"NECESSITOUS MEN ARE NOT FREE MEN:"

THE POLITICAL THEORY OF THE NEW DEAL

by

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A dissertation submitted to the Graduate School – New Brunswick

Rutgers, The State University of New Jersey

in partial fulfillment of the requirements

for the degree of

Doctor of Philosophy

Graduate Program in Political Science

written under the direction of

Daniel Tichenor

and approved by

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New Brunswick, NJ

May, 2008

ABSTRACT OF THE DISSERTATION

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Little attention has been paid to the political theory that informs the New Deal, despite the impressive amount of research devoted to the period. This is of particular importance since the alleged lack of theory means there is little philosophic justification for the American welfare state on its own terms. This dissertation synthesizes a political theory of the New Deal from the writings of Franklin Roosevelt, Eleanor Roosevelt, Henry Wallace, and Thurman Arnold.

The theory highlights the need for the public accountability of private economic power, arguing that when the private economic realm is unable to adequately guarantee the rights of citizens the state must intervene to protect those rights. The New Deal created a new American social contract that accorded our right to the pursuit of happiness a status equal to liberty, and ground both in an expansive idea of security (with physical, material, and psychic components) as the necessary precondition for the exercise of either. This was connected to a theory of the common good that privileged the consumer as the central category while simultaneously working to limit the worst excesses of

consumption-oriented individualism. This theory of ends was supplemented by a theory of practice that focused on ways to institutionalize progressive politics in a conservative institutional context. It focuses in particular on Thurman Arnold's theory of symbolic politics. Arnold argues that any progressive change must be grounded in the 'folklore' of the institutions it wishes to supplant.

This project has two further goals. The first is to argue that political theory needs to greater focus on the moment of political engagement. Unless a theory is integrated into a political context that focuses on the restraints upon and possibilities of agency facing the relevant actors the theory is engaged primarily in moral critique. Finally, the dissertation argues that contemporary progressives should appropriate the theory of the New Deal to use as the theoretical framework for arguments seeking to defend and expand the American welfare state.

DEDICATION

In memory of
Wilson Carey McWilliams
(1933-2005)

Acknowledgments

This dissertation is dedicated to the memory of Wilson Carey McWilliams, who was its director before his passing. This began as much smaller project on Thurman Arnold. I had approached Carey asking for a good book on the political theory of the New Deal. Carey after thinking for a moment, realized that no one had written one yet, and that this would make for a much more compelling dissertation. He died in the early stages of the project, and his absence was clearly felt, both personally and professionally. He set the standards for teacher, scholar, and citizen that I aspire to, and my deepest wish is that this project would have met his expectations.

I am grateful to the Political Science Department at Rutgers for its years of financial, educational, and emotional support. I would also like to thank Rutgers University for awarding me a University and Bevier Fellowship for the 2007-2008 year. Without it I would not have finished the dissertation.

I have been fortunate to study under an uninterrupted string of excellent professors, all of whom have earned my gratitude. First Jean Yarborough, who introduced me to political theory as an undergrad at Bowdoin College and saw potential in me despite my atrocious grammar. I owe her a great debt, as I fell in love with political theory, and learned how to write about it, under her watch. While I suspect she would not approve of the politics that inform this dissertation, I hope she would approve of the scholarship.

It was Jim Morone's work that first convinced me that this argument was feasible, and it is an honor to have him as a reader. Dennis Bathory has been a source of excellent feedback and general encouragement whenever approached, both during this dissertation and during my time at Rutgers. Steve Bronner's insistence that political science must reflect political commitments informs the overall character of this project. His ability to do so has set a standard I hope to match in my own career.

The true origins of this dissertation can be traced back to discovering Thurman Arnold in an independent study with Dan Tichenor. I ended up deciding to study Arnold to ensure I worked with Dan. He did a wonderful job taking over as chair after Carey's death, and has been a constant source of constructive advice and positive energy. Whatever is of value in this project owes its primary debt to Dan.

I was lucky enough to come up through the Rutgers program alongside a first rate group of fellow students, many of whom shaped my intellectual growth and interests in profound ways. I would like to thank Brian Graf, Alexandra Hoerl, Geoffrey Kurtz, and Marilyn LaFay for that. An extra acknowledgement is in order for Saladin Ambar, Aaron Keck, Amy Linch, Nichole Shippen and especially James Mastrangelo for reading chapters and helping me to formulate and crystallize the ideas that follow.

My parents, Michele and Charlie Stipelman, have always believed in me whenever I didn't believe in myself. I can say with absolute certainty I would not be where I am now without them.

And my final and deepest thanks go to Hilary Eddy Stipelman, who pulled off the superhuman feat of spending seven years dating, living with, and married to a graduate student without ever once getting frustrated by the process (at least not to my face).

Contents

A Note on Sources

Frequently-cited works are footnoted with the the following abbreviations.

Chat	Franklin Roosevelt. FDR's Fireside Chats. eds. Russell Buhite and David Levy. New York: Penguin Books, 1993.
Constitution	Henry Wallace. Whose Constitution?: An Inquiry into the General Welfare. New York: Reynal & Hitchcock, 1936
Courage	Eleanor Roosevelt. Courage in a Dangerous World: The Political Writings of Eleanor Roosevelt. ed. Allida Black. New York: Columbia University Press, 1999.
Democracy	Henry Wallace. Democracy Reborn. ed. Russell Lord. (New York: Da Capo Press, 1973).
Folklore	Thurman Arnold. The Folklore Of Capitalism, Washington, D.C.: Beard Books, 2000 (reprinting 1937).
Frontiers	Henry Wallace. New Frontiers. New York: Reynal & Hitchcock, 1934.
Leave Behind	Eleanor Roosevelt. What I Hope to Leave Behind: The Essential Essays of Eleanor Roosevelt. ed. Allida Black. New York: Brooklyn, 1995.
Moral Basis	Eleanor Roosevelt. The Moral Basis of Democracy New York: Howell, Soskin & Co, 1940.
Speeches.	Franklin Roosevelt. Great Speeches ed. John Grafton. New York: Dover Publications, 1999.
Statesmanship	Henry Wallace. Statesmanship and Religion. New York: Round Table Press, Inc., 1934.
Symbols	Thurman Arnold. Symbols of Government, New Haven: Yale University Press, 1935.
Voltaire	Thurman Arnold. Voltaire and the Cowboy: The Letters of Thurman Arnold. ed. Gene Gressley.Boulder: Colorado Associated University Press, 1977.

Reconstructing the Temple: The Political Theory of the New Deal

We were against revolution. Therefore, we waged war against those conditions which make revolutions—against the inequalities and resentments which breed them.[1]

We cannot remove sorrow and disappointment from the lives of human beings, but we can give them an opportunity to free themselves from mass restrictions made by men.[2]

In brief, the New Deal places human rights about property rights and aims to modify special privilege for the few to the extent that such modification will aid in providing economic security for the many.[3]

The greatest destroyer of ideals is he who believes in them so strongly that he cannot fit them to practical needs.[4]

It is not surprising that I was drawn to the New Deal during the Bush presidency. FDR's administration was the most consequential of the 20th century, and if it is a bit early to say the same for Bush, it will not be for a lack of trying on his part. He is, fundamentally, the anti-FDR, and thinking about one conjures images of the other. Bush's attempt to privatize social security and undo the greatest legacy of the New Deal is perhaps the most symbolic connection between them, but one could spend all day juxtaposing the two. The New Deal looked for ways to democratize capitalism in order to save it, while Bush's oligarchic, deregulatory policies have helped create a new 'gilded age' marked by ever widening disparities of wealth and unaccountable economic power. The New Deal fostered affordable housing in an attempt to help families establish roots in a community, while Bush works to create an 'ownership society' that encourages us to

[1] FDR from a 1936 campaign speech. Quoted in Bruce Miroff's Icons of Democracy. (Lawrence: University Press of Kansas, 2000). 258.
[2] ER. "The Moral Basis of Democracy" in Courage. 57.
[3] Wallace. Frontiers. 252.
[4] Arnold. Folklore. 393.

"focus inward at the very expense of the community."[5] The New Deal attempted to give the welfare state legitimacy by highlighting our unity and independence as democratic citizens. Bush's political strategy has always been predicated on division, narrow appeals to the base and the exclusion of dissenting views from the conversation. Both understand the nature of power and the limits of citizenship in a modern democracy, but the New Deal hoped to transcend what the Bush administration revels in. The New Deal and Bush both recognize that consumerist impulses that have come to define how Americans think about freedom, but the New Deal worked to overcome them while Bush squandered our great moment of national unity after 9-11 by informing Americans that our greatest patriotic duty was our "continued participation and confidence in the American economy."[6] One sought to empower the weak; the other works to ensure the continued dominance of the powerful. The New Deal tried to instill within Americans an appreciation for the ways the government can markedly improve our lives. The Bush administration seems hell bent on demonstrating that government is capable only of mediocrity and failure, its performance so pathetic it would be laughable if the stakes were not so high. Finally, and perhaps most importantly, the New Deal taught Americans that as long as we have faith in each other we have nothing to fear, while Bush's power and influence remains utterly dependent on fear: fear of outsiders, fear of the future, and fear of each other.

It seems likely that even if the 22nd amendment were repealed Bush would not win a third term, but the failure of his administration has not been equated to the failure

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[5] Mark Griffith. "Consumer Versus Community" 31 March. 2005. <http://www.drummajorinstitute.org/library/article.php?ID=6330>.
[6] George Bush. Address to Joint Session of Congress 20 Sept. 2001. <http://archives.cnn.com/2001/US/09/20/gen.bush.transcript/Bush>.

of his ideology. Conservatives can still speak of Reagan with awe and reverence even as they distance themselves from Bush. The failure of the practice has not turned into a failure of the vision. Their fundamental narrative holds. Likewise progressives, or at least the Democratic Party, seem capable only of taking halting steps towards reclaiming their liberal mantle, despite broad public support for most of their preferred policies. The party has a shopping list, but still seems unsure of how it coheres together. As a result, the left is still forced to confront the failures of Bush narrowly, and Reagan style conservativism more broadly, on the terms that the right has set. This is ground the left ceded long ago. But fortune, in its perverse way, is smiling on the progressive.[7] The failing of conservative institutions and policies give the left an opportunity to regain control of political discourse in the United States—to redefine the limits of what is possible. The left has its policy prescriptions. It knows what it wants to do. It needs a narrative capable of providing the energy and unity that will in turn confer legitimacy on that program. Its policies need an overarching vision, and a story through which it can convey that vision to the electorate.

Political theorists, even progressive theorists, have always been oriented to the past. We look to the great works, great minds, and great conflicts of history to see how they can illuminate the present. They are part of our inheritance as a species, and their insights enable us to avoid reinventing the wheel every time something needs to be pushed uphill. This dissertation looks to the theory of the New Deal, arguing that in it we can find our wheel, find our story. Our context may be different but the philosophy behind the New Deal offers us a way to undo the damage of the last eight (or even forty)

[7] Perverse insofar as the opportunities present require others to live through hardship so that pain and misery become the prerequisites of reform.

years, so that we might begin to recapture the radical possibilities of what is best in America. The New Deal is by no means perfect, but it remains a potent symbol in its own right. It speaks the language of the American experience and understands the limits of reform in a land populated by citizens who seem basically happy in their alienation. Its principle defects are reflections of the problems of modernity and corporate capitalism, and if one assumes that there is no mass base for revolution (which this author does) we need to look instead towards discovering ways to simultaneously accept and transcend our cultural, institutional, and political limitations. As a theory of means and ends, principles and practice, the New Deal is both an excellent place to begin, and given its historical importance and the regard for which the nation still holds FDR, a remarkably under theorized and under utilized resource.

This dissertation has three goals, which I introduce below and will expand upon momentarily:

1. *To synthesize a political theory of the New Deal:* This is the primary focus of the project. Prior to this dissertation the only full length study of the New Deal as political theory I am aware of was a master's thesis published by Hubert Humphrey in 1970, reflecting work he had done thirty years prior. Scholarly neglect of the New Deal's political theory has resulted in the perpetuation of misperceptions about its theoretical significance. By demonstrating the theoretical coherence of the New Deal and elaborating on the political philosophy that informed it I advance knowledge not only of the New Deal itself, but American liberalism in general.

2. *Highlight the importance of politics in political theory:* This is not an original contribution of this dissertation per se, and is secondary to my primary goal of synthesis and articulation, but it is a point that needs constant emphasis in a field where the temptation to remove the political moment from political theory is not only present, but as Rawls proved, offers great rewards. This project examines the New Deal as a theory of political practice incorporating both ends and means, and argues that one of the reasons the New Deal has not been taken seriously as a body of theory is this tendency to abstract the normative component of theory out of its historical, institutional, and political context.

3. *Offer the New Deal as a contemporary theory for progressive politics:* Thomas Jefferson hoped that every American generation would engage in an act of refounding, and reminded us that "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants."[8] I accept Jefferson's emphasis on renewal, but the 20th century has demonstrated that while the tree cannot be refreshed without struggle, it need not require blood, and that in a country founded on progressive principles the moment of renewal should take the form of a recovery. It is my argument that the New Deal offers the most promising theoretical frame capable of reminding a conservative electorate of the importance of the radical impulses that are at the heart of what they are trying to conserve.

[8] "Thomas Jefferson to William Stephens Smith," 13 Nov. 1787. in Thomas Jefferson: Writings, ed. Merrill D. Peterson. (USA: Library of America, 1984), 911.

What Political Theory?

A second class-intellect but a first-class temperament.[9]

The New Deal has largely been written out of the conventional story of American liberalism, at least at the theoretical level. When it is considered at all it is typically accounted as either political opportunism or a warmed over progressivism.[10] Peter Coleman argues "a dominant characteristic of the New Deal was the absence of a coherent, integrated philosophy and program. Pragmatism, compromise, ad hoc invention, moderation, and political opportunism seem more aptly descriptive."[11] James Young's treatment is fairly typical. In an otherwise superlative Reconsidering American Liberalism, Young spends thirty pages unpacking progressivism and ten pages on the New Deal,[12] much of which focuses on the differences between the two movements. His assessment was that the "New Deal produced virtually nothing in the way of serious political thought" and goes on to argue that "there was no single, coherent intellectual position that could be passed on to later generations of reform leadership" a fact which Young believes is of significant consequence.[13] Young's assessment is buttressed historians like James McGregor Burns, and Alberto Romanasco, the latter of whom concluded:

> Ideologically Roosevelt and the New Deal were a no-man's land. Roosevelt's leadership and the New Deal had nothing to do with logic or consistency. Instead

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[9] Apocryphal quote attributed to Oliver Wendell Holmes regarding FDR. Jean Edward Smith. FDR. (New York: Random House, 2007),.311.

[10] Even though progressive historians themselves cannot come to any real consensus over what progressivism actually stood for.

[11] Peter Coleman. "The World of Interventionism" in The New Deal and Its Legacy: Critique and Reappraisal. ed. Robert Eden. (New York: Greenwood Press, 1989). 50.

[12] And 160 pages on the remainder of the 20th century, so clearly ideas were in motion. He just does not work the New Deal into the conversation.

[13] James Young. Reconsidering American Liberalism: The Troubled Odyssey of the Liberal Idea. (Boulder: Westview Press, 1996). 169. I agree with Young insofar as the lack of a clearly articulated New Deal theory means that the American left has no theory about the origins of their welfare state.

> Roosevelt used his position of power to carry out what was essentially an exercise in political electivism; he drew freely from a wide and contradictory variety of ideological programs both home-grown and imported, and more often than not he used them simultaneously.[14]

There are likely several reasons for not only this assessment, but also for the lack of urgency surrounding the absence of an authentically American justification for its welfare state. As long as New Deal liberalism was dominant in practice its supporters felt little need to frame or defend it. It was, in important ways, self-evident. By the time a defense was needed the American left had largely left the New Deal's intellectual framework behind, either making its peace with capital or adopting a more conflictual and in certain ways narrower frame that privileges particular narratives of oppression without fully integrating them into a larger common good.

But even if people were looking for a theory of the New Deal, a few common misperceptions would have made it difficult to find. One was the fact that the New Deal's political calculations and alleged opportunism were themselves facets of a theory of practice, the end result of political actors attempting to institutionalize a welfare state in a conservative context. Samuel Lubell understood this when he reflected back on the period.

> As a reporter in Washington I had shred the general belief that the New Deal was hastily improvised and animated by no coherent philosophy. When one translated its benefits down to what they meant to the families I was interviewing in 1940, the whole Roosevelt program took on a new consistency.[15]

The New Deal was an instance, perhaps the most compelling instance in American history since its founding, of democratic theory in practice, where our leaders were theorists (or became theorists because they were leaders), their ideological commitments

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[14] Albert Romansco. The Politics of Recovery. (New York: Oxford University Press, 1983). 5.
[15] Samuel Lubell. "The Roosevelt Coalition," in The New Deal: Analysis and Interpretation. ed. Alonozo Hamby. (New York: Longman Inc., 1981). 162.

mediated through pre-existing political institutions and an electorate both resistant to change; where the material suffering of American citizens cried out for alleviation and the commitment to ending hardship (and electoral concerns) trumped ideological concerns about the methods used to address these needs.

The second is the fact that thinking about New Deal theory frequently, and erroneously, starts and stops in the person of FDR. While FDR is undoubtedly the central figure in any discussion of the New Deal, he is not the only figure of consequence. It is only by looking at FDR in conversation with other important New Deal thinkers that a clearer picture of the philosophy emerges. The political theory of the New Deal is greater than the sum of its parts.

Recently there has been a greater recognition of the fact that a coherent theory of the New Deal exists, although most of that movement has come from political scientists in the field of American Political Development rather than Political Theory. Scholars like Sidney Milkis, Jerome Mileur, James Morone, and David Plotke,[16] for instance, have all argued to some degree for the existence of a New Deal political theory, both in terms of the aims it hoped to achieve and the methods used to achieve them. But even these figures have not attempted a systematic and comprehensive synthesis of the New Deal's theory from its component parts.[17] A philosophy has been asserted, but it has not been fully articulated.

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[16] See Sidney Milkis and Jerome Mileur. "Introduction: The New Deal, Then and Now" in The New Deal and the Triumph of Liberalism. ed. Sidney Milkis and Jerome Mileur. (Amherst: University of Massachusetts Press, 2002); James Morone. Hellfire Nation. (New Haven: Yale University Press, 2003); and David Plotke. Building a Democratic Political Order: Reshaping American Liberalism in the 1930s and 1940s. (New York: Cambridge University Press, 1996).

[17] Philip Abbot, in turn, produced a worthwhile study on FDR as a political thinker, although his focus is on FDR rather than the New Deal as a whole. Additionally, his emphasis is on making sense of FDR in the context of what he calls presidential exemplars (Hamilton, Jefferson, Jackson, and Lincoln), which gives

A Brief Overview of New Deal Theory

The deeper purpose of democratic government is to assist as many of its citizens as possible, especially those who need it most, to improve their conditions of life, to retain all personal liberty which does not adversely affect their neighbors, and to pursue the happiness which comes with security and an opportunity for recreation and culture.[18]

The political theory of the New Deal grapples with the question of necessity in a liberal democratic society—the relationship between necessity and rights, and the relationship between necessity and practice. Our study begins with a look at the way the New Deal theorized the presence of economic power in liberal society. The emphasis was on power, not, capitalism—the effects of power on social conditions rather than the way that power constituted itself. This will pose some serious problems for the theory as a whole, which we will begin to discuss in chapter VI. However, the New Deal was not prepared, theoretically or politically—although a good deal of the theoretical commitment was informed by its assessment of political circumstances—to fully engage capitalism at a structural level.

The key to the New Deal's assault on laissez faire capitalism is its argument that unregulated economic power in private hands represents a type of arbitrary power that we, as a people, have both a right and duty to regulate. As Thurman Arnold argues:

> It is the private seizure of industrial power that builds the kind of irresponsible organizations which can wreck a democracy. That power is subject to no election every four years. It is acquired in secret. Its operations are veiled in the mystery of meetings of boards of directors, dominated by single individuals and with interlocking lines of interest and control. It recognizes no public responsibility. It must not be allowed to get a foothold.[19]

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the overall argument a slightly schizophrenic quality—not entirely inappropriate given the subject matter. *Philip Abbot. The Exemplary President. (Amherst: University of Massachusetts Press, 1990).*

[18] FDR. "State of the Union Address." 6 Jan 1937. <http://www.infoplease.com/t/hist/state-of-the-union/148.html>.

[19] Thurman Arnold. The Bottlenecks of Business. (New York: Reynal & Hitchcock, 1940). 110-111.

But beyond recognizing the threat that unaccountable corporate power poses to democracy, the New Deal also classifies economic power as a form of governance, and that in the face of business' abdication of its responsibilities as a governing institution our political government has an obligation, borne of necessity and decency, to protect the rights of all citizens.

Here the New Deal demands that we revisit our traditional interpretation of the Declaration of Independence, arguing that we now have the capacity as a society to elevate the pursuit of happiness to a status equal to that of liberty, and that the government is obliged to give us the basic tools we need to exercise both rights. In short, security (defined economically, physically, and psychically) is the precondition of the meaningful possession of our rights, and that we can expect the state to guarantee that security. The emphasis is ultimately on liberty over equality, even if the security caveat introduces a significant amount of equality into the formulation. Happiness is not guaranteed, but our success or failure to find it should reflect as much as possible our own agency, rather than structural imperatives we cannot control.

In order to give this view legitimacy, the New Deal claimed it necessary to view our rights from the standpoint of an interdependent community—that our individual rights could only be protected and enjoyed in a larger social context. The New Deal rejected the category of class, finding it both divisive and alien to American sensibilities. It sought instead to utilize our identities as consumers, recognizing that what we longed for in the darkness of the Depression was the practical restoration of that identity. However, the New Deal understood both that consumption had become synonymous with the exercise of freedom, and that our focus on consumption turns our attention inward

and highlights the most anti-social aspects of our individualism. Therefore, it sought to mitigate the worst excesses of consumption in the same way that the welfare state was designed to take the sting out of markets. It saw consumption and security as the place where meaningful citizenship and self-development began, rather than see consumption as an end in itself. It became a prerequisite to, freedom, rather than its actualization.

This was the goal, at any rate. The New Deal, following Machiavelli (even if it could not publicly claim him as a patron), was always cognizant of the limits of reform. It possessed a pragmatic sensibility about ideology, staying faithful to its ends while remaining undogmatic about its means. It focused on the institutional contexts that interfered with reform, looking for ways to circumvent them without jeopardizing the possibility of future progress. In particular it highlighted the limitations imposed by the electorate and the difficulties of reform in a liberal democracy. The New Deal had a complicated relationship with democracy, holding it up as an ideal and working to elevate the level of public discourse,[20] while simultaneously understanding the limits of that discourse and the need to frame its reformist ambitions within the confines of those limts. The New Deal, while recognizing the value of citizen participation was ultimately more concerned issues of administration, accountability, and social justice. All of this was mediated through a philosophic liberalism that, while prepared to blur the line between education and manipulation, would not force people to be free.

The opportunity to change the way we think about our social contract was made possible by the physical and psychic dislocations of the Depression. By 1933 US Steel, the nation's first billion-dollar corporation, had cut its full time workforce down from

[20] It is hard to imagine President Bush telling Americans to get roll their maps out onto the floor so he could explain the geography of the war on terror to us, the way FDR did to explain the problems of supplying our troops in the Pacific during WWII.

224,980 to zero.[21] People collapsing from hunger in the middle of the streets was common, while wheat sold for the same price it fetched in the reign of Elizabeth the 1st 300 years earlier,[22] and in Iowa a bushel cost less than a pack of gum. Not surprisingly, six counties in Iowa were under martial law,[23] and President Hoover had chained the gates of the White House shut and turned the armed forces against its own veterans.

As Anne O'Hare McCormick, a writer for the NY Times magazine observed: "If Mr. Roosevelt goes on collecting mandates, one after another, until their sum is startling, it is because all the other powers—industry, commerce, finance, labor, farmer and householder, state and city—virtually abdicate in his favor. America today literally asks for orders."[24] The nation asked for orders, but there were also clear limits to both the orders they would follow and how long they would be willing to follow them. Perhaps remembering Woodrow Wilson's warning about the fleeting nature of progressive movements, Roosevelt warned Americans that the return of prosperity would be accompanied by a resurgence of the 'ruthless self-interests' that caused the Depression in the first place. As the middle class returned to its long-accustomed routines, the New Deal reminded us that we have obligations to that one-third of the nation that remained "ill-housed, ill-clad, ill-nourished."[25] Ultimately many of them remained in those conditions. However, the fact that they were worthy of attention was something new. Here is the president of the United States declaring for a truly universal conception of substantive citizenship, marking his determination:

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[21] Irving Bernstein. A Caring Society: The New Deal, The Worker, and The Great Depression. (Boston: Houghton Mifflin Company, 1985), 18-19.
[22] Smith, 289.
[23] Smith, 327.
[24] Ann O'Hare McCormick "Vast Tides that Stir the Capital" *The New York Times Magazine* 7 May, 1933. in The New Deal and the American People ed. Frank Freidel. (Englewood Cliffs: Prentice-Hall, Inc., 1964). 5.
[25] FDR. "Second Inaugural Address." 20 Jan 1937 in Speeches, 61.

> …to make every American citizen the subject of his country's interest and concern; and we will never regard any faithful law-abiding group within our borders as superfluous. The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.[26]

Although some movements outside the New Deal offered more egalitarian programs and policies, in the end the ambitions of these movements exceeded those of the American people. The New Deal's temperament, echoing the sentiments of a momentarily radicalized electorate, reflected a liberal populism rather than socialism. Happiness still had to be earned; self-imposed failure was still a type of justice. The New Deal was an aptly chosen phrase. The American people did not desire a new game—they just no longer wanted the cards rigged. The response of one worker to NRA wage regulations is useful in this regard.

> You can guess that the money is handy. With the 41.80$ coming to me we can do a lot. But there is something more than the money. There is knowing that the working man don't stand alone against the bosses and their smart lawyers and all their tricks. There is a government now that cares whether things is fair for us. I tell you that is more than money. It gives you a good feeling instead of all the time burning up because nothing is fair.[27]

Workers wanted to know that there were people in power ensuring that the game was 'fair'—not simply by preventing legal barriers to opportunity, but by minimizing as much as possible the impact of luck and chance, what John Stuart Mill called 'the accident of birth.' That, the New Deal declared, is the new obligation of our social contract, ensuring that economic, as well as political barriers to success were neutralized so that the possibility of happiness was finally in our own hands.

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[26] Ibid. 61.

[27] Quoted in M.D. Vincent and Beulah Amidon. "NRA: A Trial Balance." *Survey Graphic.* July 1935, in Freidel, 40-41.

The New Deal offered the 'forgotten man'[28] of America a new deal, but it never offered to change the game, or even change the deck. Nor were Americans tired of playing the game. The Depression did not lead to a full rejection of traditional American values like 'minimal' government or the pursuit of happiness facilitated by a capitalist economic system. The New Deal instead took steps to protect those values from the predatory and destructive tendencies of industrial capitalism. Roosevelt argued that "[l]iberalism becomes the protection for the far-sighted conservative…I am that kind of conservative because I am that kind of liberal"[29] and Francis Perkins, his Secretary of Labor and long-time member of his inner circle, declared Roosevelt to be just "a little left of center." That is accurate, but lest we overstate this point, it is worth emphasizing just how far from the center political discourse and institutions had shifted, both in 1932 and 2008. A return to the center, if the center is seen as a firm commitment to the Enlightenment principles enshrined in the Declaration and Preamble, is in itself a radical move

For all its promise, the New Deal remains a problematic theory. Of particular concern is the ultimate refusal of the New Deal to seriously engage, especially in its later period, the dynamics of capitalism that threatened to undermine so much of what the New Deal tried to accomplish. However, it is important, I will argue, to draw distinctions between the failures of the New Deal as a theory to address these questions and the failures of the Roosevelt Administration to institutionalize a response. In the end the administration may not go far enough, the theory may perhaps be too timid, but this of course begs an important question: is it possible, in practice, to go further and be more

[28] A phrase of William Graham Sumner's appropriated by the New Deal.
[29] Quoted in Young, 171.

aggressive? Are the limitations of New Deal theory in fact limitations inherent in the liberal, capitalist, democratic framework that we have adopted and show no signs of abandoning—and if so where does that leave us? We will return to this discussion in the conclusion.

