times and places; they had no idea of historic relativity.<sup>[7]</sup>

The idea of liberty was not frozen in time, Dewey argued, but had instead a history of evolving meaning. The history of liberalism, about which Dewey wrote in *Liberalism and Social Action*, was progressive—it told a story of the move from more primitive to more mature conceptions of liberty. Modern liberalism, therefore, represented a vast improvement over classical (or what Dewey called “early”) liberalism.

This coupling of historical contingency with the doctrine of progress (shared by all progressives to one degree or another) reveals how the progressive movement became the means by which German historicism was imported into the American political tradition. The influence of German political

philosophy is evident not only from looking at the ideas espoused by progressives, but also from the historical pedigree of the most influential progressive thinkers. Almost all of them were either educated in Germany in the nineteenth century or had as teachers those who were. This fact reflects the sea of change that had occurred in American higher education in the second half of the nineteenth century, a time when most Americans who wanted an advanced degree went to Europe to get one. By 1900, the faculties of American colleges and universities had become populated with European PhDs, and the historical thinking that dominated Europe (especially Germany) in the nineteenth century came to permeate American higher education. Johns Hopkins University, founded in 1876, was established for the express reason of bringing the German educational model to the United States, and produced several prominent progressives, including Wilson, Dewey, and Frederick Jackson Turner.

Among other things, American progressives took from the Germans (and especially from the German philosopher G. W. F. Hegel and his disciples) their critique of natural law, individual rights, and social compact theory, and their organic or “living” notion of the national state. Wilson, in reflecting on what it meant to be a progressive, wrote of government as a “living thing,” which was to be understood according to “the theory of organic life.” This “living” notion of a constitution, Wilson contended, was far superior to the founders’ model, which had considered government a kind of “machine” that could be constantly limited through checks and balances.<sup>[8]</sup> As a living entity, the progressives reasoned, government had to evolve and adapt in response to changing circumstances. While early American conceptions of national government had carefully circumscribed its power due to the perceived threat to natural liberties, progressives argued that history had brought about an improvement in the human condition, such that the will of the people was no longer in danger of becoming factious. Combined with a whole new host of economic and social ills that called out for a governmental remedy, progressives took this doctrine of progress and translated it into a call for a sharp increase in the scope of governmental power.

As a practical matter, this call led progressives to advocate both constitutional reform and an aggressive legislative and regulatory agenda. In keeping with the purpose of this web resource, my brief essay has focused on the more philosophic aspects of progressivism, because that is where progressivism’s encounter with the natural law tradition is most direct. On the more concrete side, readers are encouraged to study both the progressives’ critique of the constitutional separation of powers and the alternative solution that they proposed: the separation of politics and administration. By this latter formulation, progressives like Wilson and Goodnow meant that the national political institutions (Congress, the presidency, etc.) ought to be democratized and unified, bringing them into much closer contact with public opinion and facilitating their expression of the general public will. At the same time, since progressives believed that the most contentious political questions had been resolved by historical development (the Civil War had been decisive in this regard), the real work of government was not in politics, but in administration, that is, in figuring out the specific means of achieving what the people generally agreed they all wanted. It is in this way that progressivism became influential not only upon the development of our traditional political institutions, but also on the rise of the federal bureaucracy and the very significant role played by federal agencies in setting and enforcing national policy today.

It is also the case that so much could be said about progressivism’s massive influence on our party and electoral systems, and especially on the structure of state and local politics, where progressivist mechanisms such as the ballot initiative, the referendum, the recall, the short ballot, and the professionalization of local government with city managers and commissions have become a traditional part of our political life as Americans. But these, too, lie outside the scope of this essay and must remain matters to be independently pursued by the reader.

With respect to the key philosophic works of progressivism relating to the natural law tradition, I have drawn the reader’s attention to some of them in this essay, and some of these have been made available as a resource on this website.

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[1] Readers interested in a more in-depth introduction to American progressivism are directed to Ronald

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J. Pestritto and William J. Atto, "Introduction to American Progressivism," in *American Progressivism: A Reader*, ed. Pestritto and Atto (Lexington Books, 2008), 1-32. Parts of this brief essay are based upon that longer work. *American Progressivism* is also a source for a wider selection of relevant progressive-era writings.

[2] Woodrow Wilson, "An Address to the Jefferson Club of Los Angeles" May 12, 1911, in *The Papers of Woodrow Wilson* (hereafter cited as *PWW*), 69 vols., ed. Arthur S. Link (Princeton University Press, 1966-1993), 23:34.

[3] Woodrow Wilson, "The Author and Signers of the Declaration of Independence," July, 1907, in *PWW*, 17:251.

[4] Frank J. Goodnow, *Social Reform and the Constitution* (Macmillan, 1911), 1, 3.

[5] Frank J. Goodnow, *The American Conception of Liberty and Government* (Brown University Colver Lectures, 1916), 11.

[6] [Abraham Lincoln to Henry L. Pierce and Others](#), April 6, 1859, in *Abraham Lincoln: Speeches and Writings, 1859-1865*, ed. Don E. Fehrenbacher (Library of America, 1989), 19.

[7] John Dewey, *Liberalism and Social Action* (Prometheus Books, 2000), 40-41.

[8] Woodrow Wilson, [The New Freedom](#) (Doubleday, Page & Company, 1913), 46-47.

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