Methodology

The first thing that needs to be made clear for the purposes of this dissertation is that I am drawing a distinction between the New Deal and the Roosevelt Administration. The New Deal represents a comprehensive vision of the American welfare state. At its most progressive the Roosevelt Administration sought to articulate this vision to the voting public and institutionalize it within the federal government. But Roosevelt was not always a New Dealer himself (usually for political reasons, sometimes out of conviction, or lack thereof),[30] nor did New Dealers ever fully control his administration. So when the phrase New Deal is used in the context of this dissertation it will be referring to the theory of welfare state liberalism this project synthesizes. The presidential administration in power from 1932-1945 I will refer to as the Roosevelt Administration.

I also assume that there is a basic unity cutting across the New Deal during this entire period. Scholars since Basil Rauch, who wrote the first history of the New Deal,[31] have commonly made reference to two New Deals: the first occupying the period of the Hundred Days and the AAA/NRA experiments, the second accounting for the progressive legislation that followed the increased political clout of unions and the rise of

[30] He was realistic about the money Congress would appropriate for New Deal programs, was sincerely troubled by the presence of deficits, and largely open to various, even contradictory, approaches to increasing consumer spending, for instance.
[31] Basil Rauch. The History of the New Deal 1933-1938 (New York: Creative Age Press, 1944).

populist leaders like Senator Huey Long, Dr. Francis Townsend, and Father Charles Coughlin who threatened to disrupt the Roosevelt Coalition. This period includes the wages and hours bill, social security, and the Wagner Act. Scholars who wish to argue that there is no thematic coherence to the New Deal frequently point to the seemingly contradictory policies of these two eras, although I think this criticism conflates means and ends. While the methods used would change, particularly in regards to economic policy, the ultimate purpose of that policy remained the same.

Milkis argues, persuasively, that after the 1936 election we can identify a third New Deal focused on the tasks of executive reorganization and institutionalizing the accomplishments of the first two New Deals. He argues that the reorganization plan inspired by the Brownlow report, FDR's court packing plan, and his failed attempt at party realignment via his 1938 'purge' were efforts to empower the executive branch (and the federal government more generally) with the political strength it needed to manage what the New Deal now assumed to be permanent and legitimate functions of the government.[32] The goal was to provide the state with the administrative capabilities necessary to address the perpetual crisis of modern capitalism, even when that crisis was not formally recognized. This formulation of three New Deals is a useful analytic tool for subdividing the various phases of New Deal reform, even though it leaves out an aborted 'fourth' New Deal that would have incorporated the Second Bill of Rights and full employment. But cutting across all these phases of legislation and policy initiatives is a common set of concerns—they were all animated by a coherent vision present throughout all these periods of reform.

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[32]Sidney Milkis, "Franklin D. Roosevelt, the Economic Constitutional Order, and the New Politics of Presidential Leadership." Milkis and Mileur. 41.

As I argued earlier, one of the reasons that many scholars have had a hard time finding a systematic New Deal theory is their fixation on the person of FDR, rather than casting a broader net that encompasses the minds he surrounded himself with, who shared his political and theoretical goals and often articulated them in a more systematic fashion. This study crafts its synthesis chiefly by examining the thought of four New Dealers: Franklin Roosevelt, Eleanor Roosevelt, Henry Wallace, and Thurman Arnold. I have several reasons for choosing these figures. First, they all occupied places of great significance within the Roosevelt administration. Although only FDR (and Wallace in 1940) were ever actually elected, they were all accountable to the electorate in ways that the great public intellectuals of the period (figures like Dewey, Frankfurter, Lerner, Lippmann, and company) were not. These are all figures forced to practice political theory in the breech, where ideological purity was forced to dance with politics and necessity. As such they offer us insight into what practical political theory looks like. The writings and actions of public figures are frequently overlooked—as scholars we are, perhaps naturally, drawn to our own—but increased elegance and sophistication often comes at the expense of breadth, accessibility, and in some cases institutional reality. As the saying goes, no plan survives first contact with the enemy, and if war is politics as by means then surely the reverse is true as well. It is the argument of this dissertation that the study of the political thought of accountable political actors—those who theorize on the battlefield—is an under developed area of enormous potential wealth.

In that vein, all four of the thinkers we will be examining were able and prolific communicators. FDR was a brilliant speaker, whose fireside chats aimed to demystify the process of government: an attempt to bridge the distance between citizen and ruler, to

make the modern administrative state less alienating at worst, more democratic at best. Eleanor Roosevelt was one of the most popular political columnists of the age, Wallace the principle voice of the New Deal during the later years of the Roosevelt administration. Arnold himself was a best-selling author and a frequent contributor to the leading intellectual journals of the day. All of them saw themselves not just as politicians and administrators, but also as educators and propagandists. They were all actively and self-consciously engaged in an attempt to sell the idea of the welfare state to the American people in a way the nation had not really seen since Madison, Hamilton, and Jay penned the Federalist Papers. It is true that, with the possible exception of Arnold, none of their works will be held up as first rate works of academic political theory, but that was not the intention of the authors, and to dismiss them on those grounds is to misunderstand both their significance and their purpose. Their writings were often conversational, rich with anecdotes, personal stories, and private details that gave the reader an intimate familiarity with who they were and what they believed. Their political theory was often found in lived experience and the purpose of their writing was to tell that story. Their work was aimed at a literate general public, designed to educate and inspire the electorate using language, symbols, and experiences that were comfortable and familiar, but given a new twist that dramatically altered their significance.

The Great Depression, and the institutionalizing of the welfare state as a response, required changing how Americans had long understood their relationship to the government, and to each other. The work of the thinkers profiled here needs to be seen first and foremost as an attempt to make the unfamiliar familiar, their style a response to the alienation of their time. It was a reaction to the fact that we are in ER's words,

"separated too widely from each other and are unable to understand the daily problems of people in more limited circumstances."[33] They made themselves open and accessible to others, showed them a larger world, and communicated in clear, unaffected language how the well-being of one was related to the well-being of all. It is political theory aimed at the nation, not at its elite.

These figures were chosen for other reasons besides their twin roles as popularizes and members of the administration. Each of them offers a critical piece of the overall New Deal theory, filling in the gaps and unpacking the assumptions that underpin Roosevelt's speeches and public declarations. Without taking these four thinkers as a unit we are left only with shadows and outlines of the larger theory. But just as this is a study of the New Deal, rather than the Roosevelt Administration, this is not a systematic look at each of these theorists, although each figure will play a central role in unpacking specific parts of the theory. This is a work of synthesis that aims to construct a philosophy of the New Deal from its component parts. There are tensions within the individual thought of each that this study will largely ignore, unless it speaks to problems within the larger synthesis as a whole. Still, it is a secondary hope of this project that it draws attention to these figures as political theorists in their own right. With the slight exception of Thurman Arnold, the most self-consciously 'academic' of the four,[34] the closest we have to systematic presentations of their individual thought is found in

[33] ER. Moral Basis. 63.

[34] No doubt due to Arnold's former job as a Yale law professor, although Arnold was famous for his decidedly sardonic, unconventional writing style. If he was an academic, he was an unconventional one. Regardless, even here the amount of secondary work done on Arnold is quite small.

historical biographies. There have been thematic studies done on aspects of the Roosevelt Administration[35] but they are divorced from the totality of New Deal political theory.

As previously mentioned, all four are figures of particular political importance. Franklin Roosevelt (FDR) is self-explanatory. He was the public face of the New Deal, its body and soul. His less progressive moments paralyzed New Dealers within his administration, who frankly had no idea how to proceed without him. But Eleanor Roosevelt (ER) was almost as important. Despite the incredible controversy she often engendered, she frequently topped lists of the most admired women in the world, and her approval ratings were sometimes higher than her husband's.[36] She was held in such high regard that one political cartoon featured a child confusing the Statue of Liberty with her while another, on the occasion of her death, featured a group of awed cherub's breathlessly awaiting her entrance into heaven. She was FDR's conscience, and served as his eyes and ears on the ground. ER developed what was essentially a shadow administration within the White House, [37] and was one of the chief advocates within the New Deal for blacks, women, the young, and people whose lack of political organization otherwise silenced their voices. Her *My Day* newspaper column was one of the most popular in the country. In 1940, *Life* magazine summarized her previous 8 years. She had traveled more than 280,000 miles (and been to every state but South Dakota), written

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[35] See, for instance, Theodore Rosenof. Economics in the Long Run. (Chapel Hill: The University of North Carolina Press, 1997).

[36] In fact, Louis Howe, FDR's chief political advisor until his death in 1936, was convinced he could get ER elected as president if she wanted to run. She declined to test his theory.

[37] As Blanche Wiesen Cook, one of ER's most recent biographers, describes:

> Throughout the White House years, ER was to spend between sixteen and twenty hours a day running actually a parallel administration concerned with every aspect of national betterment. Domestically, nothing was beyond her range of interest, and she monitored every department through a friend or agreeable contact. FDR never credited ER with a job well done or publicly acknowledge her political influence. But little of significance was achieved without her input, and her vision shaped the best of his presidency.

Blanche Wiesen Cook. Eleanor Roosevelt: Volume II 1933-1938. (New York: Viking, 1999). 30.

one million words, donated over half a million dollars (almost all the money she made from writing and speaking went to various charities), shaken more than half a million hands, and given hundreds of lectures.[38] In doing she became the voice of the New Deal's vision.[39]

Henry Wallace was, next to Franklin and arguably Eleanor Roosevelt, the great standard bearer of New Deal liberalism, and FDR's hand-picked successor.[40] He was also one the principle theorists and spokespersons of the New Deal, "the most articulate and reflective of the New Dealers," in the opinion of Louis Hartz[41] and its most prominent prophet. He was also, with the possible exception of the Roosevelts, the most popular American statesman in the world. If not for a series of political machinations embodying the worst aspects of machine and organizational politics it might very well have been his vision, rather than the cold war liberalism of Harry Truman, that defined the road America would travel in the second half of the 20th century. By any measure he was a figure of impressive intellect and energy, who authored the first econometric study in the United States, invented hybrid corn, edited the New Republic, and formed a third party to challenge the rising Cold War consensus that gobbled up even figures like Eleanor Roosevelt.[42] In between this he wrote and traveled extensively,[43] served two

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[38] David Emblidge, ed. My Day: The Best of Eleanor Roosevelt's Acclaimed Newspaper Column 1936-1962 (Da Capo Press: 2001). 44.

[39] Following FDR's death she would become the elder stateswoman of the Democratic Party and oversee the drafting of United Nations Declaration of Human Rights.

[40] He refused to run in 1940 if Wallace was not approved as his running mate. Exhausted by 1944, FDR did not put up a fight to preserve Wallace's position on the ticket, given his deep unpopularity with the party leadership for his combative liberalism. Even so, Wallace almost received the nomination based on his grass roots support, with only the worst kind of backroom manipulation derailing his nomination.

[41] Louis Hartz The Liberal Tradition In America (San Diego: Harcourt Brace, 1955). 271.

[42] Although, perhaps attesting to ER's greater political acumen, Wallace's third party bid cost him the good will of both the Democratic Party and mainstream progressives in general.

[43] In 1934 alone Wallace traveled 40,000 miles, made appearances in every state, wrote 20 articles, published two books, and one significant pamphlet. John Culver and John Hyde. American Dreamer: A Life of Henry A Wallace. (New York: W.W. Norton & Company, 2000). 151.

terms as Secretary of Agriculture, one term as Vice President, and as Secretary of Commerce was Roosevelt's choice to oversee both the world's reconstruction and the internal transition back to a peacetime economy that would institute an economic bill of rights guaranteeing full employment.

Thurman Arnold was a former mayor, member of the Wyoming state legislature,[44] Dean of the West Virginia law school, member of the Yale Law school faculty and major figure in the legal realism movement. James Young considered Arnold to be "the one striking exception to my statement that the movement produced little theory"[45] and Carey McWilliams described Arnold as "the most articulate of the New Dealers who accepted the reinterpreted doctrine of the liberal tradition"[46] In Age of Reform Richard Hofstadter remarked, "Thurman Arnold wrote works of great brilliance and wit and considerable permanent significance…the most advanced of the New Deal camp."[47] Arnold performed legal work for the AAA in the early and mid-thirties, but he was brought into the inner ranks of the New Deal based off the strength of his two most important works, The Symbols of Government and The Folklore of Capitalism, written in

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[44] In 1920 he was the only Democrat elected in the entire state of Wyoming during a banner year nationwide for the Republicans. An anecdote from his autobiography perfectly captures the irreverence of his personality.

> On the fateful day the legislature assembled to elect a speaker there were a number of flowery speeches made for the leading candidate. After they were over and the question was about to be put to a vote, I rose and said, "Mr. Speaker, the Democratic party caucused last night, and when the name of Thurman Arnold was mentioned, it threw its hat up in the air and cheered for fifteen minutes. I therefore wish to put his name in nomination for speaker of this House." I then sat down, but I got up immediately and seconded the nomination. I said, "I have known Thurman Arnold for most of my life, and I would trust him as far as I would myself."
>
> Everybody laughed except the Speaker pro tem. My nomination was not on his carefully prepared agenda, and he did not know what to do. People were waving at him from all directions. So I rose a third time, and said, "Mr. Speaker, some irresponsible Democrat has put my name in nomination and I wish to withdraw it." After that, the train got on the track again.

Thurman Arnold. Fair Fights And Foul. (New York: Harcourt, Brace & World, Inc, 1965). 33.

[45] Young. 174.

[46] Wilson Carey McWilliams. The Idea of Fraternity in America. (Berkeley: University of California Press, 1973). 551.

[47] Richard Hofstadter. The Age of Reform. (New York: Vintage Books, 1955). 317.

1935 and 1937 respectively. The Folklore of Capitalism brought him national attention, and was particularly well received amongst the high profile New Dealers in the Roosevelt Administration. They were determined to find Arnold a permanent place within the administration, and in 1938 he became the assistant attorney general in charge of the Department of Justice's Anti-Trust Division. This was a surprising appointment, since The Folklore of Capitalism contained a biting analysis of the Sherman Anti-trust Act where he argued that it was a piece of symbolic legislation designed to address public angst over the existence of trusts rather than actually control them. Once in power Arnold reinvigorated and revolutionized the division, winning a large number of anti-trust prosecutions, introducing innovative and effective new tactics that addressed systematic abuses, and greatly expanding its administrative staff. For the first time, the Antitrust Division became an agency capable of meaningful action, and inclined to take it.[48] The advent of World War II sapped the Roosevelt administration's desire to battle large concentrations of economic power, and Arnold, growing increasingly frustrated, quit the division in 1943.[49] Nevertheless, his time there, and his updating of traditional anti-trust policy for modern economic conditions represent, as Alan Brinkley has argued, the last significant challenge to the power of capital offered by the Roosevelt administration.

While the four figures studied here are essential, they by no means exhaust the pool of New Deal theorists. The New Deal drew many great minds into its orbit, almost all of who wrote about their experiences in some capacity. Certainly there is value

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[48] For an excellent overview of Arnold's DOJ tenure see Alan Brinkley. The End Of Reform. (New York: Vintage Books, 1996). 105-122.

[49] He served briefly a judge, but he felt he lacked the reverence necessary to perform in that role. He resigned after several years to open a private practice in Washington. His prestigious firm produced a future Supreme Court Justice (Abe Fortas), blocked several attempts by the Postmaster General to censor magazines he deemed obscene, and played an instrumental role in defending victims of Senator McCarthy's witch-hunts. .

behind further exploration of figures like Robert Jackson, Jerome Frank, Ben Cohen, David Lilienthal, Frances Perkins, Harry Hopkins, Harold Ickes, allies outside of the executive branch like Felix Frankfurter, Charles Murphy, and Robert Wagner, to say nothing of the many fellow travelers (Stuart Chase) and sympathetic critics (John Dewey, Max Lerner) not part of the government. Perhaps my most controversial exclusion is the lack of focus on members of FDR's original 'brains' trust. This was deliberate on my part. Adolph Berle left the administration early and Raymond Moley eventually found himself in opposition to it. Tugwell lasted longer and wrote prolifically, but he was, in important ways, an outlier to the administration, a political liability eventually forced out of the administration, whose positions were frequently out of synch with even other New Dealers. He was gone by 1937, which in itself was significant. Wallace and Eleanor Roosevelt were major figures from day one right through FDR's death. While Arnold was a minor actor until his appointment as head of Roosevelt's anti-trust division, he also headed the last major New Deal initiative, and one of its most significant. His inclusion is also necessitated by the fact that his principle works of theory, Symbols of Government and The Folklore of Capitalism, represent the two most systematic and sophisticated presentations of the theory of practice that informed the New Deal.

It is worth clarifying the use of certain words within this dissertation, especially progressive, liberal, and democracy. All three words are used in multiple ways throughout the project, and while the context should make the particular definition clear the reader should still be forewarned. Progressive is used to refer to both a general left leaning political orientation as well as the Progressive movement and the values broadly held by that movement. Similarly liberal will refer to the politics that follow out of the

theory of the New Deal (and is used less inclusively than progressive), but it also refers to the classical form of liberalism (usually identified with the laissez faire descriptor) and the broader theory of philosophic liberalism, with its emphasis on constraints against arbitrary power and epistemological skepticism. Finally democracy refers both to the institutional arrangements (voting for representatives, etc) as well as the moral ideal of democracy, with its emphasis on self-direction and moral equality.

Political Theory

There is a tendency among students of political theory to seek more formal and abstract presentations and to implicitly accept a sharp distinction between the worlds of intellect and of action.[50]

One of the arguments running through this dissertation is that political theory has to be political. A normative vision of the good life that makes no reference to political contexts and institutional realities is more concerned with moralizing than with politics. Political theory has to account for the constraints that necessity poses on both theory and practice. The Roosevelt Administration had to confront the contradictions and failures of industrial corporate capitalism in the midst of the countries greatest depression, in the shadow of fascist aggression, and with a country largely lacking any kind of national administrative capacity. FDR understood what was at stake, as the following anecdote makes clear.

> Shortly after Roosevelt took office, a friend told him that if he succeeded in the task he had set for himself, he would go down in history as the greatest American president; but if he failed, he would be condemned as the worst. Roosevelt replied quietly, "If I fail, I shall be the last.[51]

[50] Abbot. 8.
[51] John Wettergreen. "The Regulatory Policy of the New Deal." Eden. 200.

To complicate this further the electorate was not sufficiently organized to provide the mass base for the more radical moments of the New Deal, if they would have even wanted to support them. FDR's mandate always was to save capitalism, not replace it. The public endorsed him as a reformer, not a revolutionary.

Clearly there is an important role for political theory as moral critique. Any program requires a destination and a standard for evaluating policy, both of which have obvious normative components. But that policy exists in a political context, where it competes against other interests, other needs (the urgency of relief always complicated efforts for reform), and the reality of uncertainty. Any transformative theory needs to account for both how that transformation is supposed to happen and the pressures that the agents of that transformation must operate under. It is also worth remembering, following this line of thought, there is nothing inevitable about reform. The response to the Depression in Europe was very different than the response in the United States, and as David Plotke argues consistently throughout Building a Democratic Political Order, political decisions actively drove the reform agenda, instead of just mediating independent causal forces. "The new political order was not a necessary response to economic breakdown or changing socioeconomic relations. Many other domestic courses were proposed, and the diverse international response to the Depression show that economic collapse did not dictate any single political direction."[52] The welfare state institutions that developed out of the Roosevelt Administration were just one of several possible alternatives, coming into existence due to the political skill of New Deal partisans. It required learning how to communicate with an electorate, how to organize the interests that support your vision, how to navigate congress, party, and bureaucracy.

[52] Plotke. 85.

This product will always be imperfect, but as Jerome Mileur notes, "that [FDR's] achievement entailed compromises—half a loaf where the true believers wanted the whole loaf—attests not to a weakness of leadership but instead, especially in the context of his consistent and revolutionary purpose, to the importance of political leadership in a constitutional system designed precisely for such leadership"[53]

This political focus also helps to explain the comparative conservativism of the New Deal. While the New Dealers saw themselves as educators (and, when necessary, manipulators) they were liberal democrats to the core, unwilling to push the nation farther than it was ready to go. As Roosevelt argued "[p]ublic psychology and, for that matter, individual psychology, cannot, because of human weakness, be attuned for long periods to a constant repetition of the highest note on the scale"[54] There were limits to how much we could appeal to principle without falling back to interest, and questions of interest are almost always simultaneously questions of power. There was also the matter of a conservative electorate anxious for a return to its old prosperity and familiar relationships. Roosevelt was fond of citing the belief of his former mentor Woodrow Wilson, who believed that progressives in the United States had only a brief window every generation[55] to bring about substantive reform. This means that the New Deal would by necessity be limited in terms of what it can immediately accomplish. This is why such a great emphasis was placed on the immediate institutionalization of reforms,

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[53] Jerome Mileur. "The 'Boss': Franklin Roosevelt, the Democratic Party, and the Reconstitution of American Politics." Milkis and Mileur. 87.

[54] FDR quoted in Sidney Milkis. "New Deal Party Politics, Administrative Reform, and the Transformation of the American Constitution." in The New Deal and Its Legacy: Critique and Reappraisal. Robert Eden ed. (New York: Greenwood Press, 1989). 314.

[55] Wilson, following Jefferson, estimated this to be every twenty years.

however imperfect. They would work to both alleviate the distress of the depression and, once in existence, would be open to the possibility of future expansion and improvement.

Roosevelt's tongue and cheek comments about how his job would be easier if he was a dictator were no less true for being facetious. Any reforms in a democracy have to come with the broad electoral consent of the voters, at least if the programs wish to maintain any legitimacy and the administration wishes to stay in power (and reform is impossible without power). Therefore, as Milkis argues, Roosevelt "was sensitive to the uneasy fit between energetic central government and the Constitutions. It was imperative, therefore, that the New Deal be informed by a public philosophy in which the new concept of state power would be carefully interwoven with earlier conceptions of American government."[56] The more radical the reform the more important it was to make that reform seem familiar, so that Americans would not notice their socialization towards the new values and priorities of the New Deal.

This should not be confused with a Burkean style conservativism. There was an awareness of and respect for the power that the past holds over the minds of the electorate, but tradition was something constructed and interpreted, rather than something received in a fixed and finished form. The sense of mastery that informed the New Deal let it approach tradition as a tool of agency as much as a constraint upon it. Here the New Deal was aided by both the broad elasticity and radical promise of America's founding ideals of liberty, equality, and the pursuit of happiness. What the New Deal hoped to conserve was, by its very nature, fundamentally progressive. Therefore, while James

[56] Sidney Milkis. "Franklin D. Roosevelt, the Economic Constitutional Order, and the New Politics of Presidential Leadership." Milkis and Mileur. 35.

MacGregor Burns, Paul Conkin, Howard Zinn,[57] and other have highlighted the conservativism of the New Deal, they seem to ignore the radical possibilities inherent in New Deal 'conservatism.' In this regard the reactionary opposition had a clearer idea of what the New Deal was trying to accomplish. The hysteria that characterized its conservative opponents speaks to the power of the broadside challenge to American ideals that the New Deal embodied. General Smedley Butler testified before the House of Representatives that "during the summer of 1934 a group of Wall Street brokers had urged him to lead a fascist march on Washington and overthrow the government in order to protect business interests."[58] What is particularly remarkable here is that these brokers were organizing a coup not during the populist Second New Deal, but during the First New Deal, when high commodity prices and business confidence were seen as keys to economic recovery, and industrial interests were writing the National Recovery Administration's (NRA) regulatory codes themselves. The equally hostile *Chicago Tribune* tried a more democratic approach to overthrowing Roosevelt. In the weeks leading up to the 1936 election, the switchboard operators at the Tribune's offices were instructed to remind callers "that there are only X days to save your country" (from Roosevelt).[59] While he had strong support among rank and file journalists and workers, he always faced tremendous opposition from the nations editors and business elite, to the point that many refused even to say his name. Roosevelt became simply 'that man in the White House.' This visceral hatred of 'he who must not be named' was not simply a

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[57] James MacGregor Burns. Roosevelt: The Lion and the Fox. (New York: Harcourt Brace & World, 1956); Paul Conkin. The New Deal (Arlington Heights: AHM Publishing, 1975);Howard Zinn, ed. New Deal Thought Indianapolis: Hackett, 2003.
[58] Rauch, 137. Apparently our would be fascists were not aware that General Butler voted for Roosevelt
[59] Editors introduction. Speeches 57.

consequence of unfavorable policy. Instead it reflected the fact that the New Deal was challenging the basic premise of what had become the American story.

A Better Type of Story

Every individual…constructs for himself a succession of little dramas in which he is the principal character. Those who are unable to construct a worth-while character for themselves in any particular situation lose morale; they become discouraged, ineffective, confused.[60]

The New Deal walked a fine line between education and manipulation in its relationship with the voting public. The rational voter was the ideal, one the New Deal worked to bring about, but at the same time it understood that the electorate is irrational and emotive before it is rational and reflective. Our political thinking is motivated by what Arnold calls our folklore—the stories, ceremonies, and symbols we use to legitimate both the world around us, our place in it, and our aspirations for it. And any effective political program needs to not only be able to offer policy, but tell a compelling story. It needs to speak to the categories and experiences of the electorate and frame them in a way that makes existential sense.

And here is where I believe we find the relevance of New Deal theory for contemporary politics. I opened this chapter with a brief look at the Bush administration. Contemporary progressives are right to trump its record of failure. As Eric Lotke recently argued,

> Modern conservatism is dying. There's still an election to be held, but conservatism as we've known it since Ronald Reagan is failing—ground down in the desert of Iraq, drowned in the floods of Hurricane Katrina, foreclosed by the housing crisis and poisoned by toys imported from China.[61]

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[60] Arnold. Symbols. iii.
[61] Eric Lotke. "Conservativism is Dying" Campaign for America's Future. 13 March. 2008. <http://www.ourfuture.org/blog-entry/conservatism-dying-old-age-ill-health-and-neglect>.

But a record of failure is not sufficent. Short of collapse, facts can only destroy the dominant story when we have a better one waiting to replace it.[62] Otherwise we can find some kind of ceremonial way to rationalize the disconnect between our principles and reality, even if that ceremony is no more than an apathetic resignation. We may be approaching a moment of instiutional failure, but the failure of the old order does not automatically birth the new. We are perfectly capable of limping along, if not indefintiely, then to a point of truly catestrophic collapse, when you can never tell what kind of regime will be waiting when the smoke clears and dust settles. Lotke goes on to discuss the various consequences of the conservative story we have been living for so long. But he never offers a new one to replace it. He offers a laundry list of sensible progressive public policies, but assumes the electorate will make their decisions soley on facts and rational interst.

The Nation recently commemerated the 75th anniversary of the New Deal with a series of featurettes highlighting what contemporary progressives should appropriate from the New Deal. What is missing from the piece is a systematic discussion of how the various aspects of the New Deal cohered together—the nature of its comprehensive vision and how it legitiamted the various programs and innovations *The Nation* righly celebrates. The absence of that discussion is particularly troubling because Richard Parker, in the lead article, acknowledges the importance of articulating a vision.

> Crucial among the gifts of a true democratic leader, as FDR clearly was, is the ability to share not so much policies but stories, parables that incorporate moral and ethical vision, narratives of who we are and where we came from, and why

[62] And even in the face of collapse it is not self-evident who is to blame, as any president trying to extract the United States from Iraq is likely to discover.

> we are together and where we can go, and what we can achieve if we work together.[63]

But what Parker, and the rest of the authors participating in The Nation's New Deal forum seem to miss is that the recitation of facts, figures, and policies is not the same thing as telling a story. This has marked one of the great failures of the left for the last 40 years. It has forgotten the importance of narratives, of conveying stories in a language that generates the emotional attachments capable of conferring legitimacy and stability. This invovles more than framing particular issues a certain way. Clever use of language is part of storytelling, but is not its entirety. The New Deal provides us with a story, one that offers an expansive vision of the United States as an inclusive community balancing collective obligation with indivudal right, which accepts the limits of what is possible while working to expand those limits. It manages to do this utilizing symbols and categories that speak to the way Americans understand their experieinces, grounding it in their folklore. While the story needs to be updated for new circumstances, new problems, and new conditions, it provides the left with a viable structure from which they can once again tell a story of its own, instead of just complaining about the reading list.

A Guided Tour of the Dissertation

How are we constructing the edifice of recovery—the temple which, when completed, will no longer be a temple of money changers or of beggars, but rather a temple dedicated to and marinated for a greater social justice, a greater welfare for America—the habitation of a sound economic life?[64]

This dissertation is divided into three parts. Chapters II and III look at the New Deal's theory of ends, its argument for why reform is necessary and what a reconstructed

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[63] Richard Parker. "Why The New Deal Matters." *The Nation.* 7 April. 2008. <http://www.thenation.com/doc/20080407/parker/4>.
[64] FDR. "Assessing the New Deal ," 22 Oct. 1933 Fireside Chat in Chat, 39.

society should look like. It defines the New Deal's vision, the message of its story. Chapters IV and V look at the New Deal's theory of practice—how should reformers confront a conservative electorate and account for institutions resistant to change? How should it tell that story? Given that the primary purpose of this dissertation was to craft this synthesis and articulate a complete theory of the New Deal, the decision was made to withhold critical evaluation until the end, so as to not interrupt the presentation of the theory itself. The project therefore concludes with chapter VI, which marks our initial foray into a look at the limits of New Deal theory—the questions those who would seek to appropriate it will have to address.

The second chapter looks at the guiding assumptions that serve as preconditions of the New Deal's theory of ends. Beginning with FDR's Commonwealth Club Address it sets up the need for the New Deal, arguing that we have reached the limits of what laissez faire economics can offer us as a nation. The chapter then moves beyond the Commonwealth Club Address to address the New Deal's discussion of private economic power more broadly, asserting that it is in fact a type of governance and therefore should be subject to the same safeguards designed to shield citizens from arbitrary power that we place upon our political government. But this is an argument for regulation, not workplace democracy. The purpose is to legitimize the right of the state to intervene in the case of (or to prevent) market failure—not just for the good of capital, but for the good of the citizen who rightly expects his government, be it economic or political, to ensure that he is furnished with the security he needs to exercise his rights.

The chapter concludes with a look at the other basic preconditions of New Deal theory. It asserts the right of the state to intervene, outside of wartime, in what was

previously held to be a sacrosanct economic sphere. The assumption is that all citizens are entitled to a certain basic standard of living (this will be explored more in chapter III) and that when private governance (the economy) cannot furnish it society, (acting through the state) has both the right and obligation to insure those standards are met. Animating this belief is a progressive faith in mastery, that human beings are capable of manipulating their social order to openly challenge the presence of necessity in our lives. Of course, one of the things that make Americans fortunate is that by 1932, the New Deal argues, Americans have conquered the problem of scarcity. The Depression reflects a failure of our ability to distribute our abundance, rather than any fundamental problem caused by scarcity. A cooperative state is possible because we have (ironically thanks to laissez faire capitalism) left the Hobbesian state of nature behind us. The task before us is one of gradual socialization, moving us away from an economy of scarcity towards one of abundance. The New Deal recognized that this would take time, and that self-interest might always remain a powerful frame capable of undermining progressive polices. As such, an effort was made to highlight our essential interdependence. Our former frontier individualism is largely a myth in a modern economy, and our own broad economic health was dependent on our ability to accept responsibility for the material conditions of our fellow citizens.

Chapter III looks at the substance of the New Deal's positive political theory. There are two main arguments—that the pursuit of happiness should be accorded a status equal to liberty and that certain substantive preconditions must be met before either right can be enjoyed. Here we find the justification for the New Deal's security state—security incorporating not just being our basic rights to food, shelter, and safety, but new rights to

work, comprehensive education, and leisure. Following the emphasis on interdependence above—as well as reflecting a larger commitment that the leadership of a democracy should represent its entire people, even those who do not support it—the New Deal sought to find a basis on which it could construct a sense of national community. It ultimately rejected the category of class, settling instead on consumer.

However, the New Deal did appreciate the shortcomings of the consumer as the central agent in the theory, choosing it as much for a lack of viable alternatives as for its own merits. The hope of the New Deal was that the narrow individualism and private orientation associated with consumption could be directed towards public ends—that the act of consumption need no longer serve as the realm of freedom, as much as provide the preconditions to more meaningful (although ultimately voluntary) forms of freedom. Here the emphasis was on citizenship and Millian self-development, both of which move us away from narrow and baser private interests towards something public and higher. And when that failed there was always the Tocquevillian emphasis on religion, as a way to soften the excesses of consumption.[65]

This new understanding of happiness and security was to be institutionalized in a new social contract—implicitly at first although as it became possible to think past World War II the New Deal started taking bolder, more public action to make these rights explicit, placing particular emphasis on new rights to work and education. Steps were also taken to make space within this contract for groups that had historically been

[65] The ceding of religious language to the right has given them a potent monopoly over one of our most potent symbols (see, for instance the perverse formulation of what constitutes 'values' voting in contemporary political discourse). The New Deal reminds us that within religion we have a powerful set of categories capable of inspiring progressive reform. Christianity has been enlisted into the causes of prohibition, nativisim, censorship, and bigotry but it was also the backbone of the abolitionist movement, the reformism of the social gospel movement, and the inclusivity of Martin Luther King.

excluded from mainstream American society—the young, women, blacks, and those so mired in poverty that they had essentially been forgotten. Although there were limits to what the New Deal could do for them in practice due to their lack of political organization and, in many cases, the powerful and organized hostility against them, their conditions were publicly addressed, their rights asserted, the New Deal going so far as to concede that until these groups were incorporated into American society the society itself had little right to expect obedience and loyalty from them.

Chapter IV examines the New Deal's theory of political agency. It discusses the nature of the New Deal's political pragmatism, situating it more in the tradition of Machiavelli than Dewey, as it concerns itself far more with limits on practice, the necessity of compromise, the perfectibility of politics and the nature of power than with larger epistemological and ontological questions of truth and experience. The chapter's primary focus is on Thurman Arnold's theory of symbolic politics, which examines the way our political culture provides both opportunities for and constraints upon change.

Arnold's central argument is that ideas and institutions mutually constitute themselves. Ideas are of small consequence outside of the institutions that embody them, but these institutions themselves cannot function without ideas to give them morale, energy, and legitimacy. He looks into the ways in which these ideas are formed, the irrational manner in which we hold them, the ceremonial fashion in which we address the tension between our practice and our ideals, and the ways in which political actors are forced to engage these symbolic frames if they wish to connect with the electorate. His argument, which all the New Dealers profiled here explicitly accept, is that in times of institutional collapse, reformers need to learn how to manipulate the symbols of that

failed order, which maintain an emotional relevance long after they cease to correspond with reality. New institutions require legitimacy, and reformers are forced to co-opt older, established symbols while new ones are developing. The job of the theorist becomes, for Arnold, providing reformers with the conceptual tools they need to convince the electorate to do what they want, a fundamentally manipulative approach that stands in tension with the more rigorous conception of citizenship that the New Deal embraces as the ideal. The second half of the chapter looks at the way the New Deal sought to both attack and appropriate the symbols of the old order, focusing on our symbols of business, welfare, the state, religion, the frontier, and the Constitution.

Chapter V looks at the other institutional limitations on New Deal reform, separate from, but still informed by our conservative folklore. It briefly explores the nature of the conservative coalition that stymied the New Deal, the relationship between FDR's court plan and labor's sit-down strikes, as well as the weak federal state and the need for infrastructure to be built from scratch. The second half of the chapter looks at what Milkis calls the third New Deal, the attempts to institutionalize as much power as possible within the executive, as well the complicated relationship between president and party. Finally it highlights the New Deal's emphasis on organization as a way to enforce liberal accountability and involve groups in the democratic process (along with the state's obligation to help the unorganized organize themselves, of which labor is the most prominent example). It concludes with an overall look at the limits to reform imposed by a liberal democracy (the limits imposed by capitalism are discussed in chapter VI)

The dissertation concludes with chapter VI. After a brief summation of the New Deal theory and what I argue are its strengths, I explore several of the tensions that need

to be dealt with if the theory is to be appropriated for reimagining contemporary progressive political discourse. These include the limits of interest group liberalism, the tension between an administrative state and Jeffersonian localism, the problems attendant upon trying to craft a common good on the back of a consumer identity, the possible incompatibility between the democratic ideal and manipulative practice, and above all else the ultimate inability of the Roosevelt administration to confront the presence of capital in the system.

The dissertation concludes much the same way this chapter concludes. The New Deal theory is imperfect, but its weaknesses highlight in important ways its very strength as a theory. The assumption underpinning both the New Deal and this evaluation of it is that, for now at least, capitalism is here to stay—that there is no mass movement capable of peacefully overthrowing it, and our political focus needs to be on figuring out ways to humanize and democratize it. The process will be proximate and imperfect, but the political theory of the New Deal is aware of what is at stake, understands the nature of political agency in a modern democracy (American democracy in particular), and offers us categories capable not only of building a more humane order, but of fostering self-reflection and correction. The New Deal is too important a period in American reform to have been shut out of the conversation for as long as it has. It is time to begin that conversation.

"Necessary First Lessons:" The Preconditions of the Welfare State

Government to [Jefferson] was a means to an end, not an end in itself; it might be either a refuge and a help or a threat and a danger, depending on the circumstances.[66]

This chapter explores some of the arguments used by the New Deal to justify its institutional innovations as the natural next step in America's political development, rather than some kind of alien invention. It begins with the New Deal's critique of older, laissez faire liberalism, focusing in particular on its argument that economic power is as coercive as political power and that society therefore has both a right and an obligation to assert a degree of democratic accountability over it. This is followed by a look at the preconditions that make this kind of state intervention necessary, justifiable, and potentially successful: the possibilities of social mastery, the fact that our economy is one of abundance, rather than scarcity, and that within a modern economy we are characterized by our interdependence, rather than an atomistic individualism.

The Commonwealth Club Address

The day of the great promoter or the financial Titan, to whom we granted anything if only he would build, or develop is over. Our task now is not discovery or exploitation of natural resources, or necessarily producing more goods. It is the sober, less dramatic business of administering resources and plants already in hand….of distributing wealth and products more equitably, of adapting existing economic organizations to the service of the people. The day of enlightened administration has come.[67]

The New Deal saw itself as the next phase in the development of liberalism—not transcending it entirely, as socialism aims to do, but moving beyond the older, static, and pre-industrial formulations that informed America's liberal identity. Henry Wallace

[66] FDR. "Commonwealth Club Address," 23 Sept. 1932. Speeches, 20
[67] FDR. "Commonwealth Club Address." 24-25.

alternately likened the New Deal's theory to a reformation[68] or the transition from adolescence to maturity.[69] Both analogies are apt. Like a reformation, the New Deal was simultaneously conservative and radical, familiar and threatening. It sanctified original principles while criticizing their contemporary perversions, offering a restoration through reform. And like growing up, it involved coming to grips with the wrenching loss of childhood innocence and youthful irresponsibility, and the recognition of the inevitable reality of interdependence and obligation. The recognition of this existential sensitivity to change is identified as the single greatest obstacle to change in the United States, and great pains are taken to ease the sense of mental disconnect and dislocation.[70]

Although FDR did not use the same analogies as Wallace,[71] he shared the recognition that the New Deal could only safeguard old ends (the protection of liberty and the pursuit of happiness) with new means. Likewise both men understood the importance of minimizing the psychic shock involved. FDR took care, therefore, to ground the New Deal in the liberal tradition familiar to Americans, arguing in *Individualism, Romantic and Realistic*, more commonly known as the Commonwealth Club Address, that the New Deal represents the next logical step in the historical process towards a more idealized liberal democracy, a more perfect (but never perfected) union. This section examines and expands upon Roosevelt's arguments in the Commonnwealth Club[72] Address, which served as the New Deal's principle public justification for an active, energetic state.

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[68] Wallace. Statesmanship.
[69] Wallace. Constitution.
[70] One of the causes of the charge that the New Deal was 'conservative.'
[71] Although they both made extensive use of the frontier metaphor, which will be discussed in a later chapter.
[72] Which in turn greatly parallel John Stuart Mill's history of liberal political development that begins On Liberty, although the CC address lacks the anti-majoritariansim of Mill.

Since its origins in the European Wars of Religion, philosophic liberalism's primary concern has been the protection and expansion of individual freedom,[73] realized by minimizing the impact of arbitrary power in people's lives. This can be done through two complementary methods: democratically, by granting citizens a say in the rules that govern them, and institutionally, through due process and the impartial rule of law. The later was especially important, Federalists argued in the aftermath of Shay's Rebellion, as a robust government was necessary to safeguard our rights,[74] and therefore institutional safeguards were needed to protect us from our protectors. Liberal thought was originally political in its origins, an immediate response to a disruptive and frequently violent context, and New Deal theory is in large measure an attempt to return liberalism away from its reification into abstraction back towards its contextual roots.

In Roosevelt's account,[75] national governments grew out of a desire for a central power to protect weak individuals from the machinations of feudal barons. This desire for security justified this centralized power; and while it undermined liberty for some (the barons), the vast majority of the people had no meaningful liberty to lose.[76] As Roosevelt notes, the founders of the modern state took their cues from Hobbes, rather than Locke.

> [T]he creators of national government were perforce ruthless men. They were often cruel in their methods, but they did strive steadily towards something that society needed and very much wanted, a strong central state, able to keep the

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[73] Of course how one defines this and squares it with the larger social context of the individual is a separate question entirely. See "History of Modern Political Thought" by The Canon.

[74] Of course one sees here, and stated explicitly by Madison in Federalist 10 the privileging of the rights of property over more substantive rights to equality and meaningful participation in the economic life of the community. The transformation of the right to liberty into the protection of property that took place during the 19th century can trace its origins to the founders.

[75] Which, while not surprisingly lacking some of the nuance and detail that might be found in a scholarly history as opposed to a political speech, is basically accurate.

[76] This argument will be made in greater detail in a later chapter, but political liberalism is not only about the possession of rights claims, but discovering ways for the state and society to adjudicate what happens when those claims rub up against each other. In those cases some form of utilitarian calculus is almost always used.

> peace, to stamp out civil war, to put the unruly nobleman in his place, and to permit the bulk of individuals to live safely.[77]

These men were ruthless because history demanded it of them—because in the first stage of creation, when leaders must pacify a violent world and craft order from chaos, ruthlessness is a necessity. In the interests of security, and the possibilities it creates, society is willing to accept concentrated power and its attendant excess. Necessity required it. Sacrifices must be made, in short, to create the preconditions for the exercise of freedom. We may be born with the right to freedom, but it must be created through endurance and trial, and may require grants of enormous power to men not be shy about using it.

But history is a process, not a destination. The development of political theory is in large measure the struggle against the reification of one particular historical threat, the attempt to reintroduce the idea of freedom as a dynamic process back into the system, and highlighting the fluid nature of development (of ideas and institutions) is one of FDR's primary goals in the Commonwealth Club Address. He argues that over time the threat to individual liberty shifted away from the power of unaccountable warring barons to the power of the unaccountable monarch. The very success of the state builders was the source of their own demise: the peace and security provided by the monarch created the space in which individual liberty could flourish,[78] and the powers granted to the monarch became onerous, no longer necessary to guarantee security and counter-productive to the well-being of individual citizens. FDR walks us through the gradual introduction of checks on arbitrary power that followed; through constitutional limitations, expanding

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[77] FDR. "Commonwealth Club Address." 19.

[78] A lesson FDR would learn in his second term as returning prosperity once again made the American people cautious, and their channeled their fear towards conservative, rather than progressive ends. We will explore this argument in more detail in chapter V.

democratic participation, and the increasing power of the moral ideal that "a ruler bore a responsibility for the welfare of his subjects,"[79] and that their welfare, as defined by the subjects themselves, was the ultimate source of moral right and political power.[80]

At stake in all this was the question of the legitimate use of power—what could the state ask and what would the people have to give? Frequently this came to a head over questions of faith: the monarch would ally himself with a church, enforcing a particular form of religious dogmatism and expanding social coercion into the most private[81] of domains. Opposing the monarch were the capitalist, merchant, and middle classes, whose rising strength and influence were derived from money and trade, not land and tradition. Modern liberalism was born from this struggle. This tradition, therefore, was primarily concerned with limiting the power of absolute political authority through increasingly democratic institutions, constitutional checks, and using economic power to counterbalance political power—all in the name of individual emancipation. Although some of its more libertarian offshoots would attempt to deny the existence of power and the reality of government,[82] the mainstream Hobbesian/Lockean tradition that would inform the American founding[83] accepted the permanent presence of power, and sought instead to regulate, control, and disperse it.

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[79] FDR. "Commonwealth Club Address." 19.

[80] While the *Declaration of Independence* declares the existence of natural, transcendent, and inalienable rights, it is also clear from the document that it is up to each people to define those rights for themselves and judge when they have been violated.

[81] One could challenge, as the Christian Right does, the belief that faith is a private, rather than communal matter, but not from within the epistemological framework and assumptions of liberalism. In fact, the history of the United States is in important ways the constant struggle to determine the public outlines of a private faith. As we will discuss in subsequent chapters, it need not only be conservatives who wish to draw upon the implications of Christianity to justify public policy. See also Morone, Hellfire Nation.

[82] And influence much American ideology.

[83] Every since Louis Hartz wrote The Liberal Tradition in America, just about every major work of American political thought has been compelled to respond to the Hartz thesis. And while works like Carey McWilliams' The Idea of Fraternity in America, Rogers Smith's Civic Ideals highlight the presence of non-liberal (or at least non-Lockean) traditions within American political thought it is hard to escape his

Because it was these democratizing and liberalizing currents that produced the American Revolution, suspicion of (if not outright opposition to) centralized political authority formed the core of our political philosophy. Economic independence became the primary check on the power of the state. As long as the people needed or wanted little from it, the central government could be kept weak and unthreatening.[84] Over time, however, we forgot both why we were suspicious of government and why we prized economic freedom. Initially, these served as a means to liberty, but gradually both came to define it. The American people adopted the paradoxical view that theirs was a free government, yet any action taken by that government, especially in the economic realm, was a form of tyranny. We became a self-governing people who rejected the possibility of self-government. A practical philosophy based on political and historical experience became a form of rigid and unsophisticated dogmatism, although unprecedented material circumstances obscured the consequences.

For the first half of our history, the paradox could be avoided insofar as government was not really necessary. A rural country with vast untapped stretches of land could afford to equate liberty with minimal government and unregulated

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conclusion that Lockean liberalism has been the dominant, if not exclusive, theoretical framework Americans use for thinking about their state and society. Of course one of the implicit arguments of this project is that that liberalism is a far more elastic theory than Hartz gives it credit for.

[84] The opposition was not to power per se, just federal power (due in large measure to the regional diversity of economic interests and the potential threat that centralized policy posed to those interests. We see this playing itself out during the Roosevelt Administration in regards to Southern opposition to wages and hours policies that undermined its comparative economic advantage afforded by cheap labor). State laws were frequently more invasive and far-reaching than federal laws could possibly aspire to be. Why we were so suspicious of one form of power, and tolerant of another, is an interesting question. Certainly state power was seen as more legitimate, as it was theoretically more democratic—although many states were slow in enfranchising all their citizens and poll taxes kept millions of blacks and poor whites from the polls well into the New Deal (more on this in a later chapter). Arnold would likely have argued, and I agree, that the hostility to federal government was a form of ceremony—a way for Americans to celebrate their independence from government without actually undermining the practical need and desire for government. They celebrated their principles at the federal level and their practice at the state and local levels.

economies[85] because those who were left behind could always 'go west'. In this best of all possible worlds, "when a depression came a new section of land was opened in the west; and even our temporary misfortune served our manifest destiny."[86] Soon, however, the industrial revolution would offer seductive visions of a newly mastered world, which would change our attitudes towards government and economics, and legitimize a certain type of interference.

As Roosevelt observed, the machine age dangled the possibility of ever-rising standards of living in front of our eyes, and the powers of the government were put into the service of the great industrial barons of the day. There was often a spectacular human cost, but such is the price of progress. The honor they received reflected the results, "irrespective of the means they used."[87]

> So manifest were the advantages of the machine age, however, that the United States fearlessly, cheerfully, and, I think, rightly, accepted the bitter with the sweet. It was thought that no price was too high to pay for the advantages which we could draw from a finished industrial system.[88]

As long as our 'financial Titans' were producing results, the republic could absorb their excesses, and the open frontier was there to welcome those who were left behind.[89]

As we will see, Roosevelt consciously moves to tie his New Deal to this old folklore. As with the state builders of old, the people of the nation were prepared to tolerate concentrations of power in the name of the material progress, and its attendant possibilities, that a modern economy promised. And just as the philosophy of divine

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[85] Unregulated economies in theory. Of course in practice, the business apostles of laissez-faire capitalism (as opposed to its philosophic apostles) used their considerable political clout to get favorable tariffs, land to develop railroads, etc.
[86] FDR. "Commonwealth Club Address." 21.
[87] Ibid. 21.
[88] Ibid. 22
[89] Whether or not this option existed in practice was in important ways irrelevant. This type of thinking was supposed to provide moral and existential legitimacy for the status quo, not represent an accurate reflection of the world.

right sought to legitimate the power of the monarch, our new lords sought legitimacy in theory. However, no divine right needed to be imposed on the people from the top down. The sheer abundance of land and opportunity, as well as a liberal theory that was already predisposed to celebrating economic strength, created a set of circumstances in which the great mass of people exalted their new masters of their own volition, in large measure because they believed that they too would someday become masters themselves. And while the self-made millionaire myth was precisely that,[90]

> Because the society was so open and the continent so underdeveloped the scramble for wealth and shares of power did not unduly disrupt American life: instead it became the very essence of American life. The development of the country was so manifestly a positive-sum game that the growth of one persons' wealth and power did not necessarily mean the shrinkage of another's.[91]

This is the core of the 'American' Dream, where the presence of opportunity meant that hard work (and perhaps a little luck) was all that was needed for a life of self-sufficient mastery.[92] But rather than guaranteeing that dream, an active government (outside of granting public funds for private investment) was seen as the primary force threatening to undermine it. As Henry Steele Commager notes,

> [Americans] tolerated with mere ceremonial protest the looting of the public domain or the evasion of taxes or the corruption of the legislatures, so long as these things brought visible profits, and resented government interference with private enterprise far more than private interference with government enterprise.[93]

Reactions to the worst excesses of industrial power could largely remain ceremonial because for the first century or so of American history there was generally a happy correlation between myth and reality. Prior to the start of the 20th century no source of

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[90] Howard Zinn argues that 90% of textile, railroad, and steel executives came from middle or upper class families. Howard Zinn. A People's History of the United States. (New York: The New Press, 1997). 188.
[91] Thomas K McGraw. "Business and Government: The Origins of the Adversary Relationship" in Business and Government in America Since 1870: The New Deal and Corporate Power. Robert Himmelberg. ed. (New York: Garland Publishing, Inc., 1994). 187-188.
[92] This will be explored in greater detail in chapter IV.
[93] Commager, Henry Steele. The American Mind. (New Haven: Yale University Press, 1950).13.

industrial power was large enough to impact the lives of great masses of people. The largest factories did not employ more than a few hundred workers, and even the largest concerns were usually capitalized at less than a million dollars.[94]

With the end of the 19th century, however, came a reassessment of industry's promise. The Census Bureau declared the frontier closed, and with it, its opportunity of last resort.[95] This was accompanied by the rise of the trust, the holding company, and phenomenal concentrations of economic power, further constricting the possibilities of those without great wealth. "[T]he turn of the tide came with the turn of the century. We were reaching our last frontier; there was no more free land and our industrial combinations had become great uncontrolled and irresponsible units of power within the state."[96] By 1890 railroads employed over a hundred thousand workers, corporations became multinationals, and capitalization was in the hundreds of millions of dollars. By 1901 the creation of US Steel gave the United States a billion dollar corporation. This was, without a doubt, the centralization of power that the founders feared and Tocqueville had prophesied. Opposition to it, however, rose only in fits and starts, waxing in times of depression and waning once general prosperity was resorted. As George Eads argues, echoing Arnold (and Commager), in times of prosperity the attendant material wealth and sense of psychological well being meant that only lip service need be paid to the older liberal values of competition and independence. "So long as the competitive ideal was embodied in statues and industrial and political leaders

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[94] McGraw. "Business and Government: The Origins of the Adversary Relationship." Himmelberg. 190.
[95] To say nothing of the lost dynamism and innovation that derived from the need for continual foundings which accompanied western expansion. See Frederick Jackson Turner, The Significance of the Frontier in American History. 7. July, 1893. <http://xroads.virginia.edu/~Hyper/TURNER/>.
[96] FDR. "Commonwealth Club Address." 22.

paid lip service to it, there was a general willingness to leave it at that."[97] Hence—as Arnold realized—even significant regulations like the Sherman Anti-Trust Act were purely symbolic measures, designed to affirm our fealty to principles of competition and independence without sacrificing the large concentrations of economic power required for modern development.

By the time of the depression, though, there was a general atmosphere of crisis, and a pervading lack of confidence that the system would reset itself as it had in the past. Ceremony and symbolism alone would no longer be sufficient. As we shall see in the Commonwealth Club Address, the New Deal's approach rejects the language and imagery of Marxism—cold, alien, and offensive to American sensibilities that have always rejected class analysis even when talking about class issues. Instead it harkens back to the familiar concepts of liberal theory. Just as Tocqueville predicted,[98] liberty in America was threatened by a new set of American 'feudal barons' that undermined our economic freedom as surely as the European barons of old took away our political freedom. In 1816 Jefferson wrote of his hope that "we shall crush in its birth the aristocracy of our monied corporations which dare already to challenge our government to a trial of strength, and bid defiance to the laws of our country."[99] As Roosevelt toured the country one hundred and sixteen years later, he noted, "we are steering a steady course toward economic oligarchy, if we are not there already."[100]

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[97] George Eads. "Airliner Competitive Conduct in a Less Regulated Environment: Implications for Antitrust." Himmelberg. 72.
[98] See *How an Aristocracy May Emerge From Industry* in Alexis de Tocqueville. Democracy in America. Trans. Gerald E. Bevan. (London: Penguin Books 2003). Original published in 1835 and 1840. 645-648.
[99] Jefferson quoted in Thomas Nace. Gangs of America. (San Francisco: Berrett-Koehler Publishers, Inc. 2005)
[100] FDR. "Commonwealth Club Address." 24.

The problem, as Arnold argues in The Folklore of Capitalism, is that even when material circumstances change, and old institutional arrangements no longer prove viable, "the words still remain and make men think that the institutions are still with them. They talk of the new organization which have come to take the place of the old in terms of these old words."[101] Classical liberalism is in many ways a pre-industrial philosophy, designed for a pre-corporate world. The concepts it celebrates—the rule of law, our equality before it, and an economic system based on freely negotiated contracts between equals—would become fictions in the new corporate industrial economy. The classical liberals themselves would have conceded this. Patron saint Adam Smith, for one, warned that corporate organization would lead to a dangerous lack of accountability.[102] This was further exacerbated by the Supreme Court's declaration that corporations had all the legal rights of citizens, alongside far fewer constraints on behavior due to limited liability laws. After the industrial revolution and the rise of industrial (later finance) capitalism, new forms of liberalism were necessary to deal with the impact of arbitrary economic power in people's lives (particularly through the corporation).[103] But in spite of this, American political thought failed to recognize changing conditions, so strong was our faith in our rugged individualism and endless opportunity. Tocqueville, the American Cassandra who warned that industrialization would be the door through which "aristocracy and the

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[101] Arnold. Folklore. 121.

[102] The directors of [corporations]…being the managers rather of other peoples' money than their own, it cannot well be expected that they should watch over It with the same anxious vigilance with which the partners in a private guild frequently watch over their own…Negligence and profusion, therefore, must always prevail, more or less, in the management of the affairs of such a company. Smith quoted in Nace. 40.

[103] The socialist tradition, on the other hand, also sought to replace capitalism with more public or collective forms of ownership. The more radical edges of the New Deal, particularly its planned communities, flirted with these ideas but only the Tennessee Valley Authority achieved mainstream prominence, and even there efforts were made to incorporate the TVA into the larger capitalist system.

permanent inequality of social conditions" would "infiltrate the world once again,"[104] spoke of limits in a land without them, and threatened to undermine the American individualism that was believed to be the source of our collective greatness.

It would take the shock of a long depression and an utter abdication of responsibility on behalf of the industrial community to create the space necessary for a new liberalism, and the New Deal seized that opportunity. Roosevelt's Commonwealth Club address argues that America n 1932 had reached a moment in its economic development analogous to that revolutionary moment in its political history where the forces of democracy rose up to take control of the state, however imperfectly, for the betterment of its citizens. The industrial plant had been built, the country unified through railroad, telephone, and radio. The sacrifices had been made, necessity had been overcome, and it was time for the U.S. to shift from an economy of scarcity to an economy of abundance.[105] The time had come, in short, to begin the process of economic democratization.[106] It was 'only' a matter of persuading people to accept the magnitude of what needed to be done, to realize that the Great Depression represented the systematic failure of pre-modern individualism.

Like Roosevelt, Wallace understood that this was in large measure a matter of symbolic education, of pointing out the ways in which, thanks to economic development, our old categories can no longer be easily mapped onto their corresponding institutions (or vice versa), even if they have maintained their old emotional resonance. For the

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[104] Tocqueville. Democracy In America. 648.

[105] This will be discussed in greater detail further in this chapter. Note too that not all liberal reforms shared this assumption. The NRA, for instance, was an attempt to preempt Senator Hugo Black's bill to create a thirty-hour work week, which was based on the assumption that there was no longer room for growth and that we had reached what John Stuart Mill had called a stationary state.

[106] Not necessarily the same thing as workplace democracy. The goal was to distribute the fruits of the economy more equitably, not to redistribute power (beyond the empowering of Unions, which was conceived of as a way to increase purchasing power, not to redefine the industrial order)

framers, 'property' referred to tangible assets like land, not abstractions like intellectual property, brand loyalty,[107] or even capital. 'Industry' meant industriousness, 'manufactured goods' were largely produced by hand, and 'commerce' referred to the local act of buying and selling.

> A man who owns a house or a barn or a piece of land can do what he likes with that property. A man with ten shares of stock in a billion dollar corporation has no more influence in deciding what the corporation will do than the most ragged vagrant in a breadline. It was on this old kind of 'property', when a man had both control and ownership, that our whole theory of private enterprise, now sadly shaken, was built. The modern corporation, with its vast anonymous powers, has cracked his theory from stem to stern.[108]

Perhaps the biggest change of all was in our understanding of the word liberty itself: Wallace argues, "in the last half of the nineteenth century, liberty began to be thought of…as meaning the free initiative of capital to expand as it pleased and the free right of employers to drive such bargains as they could."[109] The 14th amendment—clearly intended to protect the individual rights of freed slaves—was transformed into a shield for the great consolidation of industrial power that defined the 20th century, absolving them of any sense of responsibility for the welfare of the society they came to dominate.

The New Deal believed that our limited state had once been capable of managing the decentralized economic forces of the past (or, perhaps more accurately, that those forces were largely not in need of control), but concluded that those days had long passed. Economic power, highly centralized, can easily overpower political attempts to balance it. New institutions were necessary to meet these new challenges, but they could not be born until the people accepted their legitimacy. The American people would not abandon their old order until they ceased to believe in it. This would require a new understanding

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[107] Wallace and Arnold use the term good will, but this is what they are referring to.
[108] Wallace. Frontiers. 268
[109] Ibid. 49.

of what liberty and property had come to mean in practice. And this, by extension, would require the nation to realize that the problems a democracy faces in times of industrial centralization are very different from the problems facing a democracy of agrarian freeholders. But this realization was halting, and painful.

In Whose Constitution?, Wallace likens it to the process of growing up. The great symbols of frontier individualism were the symbols of youth and immaturity, where one could dismiss larger questions of responsibility, obligation, and interdependence, and think only of himself.

> The country hankered for its youthful irresponsibility, which it thought of as 'normalcy.' But 'normalcy' such as the country wanted was a dream and a delusion. The nation had yielded up its innocence, and would have to pay the price in one way or another. It was an adult nation, whether it wanted to be or not.[110]

If we were so inclined, we could blame the depression on the refusal of the United States to 'grow up'. Our inability to recognize both the problems and possibilities created by advances in technology and centralization, together with our failure and refusal to acknowledge changed circumstances and the new opportunities and obligations that follow in its wake, is a reflection of our fundamental immaturity. This analogy also offers a new way to interpret the traditional charge that the welfare state is paternalistic. If the goal of the welfare state were to infantilize the nation, this would be a damning argument. If, on the other hand, the goal is to help facilitate the transition into adulthood, then this is the kind of paternalism that manifests itself by providing a child with an advanced education or a loan to start a business. It is a grant in aid designed to foster independence, not permanent dependency. Certainly this is how the New Deal understood it.

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[110] Ibid. 61.

The stark consequences of clinging to our youthful understandings of individualism and liberty, in contrast, were all too clear. As Wallace observes,

> Rugged individualism for farmers in 1932 meant 6-cent cotton, 10-cent corn, 2-dollar hogs and 30-cent wheat. For small businessmen it meant a losing fight against the chain stores and the corporations which, with their built up reserves, could survive the depression. For the 15 million unemployed heads of families and unemployed young people it meant the liberty of taking the road to look for non-existent jobs, the liberty of holding out the hat for private or local charity, the liberty to move in with relatives to have a roof over their heads or to go back to the old homestead and add to mother's troubles on the farm.[111]

We have the tools to address these problems, Wallace argues. "[T]he Constitution envisioned a true nation, to be controlled by the people, and with powers to deal nationally with national problems."[112] It was the intention of the Founders, Wallace claims, for each generation to identify its own problems and develop the tools to address them.[113] Following Jefferson, each generation could invent for itself a new social contract. But before a new social contract could be articulated, it would need to be made clear to the American people that 18th century categories could not be applied to a 20th century world. Above all else this meant demonstrating that concentrations of economic power pose as serious a threat to the exercise of individual freedom as the concentrations of political power we once so zealously guarded against. If this could be shown, it would be possible to justify a welfare state that could enforce a new social contract that made good on the great promises of the Declaration of Independence and Constitution: "the pursuit of happiness" and securing "the blessings of liberty to ourselves and our posterity."

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[111] Ibid. 82.
[112] Wallace. Constitution. 35
[113] Wallace cites, among other people, Hamilton from "Federalist 31" on this score. "A government ought to contain in itself every power requisite to the full accomplishment of the objects committed to its care, and to the complete execution of the trusts for which it is responsible, free from every other control but a regard to the public good and to the sense of the people." Ibid. 205.

Power Is Where You Find It

The greatest threat to liberty in the United States lies in the very excess of that kind of liberty which puts great economic power in a few private hands. Economic liberty is never won and fixed forever; its benefits continually tend to gravitate toward the stronger or shrewder elements of society, leaving other elements with little or no liberty.[114]

The central concern of liberalism is the restraint of arbitrary power, from restraints grounded in coercion rather than consent. Traditionally this meant the coercive power of the government, and in the United States this view was so hegemonic, the idea of government so reified in the form of the Constitution, that it completely obscured the ways in which private business, especially in its corporate form, has actually become a form of government, unaccountable to the public in any meaningful way**.** This insight is at the heart of New Deal theory, and as such convincing the public of its validity was central to its educational efforts.[115] The New Deal asks us to think of government expansively, to regard it as any force that constrains, through the use of power, our ability to structure our lives as we see fit. A free people, according to liberal categories, will insist that they have some protection against the abuse of that power. A free people, according to democratic categories, will have some role in how those protections are structured. The key to institutionalizing these protections is to awaken the recognition within the citizen population that their freedom is threatened by arbitrary economic power, and that they have a legitimate right to limit that power.

This is why it was so vitally important to make Americans aware of the power and influence that corporations have, and the ways in which it extends far beyond the boundaries of the corporation itself. As Wallace argues in Whose Constitution?;

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[114] Ibid. 103.
[115] At least FDR, ER, and Wallace would have said educational. Arnold would have called it propaganda.

> The power to start and stop a plant at will is relatively harmless in the hands of the small businessman, but to give this same right to our huge impersonal corporations which employ millions of people is quite another matter. The time has certainly come to set up some social safeguards; there is enough dynamite in the exercise of this power to wreck our whole economic structure, including the corporations themselves.[116]

When an organization possesses the power to devastate communities with cuts in wages or jobs, or when the officers sitting on a board of directors can highjack the economic well-being of entire regions, they cease to have the same legal rights as people. When their actions have place the security of thousands at risk, they have "forgone their privilege as 'persons' and taken on some of the responsibilities of public institutions."[117] They essentially become a type of government, against which the individual has no meaningful protection. "Capitalism was built upon the principle of free and fair competition between free and evenly matched men, but this has become a farce in the face of monopolies. No individual can hold his own against a billion-dollar corporation."[118]As such they require a degree of regulation and democratic control that had not been previously necessary.[119]

This is at the heart of Tocqueville's fear of an industrial aristocracy he warned about one hundred years prior. Aristocracies in ages past were required to shoulder social responsibilities in exchange for their power and position. They, in theory, had to recognize fundamental obligations to their communities. In short, they saw that with their power came the burdens of leadership. The industrial aristocracy of modernity

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[116] Wallace. Constitution. 160.
[117] Ibid. 162.
[118] Ibid. 163.
[119] The form this regulation could take might vary. During the NRA/AAA stage the New Deal attempted to develop cooperative relationships between capital, labor, and consumers. The later stages of the New Deal, souring on the possibilities of cooperation, privileged forms of countervailing power.

recognizes no such responsibility, nor have we been conditioned as a people to demand that they do so.

> The industrialist only asks the worker for his labor and the latter only expects his wages…they are not linked in any permanent way, either by habit or duty…The landed aristocracy of past centuries was obliged by law, or believed itself obliged by custom, to help its servants and to relieve their distress. However, this present industrial aristocracy, having impoverished and brutalized the men it exploits, leaves public charity to feed them in times of crisis.[120]

Those who wield economic power have convinced themselves that their business is private, and that it comes no public responsibility or obligation beyond any incidental benefits that derive from the pursuit of self-interest. What's more, this new aristocracy recognizes no obligation but still demands privilege, looking to public resources for aid in both lean and boon times.

Roosevelt makes clear what is at stake in his 1936 acceptance speech. He reprises themes from the Commonwealth Club speech, especially the history of American and liberal thought as a struggle for freedom against "some restraining power."[121] However, he has ratcheted up the language. Now that the immediate scare of the Depression is over, and he is less interested in conciliating a business community that has turned against him,[122] he can more clearly define the new threat to our freedom, in language far more combative than sympathetic critique of capitalism offered in the Commonwealth Club Address. References to a growing, almost involuntary tendency of corporate power to resemble feudal baronies are replaced by the self-conscious machinations of 'economic royalists.'

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[120] Tocqueville. 648.
[121] Roosevelt. "Acceptance Speech" 27 June. 1936. Speeches 48.
[122] In part because new sources of political strength (unions and blacks especially) gave the New Deal the political cover to be more aggressive. We will develop this further in the section on organization in chapter V.

> For out of this modern civilization economic royalists carved new dynasties. New Kingdoms were built upon concentration of control over material things. Through new uses of corporations, banks and securities, new machinery of industry and agriculture, of labor and capital—all undreamed of by the fathers—the whole structure of modern life was impressed into his royal service.[123]

This economic power quickly seized control of the political process to consolidate and legitimate its power.

> [T]hese new economic dynasties, thirsting for power, reached out for control over movement itself. They created a new despotism and wrapped it in the robes of legal sanction. In its service new mercenaries sought to regiment the people, their labor, their property. And as a result, the average man once more confronts the problem that faced the Minute Man of seventy-six.
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> The hours men and women worked, the wages they received, the conditions of their labor—these had passed beyond the control of the people, and were imposed by this new industrial dictatorship. [124]

Tyranny is tyranny: while economic freedom once created the space for political freedom by weakening political tyrants, but today our democratic political freedom must be used to limit the arbitrary power of economic tyrants to achieve real economic democracy.

> For too many of us the political equality we once had won was meaningless in the face of economic inequality. A small group had concentrated into their own hands an almost complete control over other people's property, other people's money, other people's labor—other people's lives. For too many of us life was no longer free; liberty no longer real; men could no longer follow the pursuit of happiness.[125]

Economic freedom and political freedom are inextricably linked. No longer can we bracket the two and keep them separate. "Freedom is no half and half affair. If the average citizen is guaranteed equal opportunity in the polling place, he must have equal opportunity in the market place." [126]

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[123] Ibid. 48-49.
[124] Ibid. 49.
[125] Ibid. 49.
[126] Ibid. 50.

The New Deal argues that what ultimately matters is the expansion of human freedom, of creating larger spaces in which we can pursue our happiness. Liberty requires more than the opportunity to vote for a candidate. "Liberty requires opportunity to make a living—a living which gives man not only enough to live by, but something to live for."[127] In times past, laissez-faire economic policies were a way to guarantee political freedom. Now, the New Deal argues, we must use our hard-won political liberty to guarantee our economic liberty. Some degree of agency and mastery over our economic conditions is a necessary pre-requisite to the meaningful exercise of freedom as surely as is political freedom. In fact, the separation between the two is artificial, arbitrary, and dangerous. As Roosevelt warned Congress in 1938, "[t]he liberty of a democracy is not safe if the people tolerate the growth of private power to a point where it becomes stronger than their democratic state itself."[128] The Great Depression made very clear that the tyranny of the plant closure in the name of profit could devastate the life and liberty of a community as surely as the possibility of rebellion and invasion, starvation wages as powerful a limit on individual freedom as the most arbitrary of political laws. Without a responsive, powerful, democratic state there are few mechanisms through which citizens can redress their grievances other than violence.

Roosevelt argues that a 're-appraisal of values' is necessary if Americans desire a society based on opportunity. Just as the monarch's privileges were no longer necessary once the feudal barons had been put down, the 'financial Titan' no longer need be granted the same degree of leeway he once enjoyed. In fact, to continue to do so would only serve to stifle the cause of liberty and the possibility of individual self-development. The world

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[127] ibid 49

[128] Quoted in Miroff. 260. As Miroff goes on to note "This was perhaps the last time that a president raised in a serious manner the problem of corporate power in a democracy."

has been conquered, the industrial plant built. What is needed now is the administration of that plant for the good of the people as a whole, although the people are still understood to be a collectivity of individuals, their good being whatever maximizes their chance to pursue their own good without harming others in the process.[129]

Capitalism itself should be preserved, of course—economic liberty is needed to balance the power of the state. The New Deal, especially in the aftermath of the NRA experiment, privileged two compatible approaches to balancing that power—both of which demonstrated the New Deal's belief that the traditional liberal fear of tyranny had been inverted—that in a liberal democracy capital posed a greater threat to liberty than the state. Each method kept the government out of the day-to-day management of the economy but utilized state power to ensure that economic power did not harm the public. The first method looked to the preservation of competition, using the power of the state to break up what Arnold called 'bottlenecks,' restraints on competition and concentrations of economic power derived from control over markets rather than superior innovation and service. The second approach privileged regulation,[130] to ensure that concentrated corporate power serves the community as a whole instead of a narrow band of stockholders. They must be subjected to the same types of democratic regulation that compel political power, however imperfectly, to work in favor of the interests of the people. They must be compelled, in short, to recognize themselves as a type of government with its attendant obligations.

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[129] A formulation that comes directly from John Stuart Mill's On Liberty, although he was rarely cited by important New Dealers as an influence. This formulation is offset, however, by a republican emphasis on the mutual obligations and civic duties that attend membership in any community that is much less prominent in Mill. This will be discussed further in chapter III.

[130] As Jean Edward Smith points out, FDR preferred to use the word cooperation over regulation when possible, both due to a natural conciliatory streak and as a rhetorical move, as regulation has a more pronounced element of coercion. Having said that, when FDR talks of cooperation he usually means regulation. Smith. FDR. 84.

Without regulation to enforce that obligation, our liberty and the democracy that protects it cannot long survive. Roosevelt reminds us:

> Because we cherished our system of private property and free enterprise and were determined to preserve it as the foundation of our traditional American system, we recalled the warning of Thomas Jefferson that 'widespread poverty and concentrated wealth cannot long endure side by side in a democracy…And so our job was to preserve the American ideal of economic as well as political democracy, against the abuse of concentration of economic power that had been insidiously growing up amongst us in the last fifty years, particularly during the twelve years of preceding Administrations. Free economic enterprise was being weeded out at an alarming pace.[131]

The New Deal recognizes that a broad distribution of private property and free enterprise are now dependent on government regulation to protect them against concentrations of economic power. But in all cases the point of governmental regulation is to ultimately protect the citizen body against concentrations of power, an attempt to preserve free, competitive markets against any force that would threaten it.

Americans had become conditioned to see that threat weighing heavily on the size of governmental power, unreflectively ripping the maxims of Paine, Jefferson[132], and Thoreau from one context and transplanting them to one entirely different. The threat was no longer excessive governmental power (at least not yet). As Adolph Berle, a member of FDR's Brain Trust, argued,

> When nearly seventy per cent of American industry is concentrated in the hands of six hundred corporations; then not more than four or five thousand directors dominate this same block; when more than half of the population of the industrial east live or starve, depending on what this group does; when their lives, while they are working, are dominated by this group; when more than half the savings of the country are dominated by this same group; and when the flow of capital within the system is largely directed by not more than twenty great banks and

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[131] Roosevelt. "Campaign Speech: Chicago." 14 Oct. 1936. Speeches. 53.

[132] Both of who were anti-monarchy, not anti-government. Even Paine's insistence that "government, even in its best state, is but a necessary evil" needs to be juxtaposed with the proto-welfare state he endorses at the end of Rights of Man.

> banking houses—the individual man or woman has, in cold statistics, less than no chance at all.[133]

At least, they have no chance when left to their own devices. Thus, for the New Deal, the old individualism championed by Hoover and the Liberty League was a fiction.

With the industrial infrastructure of the country finally built, these extremes of wealth and power are no longer justifiable in terms of efficiency, and offers little benefit to the average investor or independent businessman, let alone a worker or small farmer. Like public political power, concentrations of private economic power should exist at the sufferance of society, and only as long as they provide a meaningful social benefit. This, the New Deal argues, is the true nature of Lockean liberalism, not the laissez faire perversion that had become so dominant in American thinking. Regulation and taxation guaranteeing that corporations serve a public purpose is completely legitimate. Without regulation, private enterprise becomes "a kind of private government and is a power unto itself—a regimentation of other people's money and other people's lives,"[134] and these circumstances are unacceptable no matter where the power is lodged.

> I am against private socialism of concentrated private power as thoroughly as I am against governmental socialism. The one is as equally dangerous as the other; and destruction of private socialism is utterly essential to avoid governmental socialism.[135]

As Abbot points out in The Exemplary Presidency, what the New Deal has done is essentially to identify, following Marx, that a ruling class with separate interests has come to dominate the economic (and with it the social) destinies of the American people, and their interests are separate from those of the great mass of citizens. However,

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[133] Berle quoted in Jordan Schwarz's Liberal: Adolf A Berle and the Vision of an American Era. (New York: The Free Press, 1987). 77.
[134] Roosevelt. "Campaign Speech: Chicago." 14 Oct. 1936. Speeches. 54.
[135] Roosevelt quoted in Joseph Lash. Dealers and Dreamers: A New Look at the New Deal. (New York: Doubleday, 1988) 201.

"[u]nlike the Marxists, FDR had identified, not a proletariat, but a mass of tiny capitalists whose dreams of 'living in their own homes' each 'with a two car garage' were shattered by an irresponsible ruling class"[136]—a dictatorship of an expanding bourgeoisie.[137] The question remained whether or not the ruling economic elites could be made to recognize their status as a ruling class and the attendant responsibility. Capitalists must acquire an ethic of stewardship if they wish to limit the necessity of public regulation and control. As Wallace argues, they must come to realize they "have extraordinary powers over the social structure, and they have not learned to exercise these powers in the social interest."[138] Due to our folklore, classes of people profiting enormously at the expense of others "think they are just enjoying their liberty."[139] It is not until they come to understand the power that they wield, and the destructive ways in which they wield it, that they can grasp why the New Deal is necessary.

The opposition of businessmen to the New Deal reflected the difficulty in accepting this new position. W.M. Kiplinger, a Washington journalist, offers a summary of their position that grounds it not in a hopeless antagonism, but from a skewed perspective. Their views were narrow, but:

> They are 'narrow,' in the sense that they are focused on their particular interests, and that they think of their business as the end rather than the means of getting things done for the community or the nation….they are apt to think that anything which interferes with their operations, their 'freedom,' their 'liberty' is wrong.[140]

A consequence of this narrow view is that it prevents them from seeing their proper role in a small government, free market society. In actuality "[b]usinessmen are our principal

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[136] Abbot. The Exemplary Presidency. 55.
[137] We will explore in chapter VI some of the limitations of this vision; in particular whether or not it possesses enough of a public dimension to make it a viable category for governance.
[138] Wallace. Frontiers. 12-13.
[139] Ibid, 128
[140] W.M. Kiplinger. "Why Business Men Fear Washington." *Scribner's* (October 1934) in Freidel. 92

class of public servants, although it would shock them to be told so. The fact is that they in the aggregate control the destines of most of us to a far greater extent than do government officials." [141] Some New Dealers in favor of greater government control were often loath to recognize this fact. Businessmen certainly were. But in a free markets economy they will remain our primary provider of essential services, and the question becomes whether or not they can be reoriented towards recognizing this obligation. The extent to which they can is the extent to which further regulation will not be necessary.

Certainly prior to the New Deal the business community, Tocqueville's industrial aristocracy, had failed miserably on this score, abetted by its refusal to recognize its privileged position in society. As Bertrand de Jouvenel, no cheerleader of the welfare state, concedes:

> If an aristocracy is false to its duty when it takes to shuffling out of responsibilities and risks, and making its sole aim the security of its possessions and position, the no other aristocracy ever made greater hast to leave its post than the capitalist.[142]

There are numerous reasons why this was the case. In part there was the tendency on the part of laissez faire capitalists to never quite read all of Adam Smith or John Locke, missing the sections where Smith declares that private property is inviolable only when it is used "without injury to his neighbor" or Locke's argument that our claim to private property is justified by improving and expanding the larger stock of goods humanity can draw upon for its benefit. The social element of private property has always been there, the obligations and limits to it narrowly interpreted out of existence. This is in part the great legacy of Spencer and Sumner's interpretations of Darwin, as we find within their

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[141] Ibid. 93.
[142] Bertrand de Jouvenel. On Power. (Indianapolis: Liberty Fund, 1993). 386.

reading the true intellectual origins of modern laissez faire capitalism. Here the accumulation of individual wealth and power does humanity a service not by giving, but by taking. Ripping the threads of the small and weak from our social tapestry is not only a prerogative born of the possession of power, but a moral duty that will ultimately benefit the strong who survive, leaving a more powerful nation in its wake.

For those desiring a softer interpretation there remains the uncritical assumption of laissez faire capitalism that the creation of wealth is the sole public responsibility of economic man. Its distribution will somehow take care of itself without direction or regulation. Attempts to interfere in this system in a positive capacity will only destroy its ability to function. In either case, greed and self-interest is elevated to a public good, one that utterly denies the need for those with economic power to recognize the positive responsibilities that arise alongside it. The question becomes whether or not this failure is built into the system, as Marxism argues, or whether it can be overcome through education—or, failing that, mitigated through regulation?

The New Deal assumes good will. The New Deal's economic program rejected the assumption that an orientation towards individual interests is generally opposed to the common good.[143] The problems here are not inherent to the logic of capitalism—instead the New Deal believed it was possible to craft a more publicly oriented ethic onto capitalism. The intention was to supplant the current fusion of capitalism with the radical rugged individualism born of the frontier and tortured readings of Darwin, a fusion that has now passed its usefulness as it denies the central fact of our interdependence. As Wallace reminds us, the Depression made clear that "[t]he hard but

[143] Both laissez faire capitalism and socialism reject this formulation to a degree. Laissez faire generally denies the existence of a common good, at least one that can be advanced through social policy. Socialism, on the other hand, emphasizes a cooperative, class orientation to a much greater degree than the New Deal.

necessary first lesson we all must learn is that we cannot prosper separately."[144] A healthy economy understands each group plays a critical role in its functioning and that farmers and workers need wages that enable them to buy the products of industry, and that industry needs a decent profit to encourage future investment and expansion. Private, isolated self-sufficiency is no longer a viable option, nor is it what corporate interests desire. Their scope is (inter)national—transcending local boundaries. As Wallace notes

> I agree with the corporations that the government should leave all possible initiative with private citizens and local communities—provided corporations do likewise. But insofar as corporations have transcended localities and have reached out for governmental power, it seems essential for a democracy to develop a mechanism for handling them fairly and in the public trust.[145]

Confronting the reality and reach of corporate power, and controlling it democratically, is one of the critical psychological and institutional steps necessary to ensure a transition to an economy of abundance.

An important step here is attacking the wall of separation that laissez faire liberal theory imagines exists between the economic and political realm. Until that relationship is exposed it will be difficult to make the case that economic authority is governing authority. Throughout his speeches, FDR takes pains to dispel for Americans who had not yet read their Charles Beard the myth that America has traditionally tolerated no government interference in its economy.[146] Business has always welcomed, and in many cases demanded, government aid in the form of subsidies and tariffs, and even military aid when confronting worker's movements. Wallace notes that the great banks have long

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[144] Wallace. Frontiers. 29.
[145] Ibid. 33-34.
[146] And, as Roosevelt never tired of saying, as relations between the two sides got increasingly hostile, the nations banking and business interests were begging for the government to do something about the Depression when Roosevelt took office.

assumed that "they and the government were essentially one in the matter of monetary and financial policies."[147] It would not be long, after all, before the Charles Wilson, head of GM, would declare that "what is good for General Motors is what's good for America," and Wallace criticizes tariff lobbying as "legalized thievery [that] is probably working more harm to the people of the United States than all other forms of robbery put together."[148]

The New Deal worries that the decentralized, unregulated nature of the American economy allows some sectors of the economy to avoid paying their fair share of burdens, and steps taken to aid the public welfare, filtered through this private system, frequently enrich those who see only private opportunity, not public obligation. The problem becomes devising a way to ensure that the public derives a greater benefit from the private generation of wealth. Can we modify its structure to increase "its capacity to provide our people with work at adequate wages, to build purchasing power as well as profits, to promote consumption as well as production?"[149] "Can cooperation and social invention replace the competitive seizure of opportunities for wealth"[150] as the new mechanism of progress? A failure to do so dooms us to a continuous cycle of boom and depression until the environmental consequences of short-term exploitation finally catch up with us.

The Myth of Private Property

The reason why old myths create such a problem in times when old institutions are not functioning effectively is that they induce men to act in direct contradiction to observed facts.[151]

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[147] Wallace. Frontiers. 43.
[148] Wallace. Frontiers. 44.
[149] Wallace. Constitution. 155.
[150] Wallace. Frontiers. 274.
[151] Arnold. Folklore. 136.

If this is the case, why do we stubbornly resist recognizing that private economic units are forms of governance, responsible for providing for the needs of those they rule, and subject to the control of political government if they fail in those responsibilities? Thurman Arnold makes this case most strongly in The Folklore of Capitalism. It is because we consider corporations to be rugged individuals, not entities that control our lives. It is not the government who controls our food supply, gasoline, power, heat, water, health, and credit, yet we continuously resist the need to assert democratic oversight over these industries. In part this was due to our faith in self-regulating markets that could police themselves. Umpires and rules are needed for isolated instances of individual malfeasance,[152] but no regulation is needed to ensure that everyone enjoys the benefits of capitalism. The assumption was that anything that generated wealth would flow back down to the population at large, and interfering in this process was bad public policy.

Any empirical defense of the status quo, however, is limited insofar as it can be empirically disproven. Fortunately industry was protected from regulation due to the profoundly held moral conviction that these entities were private and therefore beyond the scope of public concern, playing off the traditional liberal divide between public and private spheres of action. Large organizations 'owned' their industries, and it was the duty of the government to protect their private property from tyranny by 'the people,'[153]

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[152] According to the folklore of capitalism (chapter IV), market failures are always the fault of individual organizations or people who refuse to play by the rules, never the result of systemic defects.

[153] There was a great public outcry against the use of sit-down strikes in the mid 1930's because no distinction was drawn between the property of an individual and the property of an organization. Opponents would make the argument that strikes, if not stopped, would eventually lead to strangers invading their living rooms and hold sit-down strikes there. The strike would destroy the organization and then destroy the family. Arnold. Folklore. 52.

who could only constitute themselves through the government in an inefficient manner that would make things less productive in the long run. As Arnold argues:

> There was something peculiarly medieval in the faiths which sustained the business government in America. In the first place, men, with that astonishing ability to shut out reality characteristic of group thinking, actually believed that it was not government at all. The American Telephone and Telegraph Company and the United States Steel Corporation were "individuals" who "owned" their industries. Such intangible things as morale, a trained personnel, institutional habits, public acceptance and good will, indeed all the elements which distinguished a going concern, were thought of as private property, owned by an intangible individual, just as it was once thought that the King of France "owned" the State.[154]

The idea of corporate personhood is thereby nonsensical, Arnold argues, since the elements that make up a corporation—morale, habits, personnel, good will, etc. are all held by collectivities, not individuals.[155] Nor are these corporate entities entitled to lay private claim to the fruits of these massive organizations in any meaningful sense. The corporate governors at General Motors have not mixed their labor with the factory floor to justify their claims of ownership by the classical liberal standards established by Locke. Yet, Arnold argues, our folklore lacked the symbols and language necessary to deal with industrial organizations in any other fashion, so the courts had no choice but to discover that a proper reading of the Constitution granted massive organizations the status of individuals, with the attendant rights, privileges, and protections. No matter how many people a concern employed, no matter how much the health, livelihood, and well being of employees, consumers, and entire regions might be at the mercy of this private organization, any attempt at regulation was a priori illegitimate, as these were

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[154] Arnold. Folklore. 110-111.

[155] Arnold takes this argument further and points out that the notion of purely private property even in our own lives is increasingly suspect. I own a computer and car, but would be powerless to fix them if they broke. Ownership implies a degree of self-sufficiency that just does not exist anymore.

private organizations (and legally individual entities), not governments subject to public control.

Perhaps the most striking example of the double standard in the American thinking about business and political government is evident looking at our symbols of taxation.[156] The great psychological factor that limits what government can accomplish is the conviction that government spending invariably costs the public money and whatever businesses do will eventually make money, or at least not cost the public. Governments spend our collective wealth without mandate,[157] and spending is associated with the symbol of the taxman. Corporations are individuals who spend their money and the act of an individual spending their money in the market is a celebration of freedom.[158] Governments spend other people's money; while corporations spend their own. What is overlooked is that both sources of spending consist of public money.

> [W]hen the government wasted, it was wasting the taxpayer's money. When a railroad, or a public utility, wasted, it was wasting its own money—which, of course, every free individual has a right to do unless you are willing to change your "system of government" and adopt "Socialism." Of course, the great industrial organizations collected the money which they spent from the same public from which the government collected. However, in the case of a public utility, or textile concern, or a building corporation, the collection was voluntary, since men could do without clothes, light, or houses. Indeed, they *should* go without them, if they had no money to pay for them because if they didn't they would become dependent on the government. When the government collected, the collection was an involuntary tax, which in the long run fell upon the poor, because of the great principle that it is unjust to tax the rich any more than you happen to be taxing them at the time, and that the rich will refuse to hire the poor if taxed unjustly.[159]

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[156] Which Arnold spends two chapters exploring in The Folklore of Capitalism.
[157] The fact that the appropriations are made by elected representatives is conveniently overlooked when this argument is made.
[158] See Eric Foner, The Story of American Freedom. (New York: Norton, 1998), and David Hackett Fischer. Liberty and Freedom. (New York: Oxford University Press 2005). This argument will be explored in greater detail in the next chapter.
[159] Arnold. Folklore. 264

There is a finite pool of wealth a society can draw upon to finance its needs at any given time. Public expenditures to corporations are seen as optional, even when they are necessities, Arnold argues. If we choose, our folklore tells us, we can refuse to pay for food, water, electricity, car payments, and the like—in fact, our symbols of taxation are reinforced by our belief that the inability to afford necessities reflects a personal failure. Class is a moral, rather than an economic category.[160] But we are forced to pay our taxes. Public spending is coercive. Private spending is optional, and a celebration of freedom—the freedom to find entertainment, medical care, clothing, shelter, and food, or the freedom to starve. Again, Arnold observes:

> Rent, light, heat, transportation to and from work, were regarded as services purchased voluntarily. Police protection, libraries, parks, were paid for involuntarily by taxes. Therefore, the real danger to the income of the small man was supposed to be taxes and not prices, because he had a choice in the matter of purchases. Therefore it was public waste of funds that had to be watched. Private wastes of funds would take care of itself, since the profit motive prevented businessmen from wasting. Government had no profit motive and therefore was bound to waste more because of the extravagant theories habitually entreated by those who do not work for profit. And then, anyway, private funds, when wasted, only affect the individual who wastes them (and corporations were individuals), whereas the waste of public funds affects posterity, since they will have to be repaid by the taxpayers of the future.[161]

It might in fact be cheaper if the government took over certain essential services supplied by private organizations. They might even deliver these services more effectively to more people. This is an empirical question, one we are unable to answer, or even theorize, due to psychic blocks raised by the folklore of capitalism and its notions of legitimacy and desert. It tells us the profit motive is the only non-tyrannical form of social development and accountability. To even test this theory creates dependency on government, an unacceptable option given our governing creeds. This would lead to an

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[160] This is explored in more detail in chapter IV.
[161] Arnold. Folklore. 267-268

expansion of political power and increase the possibility of tyranny, to say nothing of the ruinous effects this would have on the characters of the recipients.[162]

While the alternative is dependency on private corporations, this does not have the same negative symbolic value that government spending does, since our folklore refuses to identify corporations as governing bodies. Spending money on essential services provided by private corporations is a choice, not a tax. If prices are too high we can do without. If advertisers manipulate us into paying for products we do not need, it is our fault for being suckered in. Bad investments are a valuable learning experience, and the market only rewards intelligence. However, we have no choice but to pay our taxes.[163]

> By means of this folklore a curious set of mental habits grew up. People grew to distrust service rendered them by that type of organization called the State, because they felt they would be "taxed" to pay for it. They preferred the services of great industrial organizations because they did not consider their contributions to such corporations as taxation. Men in American were so conditioned that they felt differently about taxes and about prices. The former was an involuntary taking; the latter a voluntary giving. Prices were something a person could pay or not pay as he chose. Thus all government activity became associated with a very unpleasant symbol, that of forced contributions. Business activity was correlated with the pleasant symbols of a free man going into the market place and buying what he chose. So it was that men opposed government efforts to furnish them with light, power, housing, credit, and looked with suspicion at government efforts to solve national problems. Everything that the government did meant higher taxes, involuntarily paid.[164]

As Arnold points out, in reality it makes no difference to the individual if his money goes to private corporations or to the government. In fact, money that is paid to the government is subject to much greater oversight and democratic accountability. But our

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[162] The general attitude of Americans towards their government under the folklore of capitalism will be explored in chapter IV.

[163] Although our resentment about this fact has created an entire industry revolving around finding ways to cheat the government out of taking our hard earned money. We would be horrified to find people were applying the same principles to not paying their bills.

[164] Arnold. Folklore. 268-269.

folklore has convinced us that the law of supply and demand, the profit motive, and the other mystical forces that together form the invisible hand of the market make active regulation unnecessary at best, tyrannical at worst.[165]

As a result, not only are we incapable of recognizing that industrial power is a form of government, we are blind to the possibilities of public investment. We are unable to assign value without some kind of financial metric to evaluate its success. Building parks and houses, subsidizing museums, and providing health care and education are all seen as expenditures that burden the future, not investments for its benefit.

> We cannot build schools and hospitals, preserve our water supply, improve recreational areas, or train doctors, because such programs are not self-liquidating in money terms. A trained doctor, for example, is not an asset, because his benefit to society cannot be expressed in monetary terms. Hence his training at public expense is an economic sin and burden on the taxpayers and leads hell-bent to inflation.[166]

In the eyes of the New Deal, failing to invest in public infrastructure and social services costs us real wealth. In the eyes of traditional economic thinking, we have lost nothing.

As long as we remain trapped by what the New Deal saw as antiquated economic theories and a conviction that any public action is tyrannical, while private action is the only legitimate source of freedom, we will fail in our efforts to provide for our people to the best of our productive capabilities. As Arnold argues,

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[165] Arnold walks us through the whole convenient process. If something is too expensive, that company will drop its price or go out of business—unless of course it has a monopoly. This is not a concern, since we have anti-trust laws to take care of that, and when they prove to be ineffective we can just blame that on the greedy politicians who are in bed with business and refuse to enforce the rules. Prices regulate themselves as long as everyone followed the proper economic principles. Plus business is run by the profit motive, which prevents waste.[165] When the government spends our money, the laws of supply and demand are carelessly brushed aside by politicians interested only in their own personal profit (which, unlike the profit motive of the businessman, will not increase the general good).

[166] FFF, 103-104

> The problem facing the American economy is a psychological one…Man is a slave to his vocabulary. Adjustment to the industrial revolution of the twentieth century will be accomplished only when we invent new words to describe the problems that face us. Today we need a set of words that will convey the idea that the wealth of the union consists of its capacity to produce goods, the programs for the public welfare that cannot be translated into monetary terms are nevertheless assets of incalculable value.[167]

Without new ways to think about value, especially public value, we leave the ability to invest in ourselves in the hands of private individuals under no obligation to think of themselves as public actors with public responsibilities. Moving past this will require a broader conception of what the state can legitimately do.

A New State for a New Liberalism

What is the State? It is the duly constituted representative of an organized society of human beings, created by them for their mutual protection and well being. "The State" or "The Government" is but the machinery through which such mutual aid and protection are achieved.[168]

The New Deal has a neutral, at times almost mechanistic, view of the state. It is not romanticized as the embodiment of the nation, nor is it demonized as an implacable enemy of individual liberty. Democracies need not fear the state,[169] because the state "is but the machinery through which mutual aid and protection are achieved." It is a tool of organized society, designed to facilitate both the protection *and* the well-being of its citizens. It is a servant of our collective will, nothing more.[170] Society, on the other

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[167] Folklore. 276-277

[168] FDR. "Message to the New York State Legislature." 28 August.1931.Speeches. 10.

[169] Although, Roosevelt argues, states may have cause to fear their people

[170] Again, it was the use of state power to deal with economic matters that is significant here. As James Morone demonstrates in Hellfire Nation, the state had always been active in intensely personal matters. Religious blue laws had been with us from the beginning, and abolition was a moral crusde. The New Deal began at the tail end of the prohibition experiment (in fact, it ends it), which was a massive intrusion into private life, justified by both the social ills caused by alcohol and the impact it had on our character (especially the character of the poor and foreign). These intrusions were justified by appealing to moral and religious sensibilities, even when there was an economic component to them. Roosevelt understood the

hand, has a moral obligation (and a legal one, bound up in our social contract) to care for people who find themselves victims of adverse circumstances, unable to survive, let alone prosper and pursue happiness, without some kind of external aid. Meeting these needs through a private economic system is fine, and is in fact preferable. Better for private citizens to do so on their own terms, with a minimum of outside interference. But the needs must be met regardless; and the state offers us the capacity to meet this obligation when private industry fails to do so. This, Francis Perkins argued, was Roosevelt's most important idea:

> The idea that government had a positive responsibility for the general welfare. Not that government itself must do everything, but that everything practicable must be done. Whether government does it, or private enterprise, is an operating decision dependent on many factors—but government must insure that something is done.[171]

Under normal circumstances, private enterprise can be entrusted with meeting the needs of the general welfare. But when it fails to perform, the government must step in to make sure basic needs are met.[172]

Early in his second inaugural, Roosevelt argues that through government we find "the instrument of our united purpose to solve for the individuals the ever-rising problems of a complex civilization."[173] His choice of the word instrument is instructive. The government exists as a tool of democratic society, a servant of our will rather than a source of oppression. It enables us to master the world, working in tandem with private

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power of the crusading mentality that was constantly simmering below the surface of the American people, waiting to be tapped. By making economic concerns moral concerns, the New Deal was able to expanded state power into previously forbidden areas.

[171] Perkins. 476.

[172] As we will discuss further in chapter IV, the great political machines had seen political organizations as a way to address problems of social welfare long before this argument was being advanced at the federal level. The New Deal can be seen as an attempt to build a national machine buttressed by liberal ideas of accountability.

[173] Roosevelt. "Second Inaugural Address" 20 Jan. 1937. Speeches. 58

initiative and picking up the slack when private initiative fails. Other nations must grapple with the problem of necessity, but in America the primary obstacle to mastery is our own fear, hesitation, and timidity—our unwillingness (bordering at times on superstitious and reactionary stubbornness) to use the tools at our disposal. There is also a reminder that our civilization is complex and interdependent, easily capable of overwhelming isolated citizens. The day of individuals solving problems on their own has ended. We now need to act collectively to solve the problems that impede the individual, because these impediments are beyond the ability of the individual to master.

The democratic machinery of government is meant to aid us. Rather than being a necessary (and necessarily hostile) force existing outside of society, it was a tool that society could use to advance its own collective interests, a power to be harnessed, not simply feared.[174] Positive state intervention can help to create space in which individuals can come to empower themselves—by providing security and by making capital accountable to the community and the individual consumer—and its excesses can be policed, and its direction determined through democratic institutions, in a way that a system of economic consolidation (masquerading as free markets) cannot.

If a job and a living wage are rights,[175] and if we wish to avoid excessive government involvement in our lives, then those who control the "great industrial and financial combinations which dominate so large a part of our industrial life"[176] have an obligation to make sure that those fundamental rights are met. In Roosevelt's eyes, corporations were a public trust, and while private industry was entitled to profit, that

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[174] The emphasis here is on the democratic elemental of control. New Deal theory was aware of the possibilities of the private capture of this machinery, although as we shall see in chapter VI, the Roosevelt Administration did not take sufficient steps to defend against that possibility.
[175] Which the New Deal claimed they were, as we shall see in chapter III.
[176] FDR. "Commonwealth Club Address." 25-26.

profit had to be balanced out against the services they provided to the community. This in itself is nothing new. Rather, it is a return to an earlier understanding of incorporation, which occurred at the sufferance of the community and for its benefit.[177] In particular, private industry has to account for our rights to a job and living wage.[178] Failure to do so requires the government to step in and provide the regulation necessary to guarantee those—our natural right of security—as surely we would expect it to guarantee our rights to speech, assembly, or due process.

As Wallace argues, "The days when corporations and capitalists could do pretty much what they pleased are over. From now on, more and more they will enjoy only that liberty which they have purchased by continuously and consciously exercising self-restraint on behalf of the general welfare."[179] A capitalism that privileges the general welfare is far superior to pure unrestrained competition that can only look to the short term advantage, sacrifices the common good to personal interest, and is accountable to no one. Through an assertion of political will, the public interest can force corporations to "accept the doctrine that capital and management have received from government a grant of power which entitles them to make profits on condition that certain rules of the game are observed with respect to production, prices, wages, and savings."[180] Through the government we have the possibility of democratic control and accountability, and there is

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[177] Nace. Gangs of America. 46-55.Nace focuses in particular on the threat of charter revocation, exercised with some regularity when the corporation in question was demonstrably failing to benefit the public. It was not until after the Civil War that this system was rapidly abandoned for "general incorporation" which effectively eliminated the democratic protections offered by the charter system.
[178] Not a term the New Deal would technically use, but a concept it supported.
[179] Wallace." Capitalism, Religion and Democracy." Democracy. 141.
[180] Wallace. "Technology, Corporations, and the General Welfare" Democracy.124.

one, and only one, standard the people can use to justify regulation, a "concern for social justice and social charity—in other words, the greatest good for the greatest numbers."[181]

Roosevelt summed it up neatly by referring back to Lincoln. "I believe with Abraham Lincoln, that "The legitimate object of Government is to do for a community of people whatever they need to have done but cannot do at all or cannot do so well for themselves in their separate and individual capacities."[182] The moral obligation of the state to intervene, however, is not in itself sufficient in itself, even with the moral authority granted by quoting Lincoln. There are several remaining assumptions that underpin not only the right of intervention, but the New Deal's faith in its success. They are the possibility of mastery, of asserting agency and direction over institutional processes; the existence of enough abundance to challenge an economic framework oriented towards scarcity; and finally the fundamental interdependence (economic and social) of Americans—that even if the individual remains our primary conceptual category, we must recognize that these individuals are socialized into an interdependent context, rather than remaining isolated and atomistic.

Mastery

There is no unsolvable problem if we face it wisely and courageously.[183]

The traditional laissez faire liberalism the New Deal aimed to replace is noteworthy for its fundamental denial of human agency regarding social questions. It saw people as prisoners of natural (market and evolutionary) forces that we could neither master nor alter. Understanding those forces, to be sure, would enable us to carve out a

[181] Wallace. Frontiers. 20.
[182] Roosevelt. "Government and Modern Capitalism." 30 Sept. 1934. Chat. 62.
[183] FDR. "1st Inaugural Address." 4. March, 1933. Speeches. 31.

life for ourselves within their boundaries, but the boundaries themselves cannot be challenged. Even attempting to do so was the worst kind of hubris, inviting disaster not only to the individual, but to the entire nation. Of course this kind of paralysis does not sit well with the American temperament, but Americans resolved that discomfort in three ways. First, some argued that in the long-term these laws would provide for the well-being of all Americans (thought this was always more a question of faith than process). The Social Darwinist corollary to laissez faire individualism, second, assured us that if we could not look forward to a rising tide lifting all boats, we could at least take comfort in the fact that the more dilapidated craft would sink so that we need not think about them again. And finally, of course, there was always a healthy Malthusian pessimism, which argued that argued poverty was an inevitable part of the human condition. Ultimately all three of these positions had one thing in common—they eliminated from their adherents any obligation to confront problems of social justice by denying the possibility of success. If anything, inaction was more humane because of our capacity for negative agency. We could not make things better, but we could certainly make them worse.

This pessimism is surprising given our natural inclination towards mastery—to look upon necessity as a challenge rather than a limitation. As Ann Norton observes,

> The passion to surpass the God of Nature in the making of a world manifests itself in every aspect of life of Americans: in where they live and what they eat, in what they wear and where they play… there is no pleasure that cannot be enhanced, no pain that cannot be lessened, no effort that cannot be eased, no want that cannot be supplied, no need so small that it need not be answered, no provision so complete it cannot be improved.[184]

It is telling that the two fastest growing cities in the United States are found in deserts that have no business supporting metropolitan populations. It is the continuation of our

[184] Ann Norton. Republic of Signs: Liberal Theory and American Pop Culture. (Chicago: The University of Chicago Press, 1992). 21-22.

manifest destiny—to overcome the challenges nature places before us. Given this passion for mastery it is a testament to the folklore of capitalism that a civilization capable of building a transcontinental railroad and inventing flight shrank at the thought of mastering markets and distributing goods.

Any progressive political theory has to challenge this basic pessimism. It has to assume that positive change, however incremental, piecemeal, and imperfect it may be, is possible and desirable. When people speak of FDR's ability to restore confidence and optimism to a demoralized nation this is in part what they are referring to. The New Deal restored Americans' faith in their teleology, and with it their sense of agency. It demonstrated to Americans that they did not have to rely on the hope that social problems would fix themselves independent of human intervention. With hard work, determination, and pragmatic flexibility human beings have the power to master necessity.

Explicit in the writings of all the New Dealers profiled in this study is the belief that the limits on action are primarily psychological. Given the fact that America has conquered scarcity (more on this in a moment), the only things preventing a more just distribution of its abundance were our own self-imposed limits. "The chief difficulty is with human hearts and human wills,"[185] Wallace tells us, and one of the aims of the New Deal's public writings was to inspire confidence in the possibilities of mastery. FDR recognizes this when he argues that we must respond to the Depression as we would respond to a war. He is not calling for martial law, or even martial virtues. Instead, he refers to the way in which war focuses our attention, concentrates our energies, and can override selfishness (in some) in the name of a larger public endeavor. War is the

[185] Wallace. Statesmanship. 94.

moment where this has historically been easiest for us to overcome our fear of mastery, but the New Deal argues we do not need to declare war to master our social conditions.[186]

When we are not bound by necessity the limits of our mastery is a question of desire and will. American decided they wanted to tame and subdue an entire continent, constructed the philosophy of manifest destiny to legitimate that conquest, and they did it. The task of conquering want, of providing security and opportunity, is more difficult because the 'laws' of capitalism tell us it is impossible. The point of the New Deal's public writings was to help us recognize that there are no static or transcendent economic laws. Just as we discovered that the power of kings was actually sanctioned by the people instead of God, "[w]e must lay hold of the fact that economic laws are not made by nature. They are made by human beings."[187] Laws made by humans can be made to serve them.

In fact, New Deal theory largely rejects the language of laws entirely. There is something too ironclad and mechanistic about thinking of human institutions as governed by laws. As Charles Kessler reminds us, governments and social institutions owe their origins to Darwin, not Newton—they are responsive to their environment, change as conditions change, and are capable of artful manipulation.[188] The nature of that manipulation will be discussed in chapters four and five, but the key move here is that they are capable of direction. This is an assumption that the progressive must assert and defend at every opportunity, even if they shy away from a conception of administrative

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[186] Although there remains a psychological appeal found in declaring war on social problems—wars on poverty, crime, drugs, etc. FDR himself peppered his speeches with martial references, urging Americans in his Inaugural Address to "move as a trained and loyal army willing to sacrifice for the good of a common discipline, and ensuring his supporters in his 36 acceptance speech that he is "enlisted for the duration of the war." Speeches. 51.
[187] FDR. "Acceptance Speech." 2 July, 1932. Speeches. 16.
[188] Charles Kessler. "The Public Philosophy of the New Freedom and The New Deal." Eden. 156.

elitism in favor of a more democratic distribution of authority. Without it the conservative can take refuge in the insolvability of social problems, retreating from the moral implications of their position by highlighting the impossibility of the task and turning hard headed reformers more in tune with the reality of power into starry eyed dreamers who do not understand how the world works. The New Deal accepted this challenge head on and gave the American people faith that capitalism could be preserved, and even improved, if we are willing to subject it to human direction. This was, as Arnold called it "the social philosophy of tomorrow"—our increasing willingness to demystify the world so that we can assert control over it.[189]

Abundance

We live by ancient standards of withdrawal and denial in a world bursting with potential abundance. The fears, couple with the narrowness and hatred of our forefathers, are embodied in our political and educational institutions and bred in our bones. It will only be a little at a time that we can work ourselves free.[190]

Of equal importance was the New Deal's broadside challenge to scarcity economics, a particularly bold move given that it took place during America's worst depression. FDR makes clear in his 1st Inaugural Address that the Depression is a problem of our own making.

> Only a foolish optimist can deny the dark realities of the moment. Yet our distress comes from no failure of substance. We are stricken by no plague of locusts. Compared with the perils which our forefathers conquered because they believed and were not afraid, we have still much to be thankful for. Nature still offers her

[189] Interestingly enough, Arnold points to the increased (by 1936 standards) tendency of the media to cover electoral politics like a game as a sign of progress. "Even at the height of the last campaign the bitterness was softened by the realization that a play was being staged. This is a new thing in our political thinking. It holds the promise of giving us greater control over our ceremonies and creeds, without losing any of their emotional drive." Folklore. 344. The problem, as we've seen in the intervening years, is that (for a number of reasons, some of which we will briefly explore in chapter VI) the focus on pure entertainment has not developed into a more scientific and diagnostic approach to policy formation.

[190] Wallace quoted in Norman Markowitz. The Rise and Fall of the People's Century (NY: The Free Press, 1973). 1.

> bounty and human efforts have multiplied it. Plenty is at our doorstep, but a generous use of it languishes in the very sight of the supply.[191]

In short, the New Deal was governed by a conviction that we had conquered necessity; that the basic material goods needed to provide every American with a decent life (security enough to exercise liberty and pursue happiness) exist. Our problem is that we are socialized into an economics of scarcity—which assumes that people will only work if they are threatened with privation and that competition, not cooperation, is the only viable path to progress. The New Deal aimed at a reorientation towards what Tugwell and Wallace calls an economy of abundance, in which it is possible not only to satisfy our needs, but also to address our wants as well.[192]

Although Americans were socialized into an economy of scarcity that focuses on production and the attendant values of thrift, restraint, and self-denial, the rising emphasis on consumption and consumerism meant that we were also ready to accept the implications of prosperity. In fact, as Hofstadter notes, the assumption of abundance was with us from the beginning, implicit in the image of the frontier and manifested in the lack of class consciousness within American workers, whose primary assumption was that there was enough to go around and whose anger came from a feeling that they were being denied their chance to partake of prosperity.[193]

Eleanor Roosevelt took this argument further, arguing that the assumption of scarcity is our primary stumbling block against increased democratization (understood morally). The immediate problems are fear and ignorance. One creates intolerance, the other apathy, and both are caused by privation. Fear is a ruling passion: when it governs

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[191] FDR. "1st Inaugural Address." Speeches. 30.
[192] Here they build off the ideas of progressive economist Simon Patten, although his terms are economies of pleasure and pain.
[193] Brinkley. 10.

us we are unable to govern ourselves, as it makes the trust essential to democratic citizenship almost impossible to cultivate. "The worst thing that has come to us from the depression is fear; fear of an uncertain future, fear of not being able to meet our problems, fear of not being equipped to cope with life as we live it today."[194] Trust and affection are only possible in the absence of fear. Where there is fear we find intolerance, and where there is intolerance there cannot be democracy. ER was quick to associate intolerance with scarcity, be it a scarcity of material goods, understanding, or attachment. In principle, she argues, there were few disagreements that were fundamentally irreconcilable provided we could avoid the problem of scarcity. Democracy requires abundance. "We must maintain a standard of living which makes it possible for the people really to want justice for all, rather than to harbor a secret hope for privileges because they cannot hope for justice."[195] The welfare state is therefore essential for the preservation of democracy.

> [D]emocracy requires a standard of citizenship which no other form of government finds necessary. To be a citizen in a democracy a human being must be given a healthy start. He must have adequate food for physical growth and proper surrounding for mental and spiritual development…We must learn to reason and to think for ourselves. We must make our decision on the basis of knowledge and reasoning power. In a democracy we must be able to visualize the life of the whole nation.[196]

The measure of a state's ultimate effectiveness, and validity, is its ability to provide those preconditions of citizenship (physical security, education, and time—all of which are threatened by the assumption of scarcity) for as many people as possible.

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[194] ER quoted in Joseph Lash. Life Was Meant to be Lived: A Centenary Portrait of Eleanor Roosevelt. (New York: W.W. Norton & Company, 1984). 61.
[195] ER._Moral Basis. 78.
[196] ER, "Insuring Democracy" *Collier's* (June 15 1940). Courage. 74.

While Eleanor Roosevelt cuts to the heart of why the assumption of abundance is important, it is in the work of Henry Wallace that we find the New Deal's most sophisticated discussion of abundance. He saw the failure of capitalism as a failure not of production, but of a system of distribution that had not kept up with advances in our productive capacity. Wallace classified the old order as an economics of scarcity, one that privileged ruthless competition and assumed that the needs of all citizens could not be adequately met. This in turn legitimated inequality and privation. It denigrated ideas of trust and cooperation as both naive and counter-productive. Wallace concedes that scarcity economics had its uses: it liberated the grasping, selfish energy that subdued the continent and created a truly staggering amount of industrial potential. But its moment in history has come to an end. For the first time in human history we have the capacity to end want, to create a world categorized first and foremost by abundance. The question for Wallace is whether or not we can embrace these new possibilities.

Wallace finds the American people at a crossroads, between adolescence and maturity, between an exhausted land and a promising frontier, between an economy of scarcity and an economy of abundance. At this crossroads we have to make a choice, one laden with consequences that Wallace invests with a millennial weight. If we remain bound to the economics of scarcity and competition, if we refuse to embrace the potential for abundance that a capitalism harnessed to the public interest offers us,[197] we are doomed to repeat the cycle of depression/recovery/depression, war/peace/war, that has plagued humanity for as long as we can remember.

[197] The New Deal assumes that this is possible, an assumption we revisit with a more critical eye in Chapter VI.

Until now escape from this vicious cycle was never an option, since we lacked the ability to conquer necessity. We never had the physical capacity to produce the goods necessary to supply all people with a decent standard of living, but by the 1920s (in Wallace's estimation) this was no longer the case. Want was now artificial, a failure of our social, political, and economic systems to keep pace with the new potentialities and possibilities of modernity. In his first inaugural FDR blames that failure on our economic governors.

> Primarily this is because the rulers of the exchange of mankind's goods have failed, through their own stubbornness and their own incompetence, have admitted their failure, and abdicated. Practices of the unscrupulous money changers stand indicted in the court of public opinion, rejected by the hearts and minds of men. True they have tried, but their efforts have been cast in the pattern of an outworn tradition.[198]

Wallace, while not denying FDR's basic accusation, offers us a more psychologically nuanced explanation. The problem is less incompetence and stubbornness (although this is still present) and more a failure of our folklore. The Great Depression reflects the inability of the United States to come to grips with its own potential, the cause of the Depression due to "our failure to learn to live with abundance,"[199] our inability to "create a social machine that will help us distribute, fairly, the fruits of our labor."[200] We find ourselves trapped, instead, in a mindset that privileges competition over cooperation. "We could not trust ourselves with joy and beauty because they ran counter to our competitive search for wealth and power."[201] We need no longer live in those times, but we have yet to realize it.

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[198] FDR. "1st Inaugural Address." Speeches. 30.
[199] Wallace. Statesmanship. 5.
[200] Ibid. 5.
[201] Wallace. Frontiers. 275.

An economy of abundance privileges social justice. It challenges a profit motive that claims that men can only be motivated by greed or the threat of privation, and that the idea of justice is utopian because we lack the resources to meet the material needs of all. In the heart of the Depression we suffered not from scarcity, but from a lack of markets and purchasing power. Needs could be met, and goods could be produced, but they could not be distributed under our economic system. The great task ahead of the reformer is to provide not only social institutions that will focus on maximizing distribution, but to give citizens a framework through which this new system can be justified. The questions we have to ask ourselves, Wallace reminds us, is whether we can awaken our souls "to the need for social justice, and have we souls rich enough to endure abundance?"[202]

Wallace's use of the word 'endure' is worth noting. Prosperity requires a reshuffling of our philosophy and ideology, as well as our reading of history. These moments of critical reflection and growth are never easy, as maturation is never easy, and he understands the need to approach these questions with sensitivity to the past. The United States, like a child coming of age, is eager to embrace the benefits of adulthood but reluctant to assume the obligations. These new obligations cannot be forced onto a people if we expect them to be accepted, the New Deal argues. Instead, we must move slowly and carefully, fusing a new tradition onto the old one, gradually sublimating it. This requires progressive leaders to carry out a truly massive effort at political and social reeducation, one that also displays sensitivity to the needs and prejudices of the student. As Tocqueville demonstrates, Americans have always been hostile to 'alien' and 'foregin' ideas. The majority will only accept what is comfortable and familiar to them.

[202] Wallace. Statesmanship. 8.

The New Deal understood this, and also knew that it would be impossible to replace a rugged individual with a cooperative individual without grounding this appeal in familiar traditions and symbols.

Wallace, who in this vein made copious use of America's Christian heritage, compares the experience of the United States to Job. We are being tested, and if we pass we will be rewarded with a life even more abundant than before, provided we reject the advice of our false friends and recognize scarcity economics as "the dead hand of the past trying to make a profit by blocking the progress of business."[203] This dead hand speaks for a worldview that denies the possibility of cooperation and rejects pride and love as potential (and powerful) forms of motivation. It even rejects interest and embraces only suffering.

> One aspect of modern scarcity economics is the belief that men will work only when they are hungry and that they will stop work when they have enough money to keep their bellies full for three of our days. This cynical attitude of exploitation of the many for the benefit of the few has no place in modern civilization. The moment the many are taught to read and write, to build better homes, to eat better food, to see an occasional movie, to listen to the radio, desire is created and markets are enlarged People want more and are willing to work to get what hey want. This increased longing of the people for *light and abundance* is going on at an increased tempo all over the world.[204]

Wallace does not doubt that the viciousness of this worldview enabled it to conquer, and we live with the industrial plant it built, even if we are disingenuous about confronting the costs of our inheritance. But to continue to legitimate that worldview represents a form of moral bankruptcy. "It is only in an economy of scarcity that the few can sit on the top and scorn the misery of those below."[205] Instead, the New Deal argues, we need

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[203] Wallace. "America Can Get It." 9 Feb. 1944. Democracy. 31.
[204] Ibid. 32. Emphasis mine.
[205] Ibid. 34.

to create a moral climate that rejects the poverty of scarcity and acknowledges that at the intersection of interest and cooperation we find widespread prosperity.

For essentially their entire history Americans have privileged economic needs over all others. But that time has come to an end. "The economic and business machine should be subjected more and more to the religious, the artistic and the deeper scientific needs of man," Wallace argues.[206] It is here, not in the realm of economics and business, that we will find the logic and inspiration needed to begin the next stage of history. Those old laws are not irrelevant, but they no longer are entitled to a pride of place within our folklore.

> I am not denying either evolution or the law of supply and demand. But I am denying the right of a philosophy based on such laws to guide humanity toward the infinite richness which is resident on the one hand in human nature itself and on the other hand in the capacity of science to exploit the material world for our benefit.[207]

In fact, the more powerful our mastery of the world becomes, "the more certain the destruction"[208] unless we manage to change. Our control over the world has, for Wallace and the New Deal, emancipated us from many of its limits, and unless we adjust our social values to account for that, we risk losing control of history and drifting from one catastrophe to the next.

The problem America faces is a lack of vision. We are unable to transition from an economics of scarcity towards one of abundance. The limits of our productivity are greater than we can imagine, but only if we can approach the problem with good sense, good will, and good management. This requires a national conversation about what we want to do with the economic machinery of the United States, as well as the assumption

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[206] Wallace. Statesmanship. 127.
[207] Ibid. 130.
[208] Ibid. 130.

that we are entitled, as a nation to discuss the use to which it is put. The beneficiaries, the New Deal claims, need to be the people who work for a living, as on top of any moral question of desert, they are the ones who will provide the spending that will drive a peacetime economy. This requires at least paying a decent wage but there is more. "[L]abor wants more than a job, wants more than decent wages; it wants to be appreciated, to feel that it is contributing toward making this world a better place in which to live."[209] Wallace highlights the latent cooperative instinct that he hopes to bring to the fore. There is more than wages and hours at stake here. Workers want a voice in how industry is run. They want to make creative decisions. They want to be a partner in the creation of their future.[210] Wallace, never one to shy from prophecy, embodies both the New Deal's faith in mastery and the possibilities of a more abundant future when he argues that:

> Sooner or later, the question, "What is there in it for me?" will have to be translated into, "What is there in it for all of us?" I know how hard it is to change human nature but human nature does respond to changed conditions and it becomes plainer all the time that modern capitalistic society faces the choice between a widely, generously shared prosperity or none at all.
>
> The millennium is not yet here, although the makings of it are clearly in our hands.[211]

Interdependence

As contrasted with this basic interdependence, the competitive aspect of our society is to a large extent superficial. As competitors we may forget the extent to which we are all literally dependent on the labors of thousands of other people.[212]

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[209] Wallace. "What America Wants" 4 Feb. 1944. Democracy. 18.
[210] Although the New Deal never made this type of economic democratization one of its political priorities, desirable thought it may be.
[211] Wallace. "The Cotton Plow Up." 21 Aug. 1933. Democracy. 55.
[212] Wallace. Constitution. 311.

The question 'what is there in it for all of us' cuts right to the heart of the final basic assumption of New Deal theory. While there was always a focus on matters of interest, the New Deal recognized that any permanent legitimacy the welfare state hoped to enjoy would have to appeal to a greater unity amongst the American people. Without that sense of unity a people habituated towards competition would inevitably look upon the welfare state as a form of theft—taking the hard earned resources of A and transferring them to B, who did not earn them and therefore has no claim to them. While Wallace in particular hoped for the eventual transformation of human nature something more immediate would have to do during the interim. Here the emphasis was placed on our fundamental interdependence, which built off of our individual self-interest while tying our fate towards the fate of our larger community. As Miroff notes "[f]or Franklin Roosevelt, [and the other New Deal publicists] interest and morality were never set in opposition to one another. Instead, his discourse integrated pluralistic interests into a larger structure of interdependence that was moral as well as economic."[213] In short, we had to recognize the ways in which our individual well being was dependent in turn on the well being of those who shared the social context that our individuality was situated in. New Dealers privileged different aspects of that context, with some focusing more on ethical relationships while others highlighted material interests, but each approached highlighted the importance of recognizing the ways in which our well-being was intertwined with that of our fellow citizens.

We have left the world of the independent farmer, the small shopkeeper, and the frontier. Times have changed, and the nation is ripe for a refounding. In important ways, the conditions facing Americans in 1932 were little different from those facing

[213] Miroff. 246-247.

Americans in 1787, and the arguments made by New Dealers often paralleled those made by the framers to justify the Constitution.[214] Neither states nor citizens can exempt themselves from the affairs of one another, solving local problems as they see fit. Our world is complex and interdependent. It refuses to recognize artificial boundaries. Our political understanding of economic life had also changed. State lines are no longer demarcations of economic importance, and states do not have the tools necessary to meet modern problems. Nor, in a modern economy, can we isolate ourselves from the well being of others without consequences. As one New Deal publicist argued

> Unemployment is like a contagion also because it spreads. When a big factory is shut down, its whole neighborhood and city suffers. The livelihood of all who have been selling their goods and services to those wage earners is affected—storekeepers, landlords, doctors, barbers, owners of movie hoses, and, in turn, the workers who they employ and those who produce the goods they sell. When large numbers of people in one part of the country are without earnings, families on farms and in cities hundreds of miles away may find their living less secure…[215]

Agriculture had long ceased to be a local concern, and Wallace notes that "[w]ere agriculture truly a local matter in 1936, as the Supreme Court says it is, half of the people of the United States would quickly starve."[216] As long we allowed ourselves to be captured by the letter, rather than the spirit, of 1787 the nation could no longer meet the obligations of the preamble. In fact, he argues, that there "is as much need today for a Declaration of Interdependence as there was for a Declaration of Independence in 1776."

The preservation of a healthy (as opposed to pathological) individualism requires both the recognition of interdependence and acknowledging that certain forms of predation must be restrained in order to preserve individualism in others. We have long

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[214] An argument Wallace would make repeatedly throughout his work, especially in Whose Constitution?
[215] Mary Ross. "Why Social Security?" *Washington D.C's Social Security Board*. 1936. Freidel. 78.
[216] Wallace. Constitution. 93.

accepted that reasonable limitations on private actions are not tyrannical. The New Deal asked us to accept that the same is true of our property rights. Our rights to dispose of our property may need to be measured against the competing rights claims of others. These conflicts are to be resolved by referring them to the standard of maximizing individual freedom for the greatest number possible. In the end, minimum wage laws may take away the freedom of the employer to pay what he wishes, but the sacrifice is justified by the increased opportunities that higher wages afford the worker (which will trickle up to aid the employer in terms of increased consumption).

For Eleanor Roosevelt, realizing our interdependence is a question of cosmopolitan education, of expanding our horizons of interest and concern beyond a narrow parochialism. We need to enlarge the idea of the home to include an ever-expanding notion of community, as only "a kind of blindness" limits the home to "the four walls of the house."[217] ER hoped that the crisis would succeed where Dewey's The Public and its Problems failed. The Depression taught Americans (at least temporarily) the reality of interdependence; that "one part of the country or group of countrymen cannot prosper while the others go down hill, and that one country cannot go on gaily while the rest of the world is suffering."[218] If we can recognize our interconnectivity we can begin to understand why it is essential to provide the basic necessities of life to everyone, so that they can become citizens worthy of governing us. We are all forced to live in the world we collectively build together, and the standards we demand for ourselves must be made universal.

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[217] ER. "You Can't Pauperize Children." *Ladies Home Journal* 62 (September 1945). Essential, 411.
[218] ER quoted in Joseph Lash. Eleanor and Franklin. (History Book Club, 2004). 382.

Wallace approached the question of interdependence from a more material basis. In an argument reminiscent of Tocqueville's 'self-interest rightly understood', our interdependence justifies investment in the welfare state because we all benefit from learning to exploit our human potential to the maximum benefit of all, although his focus was often directed towards more material concerns than ER's focus on citizenship and self-development. Wallace, who never missed a chance to quantify something, argued "[t]he greatest economic sin is waste of human labor. In the decade of the thirties waste of human labor deprives this country of 200 billion dollars of good we might have had, or more than the war has cost us to date."[219] Improvements in health, housing, education, rural electrification, all the way on down the line results in Americans who are more productive[220] and more willing to shoulder the burdens and obligations of democracy. Our fundamental interdependence means that limiting our concerns to local or regional interests ends up harming us. A truly healthy national market requires a thriving population across the entire country, regardless of race, class, or economic sector. Roosevelt devoted his first fireside chat in sixteen months (two months before the 1936 election) to this very idea, as he attempted to unite farmers and laborers together in mutual bonds of interest and citizenship. Without recognizing our interdependence it will be impossible for us to generate and sustain the political and moral will needed to usher in our economy of abundance.

Roosevelt concludes his First Inaugural address with a return to this theme, the merging of principle and interest, with a sense of urgency reflective of that moment.

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[219]Wallace. "What American Can Have." 7 Feb. 1944. Democracy. 29.

[220] Wallace, ever the statistician, notes "The people of the United States would be at least thirty percent more efficient if they were in maximum good health." Ibid. 25.

> We now realize as we have never realized before our interdependence on each other; that we can not merely take but we must give as well; that if we are to go forward, we must move as a trained and loyal army willing to sacrifice for the good of a common discipline, because without such discipline no progress is made, no leadership becomes effective. We are, I know, ready and willing to submit our lives and property to such discipline because it makes possible a leadership which aims at a larger goal. This I propose to offer, pledging that the larger purposes will bind upon us all as a sacred obligation with a unity of duty hitherto evoked only in time of armed strife.[221]

The larger purpose is the creation of a society in which interdependence need not depend on interest for its grounding, one that ultimately privileges cooperation more than competition. A tall order, to be sure, but one that New Dealers felt we were closer to than we often realized. Our interdependence, based on increasing specialization and a highly developed division of labor, attest to the cooperative core of American society. The task of the reformer becomes figuring out ways to remove the competitive veneer. This may only be possible through a long-term change in the expectations, trust, and obligations we are willing to invest in each other. As always, the New Deal will not be complete until that elusive "quarter turn of the human heart."

Conclusion

We shall strive for perfection. We shall not achieve it immediately—but we still shall strive. We may make mistakes—but they must never be mistakes which result from faintness of heart or abandonment of moral principle.[222]

Before the New Deal could redefine the nature of the American social contract it had to first demonstrate the failure of the old order. This meant more than simply arguing that FDR was not Hoover. Such an electoral strategy might have helped secure a Democratic victory in 1932, but it could not guarantee that with the return of prosperity

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[221] FDR. "First Inaugural." Speeches. 32.
[222] FDR. "Fourth Inaugural Address." 20 Jan. 1945. Speeches. 162.

that voters would not return to their old habits and old allegiances.[223] Constructing a new institutional order and investing the order with new principles (or at least new priorities) would require a comprehensive vision of the relationship between citizen and state, individual and community. It necessitated a new story, a new governing folklore. This chapter looked at the assumptions that would inform that new story.

1. The New Deal, while clearly a movement for change, was conservative insofar as it sought to restore the United States to its founding values, undoing what had become a perversion of our finding ideals. So for all its comparative radicalism it clearly tried to situate itself within the tradition not only of American reform, but as part of the long and never ending attempt to 'form a more perfect union.' Its radicalism became a type of restoration, its "new structure a part of and a fulfillment of the old."[224]
2. It argued that Americans possessed a stagnant, reified conception of the nature of government that blinded them to the coercive presence of economic power in their lives. Recognition of that power was an essential first step in justifying a larger, more energetic national state capable of addressing the recurring crises of capitalism and protecting the victims of an economic system that necessarily dehumanizes those who participate in it
3. The state became the primary vehicle through which society could not only meet its obligations to its members and address the shortcomings of capitalism, but do so in a way that fostered democratic accountability.

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[223] Marc Landy. "Presidential Party Leadership and Party Realignment: FDR and the Making of the New Democratic Party." Milkis and Mileur. 75.
[224] FDR. "Answering the Critics." 28 June. 1934. Chat. 51.

4. The New Deal had confidence in the state's ability to meet these challenges do to a faith in humanity's ability to master its social conditions. It was animated by a conviction that social arrangements were contingent, products of choice and capable of control and direction.
5. Mastery was possible in large measure because the United States had conquered necessity. It possessed the industrial capacity necessary to provide all of its citizens with a reasonable standard of living. However, we were accustomed to an economy that presupposed scarcity rather than abundance, and the nation needed to be resocialized towards the implications of abundance.
6. This process of socialization would take time, which meant more immediate short terms appeal to interest would be required. In that vein, the New Deal highlighted the fundamentally interdependent nature of modern society, arguing that individuals had to think of themselves as situated in a social context where their prosperity and well-being was connected to that of their fellow citizens.

The New Deal, believing in the power of citizens to master their politics and themselves, aimed to establish a public philosophy and political institutions that could facilitate Wallace's 'quarter-turn' as much as circumstances would allow. It left us with a new vision of the state ready to go to great lengths to support a new, expansive social contract. We were ready to abandon that definition of Liberty under which for many years a free people were being gradually regimented into the service of the privileged few." It was time to institutionalize "that broader definition of Liberty under which we are moving

forward to greater freedom, to greater security for the average man than he has ever known before in the history of America.[225] The nature of that new liberty is subject of the next chapter.

[225] FDR. "Government and Modern Capitalism." 30 Sept. 1934. Chat. 62.

"That Broader Definition of Liberty:" The Social Contract of the New Deal

The Fourth of July commemorates our political freedom—a freedom which without economic freedom is meaningless indeed. Labor Day symbolizes our determination to achieve an economic freedom for the average man which will give his political freedom reality.[226]

The New Deal revised the American social contract to account for the material and political conditions of the 20th century, preserving old ends by reconceptualizing them for a new time, achieving them by utilizing new means. The most dramatic move in this regard was elevating the pursuit of happiness to a status equal to that of life and liberty in the American trinity of rights, a move finally possible in a nation that had progressed beyond necessity.[227] In fact, the New Deal argues, liberty and happiness are so intertwined that we should no longer discuss one without reference to the other.

The New Deal shared the traditional liberal concerns with minimizing arbitrary power and maximizing the possibilities of individual liberty. As a liberal movement, it continued to privilege private means to achieve these ends, never fully relinquishing a suspicion of public power even as it sought a permanent consolidation of that power. Where it differed from the dominant laissez-faire form of liberalism was in its willingness to use the state as a democratic tool, to fill the gaps left by the manifest failures of private (economic) government to protect and empower the citizens in its care. It was animated by the realization that our liberty and happiness can be protected by the state, and need not just be protected from it.

Thus the New Deal expanded the sphere of legitimate state action, but it did not view the state as having interests separate from the political process. It was a set of

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[226] FDR. "An Appeal to Farmers and Laborers." 6 Sept. 1936. Chat. 82.
[227] Convincing Americans of this fact in the midst of the Great Depression was itself no easy feat, and most of Henry Wallace's work was devoted to this project.

neutral machinery designed to facilitate democratic ends, hopefully insofar as it reflected a sense of the common good, but also insofar as it served whoever was organized enough to capture the machinery. While there was no conception of the state as an entity independent of its component parts,[228] there was a belief that a mass of citizens consists of more than an aggregation of individuals. Instead they constitute a society with certain basic common interests, and a just social contract is one that serves those interests. The common interest was the right of every American to liberty and happiness, liberty interpreted largely as the freedom to pursue a self-directed understanding of happiness—a utilitarian understanding of rights. Choice and contentment form our base ends, and the society must furnish the security and opportunity required to pursue them.

The New Deal would refuse to impose a particular understanding of happiness, but it was not entirely neutral in terms of the ends it deemed worthy of pursuit. The self-development of the individual and the exercise of citizenship were the highest forms of happiness and liberty, and the society should, when possible, orient its citizens in that direction. There is a tension here between the individualistic orientation of liberal thinking and the communitarian underpinnings of any reference to a society, a tension that any welfare state liberalism has to confront and reconcile.[229] Alan Ryan captures the attempt at resolution:

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[228] The Progressive movement (with the standard caveat that there were many types of Progressives and any blanket statement cannot cover all of them. See Rodgers, "In Search of Progressivism" *Reviews in American History*, Vol. 10, No. 4, Dec. 1982) was considerably more Hegelian than the New Deal in this regard. The Progressives argued that the state was a 'moral agent' (Foner. 152).

[229] The advanced liberal tradition, beginning with Mill, adapts, whenever possible, a position of reconciliation, embracing the tensions between opposites as both likely contain insights into the character of human sociality and organization that should be embraced and incorporated into the social order. As Mill explains in On Liberty, "Unless opinions favorable to democracy and to aristocracy, to property and to equality, to co-operation and to competition, to luxury and to abstinence, to sociality and individuality, to liberty and discipline, and all the other standing antagonisms of practical life, are expressed with equal

> It is communitarian rather than aggressively individualist, but it is individualist rather than aggressively collectivist. It achieves this by asserting that individuals are products, or even facets, of the life of the community and then going on to insist that the community itself exists only in the life of associated individuals.[230]

We cannot escape the brute fact of our sociality, nor the benefits and obligations we derive from it, but at the same time a legitimate social order is one that invites our participation voluntarily, securing it out of interest and love and ensuring a right to dissent.

The New Deal conceptualized a national community that was, at least in theory, as inclusive as possible. Informed by the divisive violence that informed both the communist and fascist revolutions, the New Deal rejected frameworks that interfered with the possibility of consensus, deeming them 'un-American.'[231] It ultimately privileged the category of consumer with an interpretation of freedom and happiness centered, at least initially, on the act of consumption. It attempted to mitigate the private, materialistic, and possibly enervating tendencies of happiness-as-consumption by arguing for a more meaningful type of happiness to be found, following Tocqueville,[232] in the fusion of three alternative perspectives: the development of individual potentiality,[233] a religious worldview—grounded in but not limited to Christianity—privileging compassion and love, and a call to democratic citizenship.

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freedom and enforced and defended with equal talent and energy, there is no chance of both elements obtaining their due…" On Liberty. 45.

[230] *Alan Ryan*.. *John Dewey and the High Tide of American Liberalism*. (New York: W.W. Norton & Company, 1995).109. Note that Ryan is describing Dewey, but Dewey and the New Deal face the same dilemma, and attempt to reconcile it in largely the same way.

[231] As Rogers Smith and others have clearly demonstrated one can easily read American history as a history of exclusion and ascriptive prejudice, but these moments could always be (and were) challenged by referring back to the radical inclusively promised in the Declaration of Independence. Rogers Smith. Civic Ideals. (New Haven: Yale University Press. 1997).

[232] Although not explicitly acknowledging the debt.

[233] The New Deal follows Mill in this regard, but this serves as an analogue to Tocqueville's concern with aristocratic conceptions of liberty.

The social contract was rewritten with these ends in mind, with this understanding of freedom and happiness as intimately linked, one hardly achievable without the other. It becomes the obligation of society, acting through the state, to ensure that the basic preconditions of liberty and happiness were guaranteed, namely material and psychic security. Happiness was ultimately to be defined by an autonomous individual agent, and no social arrangement can (or should) guarantee its realization. Such a promise would require an end to autonomy and alienation, rendering it both totalitarian and utopian. Nevertheless, the state can help ensure that the greater balance of any failure to achieve happiness rests in the hands of the individual and the choices made, rather than the imposition of material conditions difficult to master. This chapter will explore the logic and concepts animating the New Deal's social contract. It begins with a look at its universalism and its manifestation in the category of consumer, as well as the attempt to mitigate those excesses. The second half of the chapter examines the way the New Deal sought to institutionalize material and psychic security, the preconditions of liberty and the pursuit of happiness, as an all-inclusive public right.

A Government For All the People

[T]his machinery will not run for long without the motive power of some unifying force….The old efforts to attain unity failed to provide anything enduring, it seems to me, because they were based on greed and prejudice and fear and hatred, on the hope of banding together to resist, grab, or conquer.[234]

The New Deal, while recognizing the partisan nature of democratic politics, believed the government had to serve the interests of all members of the community, not

[234] Wallace. "On the Move." 11 March. 1935. Democracy. 94.

just the ones who voted for it. It attempted, following Jefferson in 1800,[235] to be partisan while simultaneously transcending partisanship—to recognize the essential importance of key constituencies and the need to secure political power, tempered by a desire to reach beyond partisan appeals and attempt to govern not only a party, or a constituency, but a nation.[236] As James Morone points out, "[a]t the heart of Roosevelt's moral talk lay his utopian picture of a shared community."[237] Therefore a critical part of the New Deal project was finding common ground from which it could articulate an inclusive vision of the public good. Roosevelt's Four Freedoms were one attempt to conceptualize that vision, but the New Deal also leaned heavily on the interpretative statements of the founding located in the Declaration of Independence and Preamble to the Constitution, as well as our common religious heritage. The emphasis on the past situates the New Deal not as a radical point of departure, but as the current stage of a long historical process of human emancipation.

The New Deal would use the language of liberty, happiness, and the general welfare to pursue a vision of individual autonomy. Unity possible insofar as we realize that these ends can best be achieved in the context of a cooperative community. Obligations can be imposed on recalcitrant citizens, but only insofar as those obligations

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[235] "We are all Republicans; we are all Federalists" Jefferson remarked in his first inaugural address as he sought to position the Democratic-Republicans as the only party actually capable of representing the entire nation. Of course any party can claim to represent 'the people,' and most make that claim. The test is seeing who supports the party, how it treats the opposition, how inclusive or expansive its policies are, and the like.

[236] Interestingly enough, this happened while FDR was trying to bring about an ideological realignment and turn the Democratic Party away from an umbrella party towards one that was purely liberal. This need not be seen as a contradiction. The New Deal, while a liberal party, aimed at liberal inclusiveness and offered (it believed) a set of categories that offered the most room for common ground amongst American citizens. It also reflect a conviction that even if a party represent a particular ideological position, it still has a duty to represent, as best it can, the legitimate (in reference to what the social contract entitles them to) interests of the opposition. See Sidney Milkis. The President and the Parties. (USA: Oxford University Press, 1993).

[237] Morone. Hellfire Nation. 354.

respect individual rights,[238] broaden the ability of the great mass of citizens to live freely, and are subject to democratic controls.[239]

There are two assumptions implicit in this approach. The first is that the depression settled, at least for the time,[240] the question of whether or not the state has a role to play in this process. In his 1936 acceptance speech, Roosevelt eloquently reflects on one of the great lessons of the Depression, that "better the occasional faults of a Government that lives in a spirit of charity than the consistent omissions of a Government frozen in the ice of its own indifference."[241] And with the exception of the Liberty League[242], for a generation the Republican Party, while often opposing expansion, broadly accepted the accomplishments of the New Deal, arguing that their issue was with its administration rather than its aims.

The second major assumption is that there is a general public interest on behalf of which the government can act. While this common good was liberal and privileged the individual in its calculations, it assumed that we could all agree on the framework, and

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[238] With the important caveat, as Chief Justice Hughes pointed out, that the phrase 'freedom of contract' did not appear in the Constitution and as such could not trump attempts to use "the protection of the law against the evils which menace the health, safety, morals, and welfare of the people." Rights meant more than property rights, freedom more than the freedom of capital to purchase labor. Quoted in Foner. 205.

[239]See the discussion in chapter V, in particular on the importance of organization.

[240] And there was always a sense of urgency surrounding the New Deal. While the hope was that the New Deal represented the beginning of a society structured on the assumptions of abundance, interdependence, and mutual obligation, there was also the realization that the New Deal was an opportunity afforded by the crisis of the Depression, and that there was a need to institutionalize as much as possible before the crisis ended and the conservative instincts of the American people kicked back in. The language of the moral crusade, of sacrifice and the common good, is exhausting. While the presence of crisis and institutional collapse makes progressive innovation possible, what the people long for is the return of equilibrium. Once the crisis ends the fear that led to reform quickly turns conservative, seeking to consolidate the small gains made. But that is often enough. As long as a policy gets institutionalized it becomes possible to expand its reach, to reform it as its presence becomes part of the heritage we wish to conserve.

[241] FDR. "Acceptance Speech." Speeches. 50.

[242] Formed in 1934 by disaffected (Al Smith) and conservative (John Davis—the 1924 nominee for president) Democrats and industrialists (the DuPont family, Prescott Bush), the Liberty League was devoted to defending the Constitution and supporting property rights by opposing Roosevelt. It spent upwards of $1.5 in lobbying and marketing, but it peddled a message that Americans were not yet ready to hear again.

that everyone's needs and grievances could be adequately addressed within it. This framework had majoritarian and universal elements to it. It was majoritarian insofar as it assumed the American people would ratify this framework but accepted their right to reject it.[243] It was universal because the New Deal could not conceptualize any meaningful dissent from that order, outside ignorance or greed (self-interest improperly understood) that could not recognize our interdependence. While private interests could be intense, they could be overcome, however imperfectly, by intelligent, patriotic, moral, and farsighted public policy capable of binding disparate groups together. The slogan of the NRA was, after all "We Do Our Part" and FDR reminded the nation that "while the shirking employer may undersell his competitor, the saving he thus makes is made at the expense of his country's welfare."[244] Clearly this is more than just simple pluralism. The common good is not what is left over when the bargaining is done.

The New Deal emphatically rejects the claims of Walter Lippmann in The Phantom Public, that there is no coherent public with its own opinions, or the ability to effectively articulate them even if it existed as we are too busy living private lives to conceptualize political life as a public. "[T]he citizen," Lippmann argues "gives but a little of his time to public affairs, has but a casual interest in facts and but a poor appetite for theory."[245] The New Deal had a much greater degree of optimism about citizen interest and agency,[246] and attempted to restore, on a massive scale, the older idea of commonwealth, an idea that finds its most theoretically sophisticated defense in Dewey's

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[243] As we shall see in chapter V, this was one of the justifications behind Roosevelt's 'purge' of conservative democrats. Ideological parties make it easier for the nation to ratify or reject a particular framework.
[244] FDR. "The First Hundred Days and the NRA." 24 July, 1934." 35.
[245] Walter Lippmann. The Phantom Public. (New Brunswick: Transaction Publishers. 1999). 14-15.
[246] Even if, as we shall continue to see, agency was understood more in terms of ratifying or rejecting the performance of political elites. Political freedom is found in the act of accountability rather than administration.

ideal of a great community.[247] This community could only be achieved imperfectly over time, especially in the face of industrial alienation and our socialization of scarcity, but given the actual absence of necessary scarcity, it became possible to realize a society defined by meaningful interactions between citizens, colored by real respect and compassion. It required, in the words of Henry Wallace, the "merest quarter turn of the human heart"[248] to recognize the possibilities of a shared world of abundance.

The belief in a universal democratic commonwealth, the possibilities inherent in that 'quarter turn,' is the source of much left leaning critique of the New Deal's frustrating incrementalism. There was a principled refusal to adopt a permanently adversarial posture, to purge recalcitrant members from participation and representation in the democratic process and its aftermath. FDR rejected the advice of Felix Frankfurter, in regards to the relationship between business and the state, to "recognize that here is war and act on that assumption."[249] Even at the moments of its greatest militancy the New Deal would qualify its broadside attacks on capital. FDR could argue, in defense of a minimum wage, that we should not:

> let any calamity-howling executive with an income of $1000 a day, who has been turning his employees over to the government relief rolls in order to preserve his company's undistributed reserves, tell you—using his stockholders' money to pay the postage for his personal opinions—tell you that a wage of $11 a week is going to have a disastrous effect on all American industry.[250]

However, the vehemence shown here, or in his frequent denunciations of economic royalists in the 1936 election, was almost always followed by the caveat that these figures were exceptions, that this "type of executive is a rarity with whom most business

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[247] John Dewey. The Public and Its Problems. (Athens: Swallow Press, 1927).
[248] Although Wallace was aware of how wrenching that quarter turn might be.
[249] Frankfurter quoted in Nelson Lloyd Dawson. Louis D. Brandeis, Felix Frankfurter, and the New Deal. (Hamden: Archon Book, 1980). 103.
[250] FDR. "Purging the Democratic Party." 24 June, 1938. Chat. 127.

executives most heartily disagree."[251] The New Deal always (in rhetoric and in substance) held out hope that a better type of corporate citizen could reform the structural imperatives of capitalism, even if it was willing to insist on regulation while these citizens reformed themselves. The New Deal believed that when all interests were granted equal representation and imbalances of power were neutralized, otherwise narrow partisans would be capable of making sacrifices for the good of the society as a whole. Some would do it willingly, others might require appeals to religious beliefs, patriotism, long term interests, and even coercion through the law, but the hope was that all but the most recalcitrant and unreconstructed would come around, and that legal coercion would be minimal.

FDR's optimism and his personal sense of public spiritedness made this type of thinking possible. In a land of plenty, people could afford to be generous. In a world of progress, cooperation would pay off in the long run. People are decent enough to look past their grasping, acquisitive natures and sacrifice for the good of society.[252] Frances Perkins captures FDR's thinking in this regard.

> He would insist on moral and social responsibility for all the institutions of human life; for the school, for the family, for business and industry, for labor, for professional services, for money management, for government—yes, even for the Church. He would insist in his way of thinking that all of these institutions should accept and practice a moral responsibility for making the life of the individuals who make up the life of the common people 'more decent,' and in the common people he included the rich and poor alike.[253]

The justifications for almost all New Deal programs were to be found in these appeals to the national community. People were not asked to sacrifice for particular interests, but

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[251] Ibid. 127.
[252] Frequently the good of society meant the protection either of the most vulnerable (farmers, unions, industry in certain cases), those most capable of expanding production, or the most broadly based component of it (the consumer).
[253] Perkins. 333.

for the good of their friends and neighbors, whether those neighbors are found in the east or west, north or south, city or country. Of course, Roosevelt was politically astute enough to follow these pleas with the observation that helping your neighbors would increase their ability to purchase your own goods (self-interest rightly understood), and enough of a political 'realist' to recognize that appeals to principle and interest themselves might need to be supplemented by law, but nevertheless this principled belief in cooperation animated the New Deal. Even when coercive legislation was needed, this spirit of cooperation blunted the force of the coercion, and the hope was that over time the groups involved would become socialized into cooperation.

This commitment was anchored in The New Deal's belief that underneath our disparate self-interests was a public interest—a public good—that could be shared by all Americans. Roosevelt believed that common ground could be found between competing interests,[254] and that the reality of interdependence[255] could create bonds of fellow feeling that united all Americans across boundaries of class, race, ethnicity, religion, and gender.[256] It was the job of the president "to find among many discordant elements that

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[254] A common strategy used by Roosevelt when his advisors disagreed was to "Put them in a room together, and tell them no lunch until they agree!" Quoted in Burns. 183.

[255] A theme he constantly hammered home whenever he campaigned. Local issues were always put into a larger national context. The plight of the small farmer who was not paid enough for his crops would be connected to the conditions of industrial workers who could not afford to buy them.

[256] Race and gender were not top priorities for the New Deal. Compared to the progress made in later movements, the New Deal did very little, but to judge the New Deal too harshly on this score ignores both the political realities that confronted the New Deal and its universal language. Women and minority groups lacked the organizational power to beat the forces of reaction marshaled against them, and had FDR expended political capital to fight for them, it would have destroyed the New Deal coalition that made other progressive change possible. Instead, Roosevelt gave women and minorities unprecedented access to positions of power and influence within his administration, and framed policy and programs in an inclusive way that made their future expansion possible. The New Deal was not the Civil Rights movement, but the Civil Rights movement may not have been possible without the groundwork laid by the New Deal. See Kevin J. McMahon, Reconsidering Roosevelt on Race. (Chicago: The University of Chicago Press, 2004); Howard Sitkoff A New Deal for Blacks. (New York: Oxford University Press, 1981).

unity of purpose that is best for the nation as a whole."[257] This is one reason why the New Deal sought to shift economic discourse away from the battle between capitalists and workers, labor and finance, and instead emphasize our commonalties as consumers. Inclusion was always preferable to irreconcilable hostility as the theoretical starting point.

Perhaps in defiance of history, and certainly in defiance of Marxism, the New Deal refused to abandon its belief that a concert of interests between private business, labor, and consumer was possible.[258] Thus, while Roosevelt encouraged Perkins to represent labor interests early in his first term, telling her "I think the Secretary of Labor ought to be *for* labor,"[259] the interests of labor were only a single voice in a conversation that no one group was to monopolize. Even at its most militant, the New Deal was quick to blame particular business (or labor) leaders for their short sightedness, rather than condemn capitalism or unions, or accept the presence of irreconcilable ends. The tensions between rich and poor, capitalist and laborer, which color both Marxist and populist analysis of political economy, are absent here.[260] Distinct interests certainly existed, but there was nothing permanently divisive about them. There was a ruling class, but their narrow interpretation of their interests reflected a false consciousness, and progressive businessmen like Albert Filene, who supported minimum wages and collective bargaining, demonstrated to the satisfaction of the New Deal that emancipation

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[257] Quoted in Burns. 182.

[258] Frances Perkins has noted that Roosevelt was never able to get inside the mind of the capitalist. "Roosevelt never understood the point of view of the business community, nor could he make out why it didn't like him. He did not hold that everything should be judged by whether or not it makes money, and this made the business people incomprehensible to him." Perkins. 155. Similarly, Perkins also argues that FDR never really understood the sense of adversarial solidarity that animated the labor movement, the way in which unions formed "unbreakable bonds which gave them power and status to deal with their employers on equal terms." Perkins quoted in Miroff. 262.

[259] Perkins. 215.

[260] While the populist appeals to the difference between deserving and undeserving wealth, between the common man and the privileged few, colored the rhetoric on occasion (especially in the 1936 campaign), it did not creep into policy, or even the theory, beyond trying to address clear imbalances in the status quo distribution of power and wealth in society.

from this false consciousness was possible.[261] The Marxist critique of capitalism argues that the interests of capital and labor are irrevocably opposed to one another. Its politics are necessarily adversarial. Consensus was false consciousness at best. The New Deal rejected this standpoint as 'un-American,' which is to say completely at odds with our understanding of ourselves as an inclusive, united, middle class society.

The New Deal rejected the Marxist category of class[262] even as it used populist language, in part because its divisive overtones negated the ideal of universal (middle class) community, but also because they had proven to be ineffectual as a political framework.[263] As Dewey noted, "In spite of the disparaging tone in which 'bourgeois' is spoken, this is a bourgeois country; and an American appeal couched in the language which the American people understand must start from this fact."[264] The American worker did not reject bourgeois values, or the idea of wealth. What they hated was their exclusion from it,[265] their inability to reap the rewards promised as a birthright and hovering so tantalizingly close.[266] These values were so embedded in the American

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[261] Fischer. 475-477.

[262] Despite the ferocious protestations of Al Smith and the Liberty League who argued that chief amongst the New Deal's crimes against America was "the arraignment of class against class. It has been freely predicted that if we were ever to have civil strife again in this country it would come from the appeal to passion and prejudices that comes from demagogues that would incite one class of our people against another." Quoted in David Pietrusza's "New Deal Nemesis." <http://www.davidpietrusza.com/Liberty-League.html>

[263] For further discussion see Seymour Martin Lipset and Gary Marks. It Didn't Happen Here: Why Socialism Failed in the United States. (New York. W.W. Norton & Company, 2000)

[264] Dewey, quoted in Ryan, 290.

[265] McWilliams. 542. McWilliams goes on to note "This alone helps account for the consistent tendency of the unions to sacrifice every other good to the attainment of economic gain, a pattern made more compelling by the desperate need of members." McWilliams is broadly correct here. Frequently unions placed their right to unionize above questions of wages and hours, but once unionization was successful the primary focus was on economic concerns.

[266] The experience of resettlement is instructive here. Model cooperative communities were established to help the poor and displaced build new subsistence lives for themselves. The communities were popular amongst those participating in them, but never as a permanent arrangement. Instead they were seen as a way for the dispossessed to stabilize and reintegrate themselves into American society—a way to save up so they could someday own property themselves. These communities also earned the hostility of elements of the left, who saw them as planning for permanent poverty, or, in more conspirital moments, as an

psychology that their rejection would have required an act of self-negation. Instead, the battle lines were between the selfish and the virtuous—those who would abuse their power versus those who use it to expand access to the American Dream. The lines between the two groups are moral and fluid. There are no static class barriers and no hopeless antagonisms. The poor were not members of a class with permanently separate interests. Rather, they were people who needed aid to facilitate their rise to the middle class where they could pursue their own unique vision of happiness. Because a common good was possible, Roosevelt hoped that the profit motive was capable of voluntary restraint by appeals to decency and self-control, and believed that "the responsible heads of finance and industry, instead of acting each for himself, must work together to achieve the common end. They must, where necessary, sacrifice this or that private advantage; and in reciprocal self-denial must seek a general advantage."[267] In fact, the primary enforcement mechanism for the NRA was the appeal to patriotism—compliance came with it the opportunity to display the blue eagle in the window.

Finally, the reluctance to engage in more narrow class appeals can only be understood in the larger context of the times. For the New Deal, as for fellow travelers like Dewey, and indeed most liberals of the time, the politics of class, conceived explicitly in those terms were colored by the twin specters of communism and fascism. The fear, reinforced by events in Europe, was that discussions of class centered on irrevocable conflict could only end in violence, any victory too costly to be worthy of the name. Beyond that, even the more militant liberals like Dewey believed that such a

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attempt to build "a sheltered peasant group as a rural reactionary bloc to withstand the revolutionary demands of the organized industrial workers." Louis Hacker quoted in Abbot. 90.

[267] FDR. "Commonwealth Club Address." Speeches. 26.

conflict would be far more likely to see the forces of fascism prevail.[268] The possibility of collapse, of the end of the American experiment, loomed large in an administration governed by so many with a keen sympathy for John Winthrop's millennial appreciation for the United States and its democratic promise as a 'city on a hill'.

What then is the substance of the common good of the American community? While we will find disagreement on the question of means (an empirical question subject to empirical validation), the New Deal assumes that there are certain ends on which the vast majority of Americans can agree. We want honest and competent government at all levels,[269] and government should use its powers openly (to assure accountability) and aggressively to preserve equality of opportunity, free enterprise, and the largest possible sphere of self-initiative[270]—to preserve, in short, our individual right to liberty. Whatever radical moments it may have had, the New Deal never abandoned these fundamentally liberal concerns. The government can best secure our liberty by preserving our freedom of thought and worship, and the security of our persons and property (property understood in a more authentically Lockean sense than the way in which he is normally appropriated).[271]

It was in its broader understanding of personal security that the New Deal represented a departure from previous governing interpretations of liberalism, as it

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[268] Ryan. 302.

[269] There were obvious limits to this in practice, given the lack of governing infrastructure and the need to develop it from scratch. As such programs frequently encountered corruption at the state and local levels where accountability and oversight were limited—but whenever possible care was taken to ensure that programs were administered honestly. In fact, Harold Ickes' PWA ran into problems due to his reluctance to spend money until every dollar could be accounted for.

[270] The devil is in the definitions, but what matters here is that there is a shared vocabulary that can be referenced and appealed to. There are no new ends that need be accepted. The goals themselves are legitimate—the battle is over their interpretation.

[271] The right to profit from our labor, alongside the belief that this profit is legitimate not only because we have mixed our labor with it, but that by doing so we've added to the amount and distribution of abundance in the world. This public qualification is a vitally important check on the excesses of Locke's defense of private property, one too often overlooked. See chapter V of Locke's Second Treatise on Government.

created public obligations to ensure the welfare of its citizens—through private economic government when possible, through political governance when necessary. While this represented a new governing philosophy, it was justified by appealing to the oldest of American ideals. As Wallace argues

> We can sum this all up in one word and say that what America wants is the pursuit of happiness. Each individual before he dies wants to express all that is in him. He wants to *work hard*. He wants to play hard. He wants the pleasures of a good home with education for his children. He wants to travel and on occasion to rest and enjoy the finer things in life. The common man thinks he is entitled to the opportunity of earning these things. He wants all the physical resources of the nation transformed by human energy and human knowledge into the good things of life, the sum total of which spells peace and happiness.[272]

Note that while Wallace uses the phrase the 'pursuit of happiness,' the assumption here is that external roadblocks will be removed whenever possible. This does not mean that the government will be pursuing happiness for its citizens (a utopian project), nor coercively defining it for them (a totalitarian one). What Wallace describes here is the broader framework, with an emphasis on work, education, family, and leisure that makes the self-definition and achievement of happiness possible. But it does make the individual's search for happiness a public concern, and while the individual must ultimately determine for himself what happiness is, society has both an obligation and an interest (the two are always closely linked) to facilitate its pursuit.

Two questions remained for the New Deal to answer. The first was how to determine who the public was—a task made especially difficult in a political system designed to foster competing private interests, and how it could secure our pursuit of happiness without paternalistically defining what happiness is. The New Deal, concerned

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[272]Wallace. "What America Wants." Democracy. 23. He goes on to add that "[h]e knows he cannot have such peace and happiness if the means of earning peace and happiness are denied to any man on the basis of race or creed." The emphasis on hard work is mine, and the significance of work in this formulation will be discussed in more detail later in the chapter.

about inclusion, settled on the category of consumer. The question of happiness would be more difficult to determine, in part because it sought to both encourage happiness in both the body and the soul. The latter was not possible until the former was satisfied, but as Tocqueville warned one hundred years prior, the desire for comfort in America has grasping, totalizing tendencies that are difficult to resist.

The Consumer as the Common Good

The American citizen's first importance to his country is no longer that of a citizen but that of a consumer.[273]

Originally the New Deal did not identify one particular interest with the common good, but the failure of the NRA demonstrated that privileging one group might be necessary. The seemingly implacable hostility of the business community eliminated them as a possibility. The growing antagonism of the public to labor and their use of sit down strikes meant that they were not a viable option politically, and the New Deal never had a romantic attachment to unions to begin with.[274] As a result the consumer became the ideal category. It was certainly broad enough to include all people—not everyone works for a wage, nor does everyone own a business, but we are all consumers. Few people could be stockholders, and fewer could be stockholders of any consequence, but all Americans are united by both the need and desire to spend. This approach appealed to the egalitarian instincts of the New Deal, as attempts to expand the economy through consumption would more immediately impact a great mass of citizens than expanding industrial production.

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[273] Muncie Newspaper editorial cited in Foner. 151.
[274] See Plotke. chapter 4.

But what made this framework especially compelling is the way that consumption had *already* become a fundamental aspect of our American identity—both in terms of how we see ourselves and how we define freedom. David Hackett Fischer has traced our fascination with material abundance back to the early days of the Republic, where it became "an artifact of liberty and freedom."[275] And as Eric Foner notes in The Story of American Freedom, abundance shifted to an emphasis on consumption with the rise of truly mass production, advertising, and chain and department stores. Even if many Americans could not fully participate until the comparative egalitarian leveling that followed World War II, consumer consumption had for decades fixated itself as a key cornerstone of the American Dream.[276] The Depression did not represent a rejection of the values of the 20s, but reflected the despair of Americans who were fearful they would be unable to reap the benefits they regarded as a birthright. Given how Americans have long equated happiness with material possessions, and freedom with the right to choose them, any public philosophy encouraging consumption seems a natural fit. The New Deal found it, for better or worse, the most widespread and authentically American identity available,[277] and recognized that any frontal assault on its primacy is not only politically impossible, but fundamentally undesirable.

From the beginning this understanding of consumption as freedom was in tension with an earlier understanding of freedom as economic autonomy—the yeoman farmer or the independent shopkeeper were free because they were independent. But despite the

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[275] Fischer. 475. And Patrice Higonnet's Sister Republics (Harvard University Press, 1988) and Larry Fuchs' American Kaleidoscope (Wesleyan University Press, 1991.) locate its origins to the colonial era, especially in the Southern colonies.
[276] Foner. 147.
[277] It was also a comparatively egalitarian and empowering focus, as it invited women into the equation as equal, even privileged partners.

protestations of Jacksonian populism, the possibility of that autonomy disappeared alongside the rise of industrial capitalism. It would only be natural, Arnold would argue, that the ideal of freedom as consumption would grow in prominence as a form of ceremonial intervention—a way for Americans to still convince themselves they enjoyed the same old liberty.[278] As Fischer notes, freedom itself changed "from a spiritual idea to a material condition."[279] We may not be able to master the forces that govern our lives, but we can (in theory) determine the products we will fill them with. As on advertising executive/armchair political theorist put it, "[e]very free-born American…has a right to name his own necessities."[280] Thus choice, with its implications of abundance, reward, and material fulfillment that are primarily exercised privately (where everyone can choose what they do and do not want) came to trump older, more aristocratic understandings of liberty that privilege sacrifice, self-denial, and the exercise of citizenship in a public space. The New Deal aimed at bridging the gap between the two conceptions, refusing to choose and believing in the possibility of their reconciliation,[281] although the consumerist impulse would by necessity remain dominant. Older conceptions of freedom as a spiritual ideal could serve to temper, but not replace, its new material orientation.

In the intervening years it is easy to read this history critically, informed as it is by the excesses of the modern consumer economy. At the time, however, this was an easy position for progressives to embrace. Besides the fact that consumption offered a way

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[278] See Foner. Note too that the New Deal's emphasis on work as a right aims more at securing a meaningful life outside of work, ensuring that the presence of work granted dignity and the pay sufficient to provide security and happiness, but not autonomy

[279] Fischer. 475.

[280] Advertising executive Kenneth Goode, quoted in Foner. 1 47.

[281] As McWilliams notes, while the language of choice was often employed by the New Deal, central to its philosophy and its temperament is that choices were rarely necessary, and always a less desirable option than reconciliation.

out of the Depression and deemphasized class struggle,[282] it also meant meaningful improvements in the lives of American citizens—access to radios, automobiles, electricity, and other labor saving devices led to demonstrable improvement in the quality of people's lives. An abundant society was a positive goal in itself, appealing to the New Deal's bourgeois mindset thoroughly grounded in a sense of human sympathy and a desire for people to live comfortably and free from want.[283]

As Philip Abbot argues, "Supporters as well as critics have assumed that the essence of America lies in its nature as a commercial society. To be an American is to be one who sells and buys. The measure of the health of our society, perhaps our only measure, is general prosperity."[284] Our ability to consume, and to choose what we consume (even if we do not fully understand the ways in which we are conditioned to make certain choices) is an act of freedom. And as Anne Norton argues in Republic of Signs, the more that we experience labor in terms of repression and impotence, the more we need to exercise freedom through consumption. Labor is experienced as dependence and subordination, while consumption is "the exercise of freedom and choice."[285] The New Deal would place great emphasis on the psychological importance of work, but it was fulfilling more as an act of citizenship and obligation than it was an act of self-creation.

Tocqueville speculates on the origins of our consumer instincts in Democracy in America. In part he sees an emphasis on consumption as a natural byproduct of a country

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[282] Here the New Deal builds on the work of progressive economists like Simon Patten. See Foner. 151.
[283] What's more, this desire for comfort and material goods opened new avenues for participation in American society for women and played a major role in the movement for unionization, wages and hours, retirement security, and the regulation of the economy on behalf of the consumer. It is possible for the search for material comfort to lead to public participation rather than solely private pursuits, although how to keep that public participation publicly minded is another question entirely (and will be addressed later).
[284] Abbot. 34.
[285] Norton. 50. Here she follows the logic of Arnold, although she does not cite him

without fixed class distinctions, where there are no hereditary barriers to wealth. The absence of formal limits to acquisition not only makes it desirable, but also animates within people a restless craving for more, and a fear of losing what they have.[286] Tocqueville's emphasis is on comfort, but he wrote at a time where other forms of freedom, freedom experienced as autonomy, were far more widespread. By the 1930s consumption represented more than the chance to be comfortable. Due in large measure to the accuracy of Tocqueville's warnings of industrial aristocracies, consumption had become our primary means of self-creation and self-determination, the way we experience freedom.[287] The opportunity to consume is a celebration of freedom independent of questions of need and necessity. It offers the chance to create an identity not afforded to us elsewhere. It is through the satisfying of excess wants, as Norton points out, that we experience power and a limited form of agency.[288]

Freedom was to be found in the act of buying in a competitive marketplace,[289] a celebration of an individual choice, freely made[290], that stood in stark contrast to the paternalistic (if not tyrannical) control that the average American was subjected to at work. The New Deal's emphasis on consumption was possible due to the fact that real scarcity[291] was not an issue for an industrial power like America. As Thurman Arnold wryly notes, "From an engineering point of view Mr. Hoover's guess about two chickens

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[286] Tocqueville. 618-620.
[287] As almost any advertisement, then and now, will make clear. The emphasis is never just on the utility of the product, but the emotions the products evoke in the user—the sense of fulfillment and satisfaction they generate and define for us who we will be if we embrace them.
[288] Norton. 55. It has also become a symbol of citizenship, as President Bush made it clear in the days after 9-11 that our primary obligation as citizens was to head to the malls and spend.
[289] A potent symbol of American folklore.
[290] At least in theory. Obviously the presence of advertising is more than capable of manipulating consumers into purchasing products they do not need, and did not even know they wanted.
[291] As opposed to artificial scarcity caused by distribution.

in every pot was entirely too conservative."[292] Equating consumption with democracy, freedom, and the health of American society obviously appealed to a people long governed by their desire for material comfort—and it offered a promised restoration of the American dream after the privation and hardship of the Depression. Any public philosophy intending to resonate with American voters must address this promise. We have long been a people willing to put up with sacrifice and denial only temporarily, and in the service of a more abundant future.[293]

Using the consumer as a test for public policy also enabled the New Deal to weight benefits towards the middle and working classes—groups that enjoy fewer structural advantages in the American economy and therefore are more in need of government protection—who spent a much greater percentage of their income and who would benefit from plans designed to boost consumption.[294] The Fair Labor Standards Act, the Wagner Act, Social Security[295], the WPA, NYA, CCC, and the Home Owners Loan Corporation and Farm Mortgage Assistance program all need to be understood in this light. A focus on consumption also enabled FDR to argue that consumer-friendly legislation served to fight the Depression, creating a demand for goods that would stimulate the economy and put people back to work. As a neutral category, the consumer enabled Roosevelt to bypass traditional class conflicts and offered a comparatively easy way to test the public usefulness of both businesses and policy. Did it serve its clients efficiently and effectively? If the answer was no, government regulation was justified.

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[292] Arnold. Fair Fights and Foul. 41.
[293] Note Wallace's series of speeches "America Tomorrow" on the importance of defining the post World War II order. Democracy. 17-40.
[294] And not coincidentally, the groups that also supported the New Deal, although to reduce this move to simple pandering for votes ignores the self-conscious attempts by Roosevelt and company to fashion the New Deal as a liberal party, not just an electoral coalition.
[295] Eventually, at any rate. The regressive taxation that financed it has the opposite effects in the short term.

This approach came to dominate New Deal policy, especially during its later trust-busting phase.[296]

Alan Brinkley has called this anti-monopoly crusade the most prominent public initiative of the late New Deal,[297] and Thurman Arnold was both a powerful administrator and a tireless public advocate, defending it with a missionary zeal. Roosevelt's new approach represented a repudiation of the NRA, and reflected a new attitude towards concentrated economic power, privileging a tradition more in line with the traditional American love of consumption, embrace of competition, and suspicion of power. It saw itself more as a restoration, using state power to protect the competitive markets that consumers benefited from. It consisted:

> not in hiring experts to make broad general plans but in breaking up, one at a time, the restraints on production and distribution of goods…It does assume…that the future of industrial democracy does not lie in any more government control than is required to remedy specific evils. It believes that in the long run the most efficient production and distribution of goods will come from private initiative in a free market. It is based on the premise that most of our troubles have come because we have allowed private groups to protect themselves against the inconveniences of being force to compete with new enterprise.[298]

The trust-busting initiative, clearly a different approach to economic management than the NRA, is often pointed to as an example of New Deal inconsistency, but this accusation misses the point in two ways. The first is that in both cases the end goal was to maximize the amount of material wealth that entered the hands of consumers. The emphasis on planning in the NRA phase of the New Deal was a means to an end, and when one means fails New Deal theory insists that new methods be tried. This is an example of growth and learning, not inconsistency. The other is that the type of trust

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[296] Thurman Arnold's explicit formulation of this philosophy is found in The Bottlenecks of Business, written while he was Assistant Attorney General.
[297] Brinkley. 106.
[298] Arnold. Democracy and Free Enterprise. 46.

busting representative of mature New Deal thinking on the subject was not a reflexive hostility to size that one finds in the writing of Brandeis and his followers. Arnold in particular thought such an approach was anachronistic in a world that necessitated large-scale industrial organizations. It also reflected a moral condemnation of bigness and a celebration of the small that Arnold rejected,[299] and while the Roosevelts maintained a nostalgic attachment to the small community, it was never made into the public priority that progressives like Brandeis desired. Here at least, the New Deal rejects with some emphasis Wilson's New Freedom program, even if it maintained a certain wistful appreciation for the world the New Freedom sought to restore. Large concentrations of economic power are acceptable provided that the benefits of that concentration are passed along to consumers, rather than used to close off markets to competition, distribution, and innovation. Arnold understood his role in the Anti-Trust Division as requiring him to challenge any and all restraints that artificially constrained markets and created bottlenecks in the process of distribution. This meant not only attacking 'bottlenecks' caused by corporations (like G.E.) and industries (oil) but professional groups like the American Medical Association, and even unions[300] in several controversial instances. Economic organizations were to be judged solely on the effects those organizations had on consumers. Did they both enhance and distribute our material abundance? Did they allow us to take full advantage of our industrial capacity and maximize our ability to consume it?

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[299] Arnold was somewhat suspicious of the phrase anti-trust for the anachronistic moral condemnation of size that it implied.

[300] Perhaps the most powerful symbol in the folklore of the Left. Even Arnold's many admirers were made uncomfortable by these actions.

Arnold and the New Deal chose to privilege consumers because they comprised, according to Arnold, the 85% of the population for whom the cheaper and more widespread distribution of goods (as well as increases in wages) would have a measurable impact on the quality of their life. No other group in the United States could make a numerical claim like that, and it had strong appeal both to the utilitarian philosophy and electoral calculations of the New Deal. Arnold in particular saw the real possibility of creating a consumer consciousness during the Depression, because the failure of business practice to distribute goods was so manifestly clear. The problem with similar movements in the past was that they tended to privilege small businesses, which were becoming increasingly anachronistic and could not supply the same goods and services as large-scale organizations. A movement indifferent to size, privileging increased wages and lower prices, and designed to facilitate consumption, would not only affect the greatest number of people, but also serve as an engine to drive the nation's economic development and productive strength.

Of course there are so strongly equating freedom the act of material acquisition—of equating political consciousness with consumer consciousness.[301] As Abbot argues, "if the publicly shared ideal is private acquisition, then there is no public."[302] Private acquisition plays into the most publicly enervating understanding of freedom, precisely the danger Tocqueville identifies in Democracy in America.

> There is, indeed, a most dangerous passage in the history of a democratic people. When the taste for physical gratifications among them has grown more rapidly than their education and their experience of free institutions, the time will come when men are carried away and lose all self-restraint at the sight of new possessions the are about to obtain…It is not necessary to do violence to such a

[301] As an individual thinker Arnold lacked the concern for the excesses of the consumerist approach that colored the work of the Roosevelts and Wallace.
[302] Abbot. 34.

> people in order to strip them of the rights they enjoy; they themselves willingly loosen their hold.[303]

Tocqueville here speaks to the older conception of freedom, the one that privileges autonomy and mastery, but there is also the assumption that private comfort necessarily comes at the expense of public concern. Self interest turns individuals from public citizens to private consumers[304] and predisposes them to support any government that promises a growing stand of living. "Thus men are following two separate roads to servitude; the taste for their own well-being withholds them from taking a part in the government, and their love of that well-being forces them to closer and closer dependency on those who govern."[305] While Tocqueville's concern here is with a centralized administrative state, it is easy to translate this concern to a passive acceptance of corporate governance, acquiescing in its private arbitrary power provided our comfort does not suffer in the process.

In this regard Tocqueville shared Jefferson's fear that a country cannot be both wealthy and public-spirited. "What a cruel reflection," Jefferson laments, "that a rich country cannot long be a free one."[306] With wealth comes moral decline, and with abundance (as opposed to self-sufficiency) comes a narrow self-interest. There is skepticism about whether or not a person who spends their time focused on their private interest will be able to enter the community to discuss the public good. The New Deal departs from Jefferson and Tocqueville on this score, arguing in fact that it is only in a rich country that we can find true freedom (given the connection between freedom,

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[303] Tocqueville, quoted in Roger Boesche. Tocqueville's Road Map. (Lanham: Lexington Books, 2006). 45.
[304] Even today, calls to citizenship, for voting and participation, are phrased in the consumer's language of choice, rather than the citizen's language of responsibility.
[305] Tocqueville quoted in Boesche. 46.
[306] Jefferson quoted in Boesche. 58.

happiness, and necessity). However, its departure is not made uncritically and without reservation. In fact, the New Deal shared Tocqueville's prescriptions for reigning in the inevitable excess that comes with an emphasis on materialism—particularly the emphasis on citizenship and religion as ways to transcend our own private, self-regarding concerns.

However, this was not the only approach the New Deal adopted. Happiness for the New Deal was clearly found through well-being, and well-being has a material component to it. There is a certain baseline level of material comfort and self-sufficiency, if not autonomy, required before we can fully begin to explore more meaningful possibilities, such as citizenship and self-development. While material comfort and well-being was embraced as an end, and a worthwhile one, it was not the highest of ends. The New Deal was sensitive to the critique of Woodrow Wilson's biographer who lamented, "Our government has ceased to be a duty, to be sacrificed for, and becomes a privilege somehow to be used for ministering to our needs and our greeds."[307] If we have no higher conception of citizenship than materialism—if, as President Bush argued in the aftermath of 9-11, our principal obligation as citizens was our "continued participation and confidence in the American economy"[308]–it becomes all too easy to think of the government solely as an ATM, and social welfare programs as more special interests. Instead, the New Deal sought to reframe comfort as a means to higher and more sophisticated forms of happiness, the acts of self-development and citizenship. And here the New Deal embraces what are arguably the most progressive aspects of the liberal tradition, taking its concerns for individuality and autonomy and trying to channel it into something higher.

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[307] Ray Stannard Baker cited in Otis Graham. "The New Deal and the Progressive Tradition." Hamby. 193.
[308] George W. Bush. <*http://archives.cnn.com/2001/US/09/20/gen.bush.transcript/_Bush*>.

Self Development as the Common Good

[Democracy] is a method of government conceived for the development of human beings as a whole.[309]

While Locke's Second Treatise is rightly regarded as a foundational liberal text, and one highly influential on the framing of the American state, it is not the culmination of the liberal tradition and commentaries like Hartz's do the tradition a disservice by freezing it at that moment in time.[310] It is in the work of liberals like John Stuart Mill where we can begin to see how New Deal theory attempts to blunt the edges of the New Deal (and liberalism's) consumerist orientation. While the New Deal did not specifically claim Mill as a patron theorist, its understanding of happiness clearly follows the path Mill laid.

For Mill, happiness is found in the development of our own unique individuality—discovering for ourselves where our talents lay and how we wish to develop them is the realization of our humanity. As he puts it in On Liberty, "Human nature is not a machine to be built after a model, and set to do exactly the work prescribed for it, but a tree which requires to grow and develop itself on all sides, according to the tendency of the inward forces which make it a living thing."[311] To be a human being is to be someone who makes choices, to spend our lives discovering how to live for ourselves. "The only freedom which deserves the name is that of pursuing our own good in our own way."[312] There is more at stake here than just autonomy—instead

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[309] ER. Moral Basis. 56.
[310] To say nothing of the cramped treatment Locke often receives.
[311] John Stuart Mill. On Liberty. (Indianapolis: Hackett Publishing Company, 1978). 56-57
[312] Ibid. 12

autonomy is a precondition for a larger purpose, the development of our individual human potential. This process is private insofar as no one individual has the authority to define for another how he must live (subject to his harm principle), but it is public insofar as societies are better served by creating a dynamic environment that maximizes our ability to develop ourselves, and to give ourselves the opportunity to teach and learn from others. It is in a progressive society that individuals can best reach their human potential.

According to Mill, this individuality is less a right we possess in full, as it is something to be earned and achieved. [313] Anything that stands in the way of this most noble (and most human) of pursuits is to be removed. "Whatever crushes individuality is despotism."[314] Much of Mill's argument is to be read in the context of free thought and expression, but he notes elsewhere that one cannot easily pursue self-development in the face of material hardship. As Mill noted elsewhere, "first amongst existing social evils may be mentioned the evil of Poverty,"[315] whose presence stifles potentiality, and in the process our individual and collective humanity.[316]

The fate of the individual is of interest to society, as our aggregate individuality is our common inheritance and the source of the greatness of any people. Any state in which the people live in some type of bondage is one that will not long know collective greatness.

> It is not by wearing down into uniformity all that is individual in themselves, but by cultivating it and calling it forth, within the limits imposed by the rights and

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[313] Eldon Eisenach. "Introduction." Mill and the Moral Character of Liberalism. ed Eldon Eisenach. (University Park: The Pennsylvania State University Press, 1998). 8.
[314] Mill. 61.
[315] Mill cited in Fred Wilson. "Psychology and the Moral Sciences" in The Cambridge Companion. ed. John Skorupski. (Cambridge: Cambridge University Press, 1998). 238.
[316] Mill scholar Wendy Donner puts this argument forcefully in her essay "Mill's Utilitarianism." "People have a right to liberty of self-development and their rights are violated if their social circumstances bar them or do not provide adequate resources for them to attain and excise self-development." "Mill's Utilitarianism". Skorupski. 278.

> interests of others, that human beings become a noble and beautiful object of contemplation and as the works partake the character of those who do them, by the same process human life also becomes rich, diversified, and animating, furnishing more abundant ailment to high thoughts and elevating feelings, and strengthening the tie which binds every individual to the race, by making the race infinitely better worth belong to. In proportion to the development of his individuality, each person becomes more valuable to himself, and is, therefore capable of being more valuable to others.[317]

This individual concern with self-development blends seamlessly for Mill with the idea of self-government. Without it you will not have a mind trained to govern itself, let alone others. We see here too the emphasis on what Mill calls elsewhere his harm principle. The criteria for determining the right of the collectivity to interfere in the life of the individual is grounded in the way the individual's actions affect the collective as a whole. Mill is reluctant to define what harm is (although he is clear that harm has to be other regarding) and in fact the end of On Liberty is devoted to laying out the ambiguity of harm, making it clear that in the end these definitions will often be arbitrary social constructs, with the hope that the society will be animated by a modesty of purpose and tempered by a healthy skepticism and sense of its own fallibility.

But while the definition of harm may be in play, the progressive ends of self-development are not, and Mill argued that few human beings could devote time and energy to the development of their human faculties as long as society is confronted, not only by the reality of scarcity, but also by the possibility of new wealth. The limitations of the former are somewhat obvious. When our primary concern is survival there is little space available for engaging in any activity beyond the perpetuation of our existence. It is, unsurprisingly, for Mill a stunted way to live. But given the way that we have been socialized for scarcity, and the constant gnawing fear that it is right around the corner,

[317] Mill. 60.

Mill also believed that societies could only begin to orient itself towards non-material questions of value when they have exhausted their potential for growth. In this he shows his debt to his friend Tocqueville's observation that a society which prized growth would also be motivated by a fear of loss.[318] Only when there was no hope of future gain, a state of affairs that Mill called a 'stationary state,' could a people turn to other possibilities.

The New Deal shared with Mill the same conception of the good life and political purpose—namely that social and political arrangements should maximize the self-development of its individual members. This is, as Mill put it, "utility in the largest sense, grounded on the permanent interests of man as a progressive being."[319] Laws, government, and all forms of social organization that impose obligations on its members are justified in reference to this end. Happiness, that fundamental right, is expanded to include not simply the possession of goods, but also the possibility of self-development and self-perfection. Happiness becomes the opportunity to discover and develop the unique talents and abilities that creates individual meaning. Material wealth and comfort, both in terms of labor saving devices and as means to relax and clear the mind, made this deeper concern with self-development possible. Only now that we have conquered scarcity could we being to approach the possibilities of human development. As Eleanor Roosevelt, the most articulate of the New Dealers on this issue, put it,

> The attainment of life and liberty required most of our energy in the past, so the pursuit of happiness and the consideration of the lives of human beings remained

[318] Although he takes Tocqueville to task for limiting his observations to America, and equating them to democracy, rather than capitalism. See Mill's review of Democracy in America.
[319] Mill. 10.

> in the background. Now is the time to recognize the possibilities which lie before us in taking up and developing of this part of our forefather's vision.[320]

For the New Deal, previous defenses of American values that emphasized the protection of property divorced that protection from its larger context—the necessity of property as a material precondition towards self-development, which is to say, happiness.

Note that this is notion of self-development is fundamentally liberal. Only the autonomous individual can decide what choices in life make him happy. This cannot be imposed on another human being. Society has the right and duty to interfere with someone else who stands in the way of the individual's right to decide for themselves how they wish to live—but it cannot force us to make these decisions for ourselves. Our obligation to one another, as citizens and as human beings, is to facilitate the ability of everyone to discover their own unique sources of happiness for themselves, not to coerce them into doing so. A free society is one that maximizes the ability of all its members to do this, and in this way we grant a basic level of human dignity to the autonomous individuals who compose that society.

Thus while the New Deal is informed by a rich conception of the good life, part of that conception involves the recognition that people must ultimately decide for themselves how best they want to live. One can still be wrong—neither Mill, Wallace, the Roosevelts, or even Arnold are moral relativists—but respect for autonomy means that we have to grant people the freedom to be wrong. Both Mill and the New Deal are fiercely opposed to paternalistic social forces that interfere with autonomy and pressure individuals into making choices requiring, as Mill puts it, "no other faculty than the ape-

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[320] ER. "Are We Overlooking the Pursuit of Happiness" *The Parents Magazine* 11 (September, 1936). Leave Behind. 62

like one of imitation."[321] It is its resistance to paternalism that the New Deal argues makes liberal democracy the best (although not perfect) form of government for facilitating self-development.[322] It is dynamic, responsive, and the only political arrangement that can realistically hope to maximize the greatest good for the greatest number while letting each member define that good for themselves. That freedom, alongside a basic level of material and psychic security, is the essence of dignity.

It is also the source of our strength as a nation. The New Deal argued, following Mill, that by unleashing the individual potential of every citizen, we impart to the society a restless dynamism that benefits all. Without this energy, society gradually becomes static and enervated, and the possibilities of this deeper happiness are denied to us both as individuals and as a collectivity. In the past, our orientation towards scarcity prevented us from seeing past our more immediate (and legitimate) material interests, but these past limitations need no longer bind us. Once we have conquered necessity we must look to our self-development. Nurturing our potential requires both leisure time and the opportunity to do something of consequence with it.[323] "The arts are no longer a luxury but a necessity to the average human being," ER argued, "and they should be included in any department which includes health, social security, and education."[324] We must make sure that we have not "been so busy making a living that we have less time really to

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[321] Mill. 56.

[322] Mill, following Tocqueville, was far more skeptical. In particular the two of them recognized the potential for the tyranny of the majority far in both the political and social spheres much more than ER ever did.

[323] The New Deal resisted the mean spirited tendency to deny that enjoyment is a necessity of life. For example, FDR insisted that the baseball season continue in 1942, and even urged more night games so that people working during the day had a chance to see a game.

[324] ER. "Are We Overlooking the Pursuit of Happiness." Leave Behind. 62.

live."[325] Guaranteeing a diversity of experiences is essential if we wish to develop the broad perspective necessary to understand our larger connections to one another.

> No city child should grow up without knowing the beauty of spring in the country or where milk comes from, how vegetables grow and what it is like to play in a field instead of on a city street. No country child who knows these things should be deprived, however, of museums, books, music and better teachers because it is easier to find them and to pay for them in big cities than it is in rural districts.[326]

A citizen in a country with both rural and urban populations should be entitled to the experiences of both; indeed, that experience is essential if we want them to be able to identify with each other as members of a 'great community.'

Individualism was not to be abandoned, but the ways in which individualism are rooted in a complex interdependent society could now be highlighted, and happiness could come to mean more than consumption.

> Happiness lies not in the mere possession of money; it lies in the joy of achievement, in the thrill of creative effort. The joy and moral stimulation of work no longer must be forgotten in the mad chase of evanescent profits. These dark days will be worth all they cost us if they teach us that our true destiny is not to be ministered unto but to minister to ourselves and our fellow men.[327]

This was the ideal. In reality, most Americans would continue to define themselves as consumers—but the hope was that consumption would both combat the very real poverty many Americans found themselves in and create the physical comfort and mental space necessary to allow for at least the possibility of self-development. However, both of these orientations are still fundamentally private—even if the hope is that they carry with them a public benefit, the benefit is derivative from the private advantage. The New Deal still required some way of reorienting people outside of themselves. It looked in two, directions, the one privileging America's Christian heritage and the other placing an

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[325] ER from It's Up To Women quoted in Cook. 72.
[326] ER. "Are We Overlooking the Pursuit of Happiness?" Courage. 38.
[327] FDR. "First Inaugural Address." Speeches. 30.

emphasis on democratic citizenship. Rather than oppose, these two streams of thought compliment and clarify each other. Roosevelt famously described his political philosophy by stating "I am a Christian and a Democrat, that's all." While often dismissed as a vacuous dodge, Roosevelt is pointing to a deeper synthesis between the two. For the New Deal democracy is a religion, Christianity is fundamentally democratic, and attached to both are strenuous political and social obligations that take us outside ourselves and soften the worst excesses of the consumer-based individualism and the private nature of self-development. Without democracy Christianity cannot fulfill its larger goals of human emancipation. Without Christianity our democracy will remain chained to our baser interests and instincts.

The Common Good in Religion

[R]eligion which gives us a sense of obligation about living with a deeper interest in the welfare of our neighbors is essential to the success of Democracy.[328]

The appeal to religion as a way to soften the excesses of self-regarding individualism will be familiar to readers of Tocqueville, who highlighted both the strength and superficiality of religious devotion, where many "Americans follow their habits rather than their firm beliefs when they worship God."[329] This had not changed much in the intervening hundred years. As Henry Steele Commager observed in The American Mind, "It is scarcely an exaggeration to say that during the nineteenth century and well into the twentieth, religion prospered while theology went slowly bankrupt."[330] And there is a certain sense of utility in the way that the New Deal discussed religious faith—

[328] ER. Moral Basis. 48.
[329] Tocqueville. 340.
[330] Quoted in Ryan. 37.

highlighting the ways in which its principles supported its politics, and avoiding the nuance that would color the analysis of more sophisticated theologians like Niebuhr.[331] However, the happy meeting of belief and expediency does not change the fact that the belief was deeply held, and the strength of this belief elevated its use in public discourse above pandering and electioneering.

Religion played two key roles for the New Deal. Coming out of America's social gospel tradition, it served as a grounding for democratic obligation and the welfare state. As FDR stated, "We call what we have been doing 'human security' and 'social justice.' In the last analysis all of those terms can be described by one word; and that is 'Christianity.'"[332] The New Deal's Christianity is the Christianity of the Sermon on the Mount.[333] Here the New Deal was very much indebted to the Social Gospel movement and figures like Jane Addams and Walter Rauschenbush.[334] Social justice trumps concerns about moral character, and there was an inclusivity about it that put it in opposition to Father Coughlin's Social Justice movement, which combined a reactionary populism with anti-Semitism, fascist sympathies, and the worst elements of American nativism. Its second role was to serve as a symbolic language used for communicating the New Deal's aims to the American public. We will discuss the second role in greater detail in chapter IV in the context of Henry Wallace's Statesmanship and Religion. Here we will focus primarily on Eleanor Roosevelt, whose writings most clearly and

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[331] The awareness of sin and human limitation informed the New Deal's theory of practice, but was, with rare exceptions absent from its theory of ends.
[332] Informal Remarks to Visiting Protestant Ministers, January 31, 1938. Quoted in Morone. Hellfire Nation. 354-355.
[333] Roosevelt exhorted clergy to emphasize the Sermon on the Mount during his second term. *New York Times*, February 4th, 1938. Quoted in Ibid. 354.
[334] However, the intellectual debt was rarely, if ever acknowledged.

consistently articulated the role of religion in American life, as well as the connection between religion and citizenship.[335]

While Wallace and the Roosevelts were firm believers in the institutional separation of church and state, neither could image a healthy democracy whose citizens were not in some way Christian, a belief shared with liberal patrons Locke and Smith, although the latter were not explicitly oriented towards concerns over social justice. In the words of Wallace, the government is charged "to devise and develop the social machinery which will work out the implications of the social message of the old prophets and of the Sermon on the Mount; but it remains the opportunity of the Church to fill men's hearts and minds with the sprit and the meaning of those great visions."[336] However, the understanding both had of Christianity, and religion in general, was profoundly undogmatic and fully inclusive—references to Christianity reflected its centrality to the American experience, but Christianity was hardly the only legitimate public manifestation of the religious impulse. Religion was, in the words of Eleanor Roosevelt, a "belief and faith in the heart of man which makes him try to live his life according to the highest standard which he is able to visualize."[337] It is "the striving of the human soul to achieve spiritually the best that it is capable of and to care unselfishly, not only for personal good but for the good of all those who toil with them upon the earth."[338] Spirituality is defined by a feeling of independence and curiosity.[339] Education and religion go hand in hand. Reason and revelation need not be in opposition to each

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[335] This will be explored in greater detail in the next section.
[336] Wallace. Statesmanship. 8.
[337] ER. "What Religion Means to Me" *The Forum* 88 (1932). Leave Behind. 3.
[338] ER. "What Religion Means to Me." Leave Behind. 3.
[339] The Protestant roots of her religious principles (and political theory) are seen in the emphasis placed on the individual's relationship with god, himself, and with society.

other. Like the rest of the New Deal's philosophy it focused on ideas of love, service, and personal development.[340]

Any set of beliefs sympathetic to these commitments is acceptable. ER is quick to note that the religious spirit that grounds the sense of community, care, and cooperation essential for democracy are not the exclusive domain of the Christian faith. Any religion that teaches "that we cannot live for ourselves alone and that as long as we are here on this earth we are all of us brothers, regardless of race, creed, or color"[341] is sufficient.

ER moves beyond the soft toleration that characterizes much of the liberal tradition. We are not obligated to accept difference only because the costs of denying it are too high, nor should difference be embraced because it is socially useful. Difference is in some respects made irrelevant in the face of our commonalities as human beings. Instead, ER argues, "what is needed is really not a self-conscious virtue which makes us treat our neighbors as we want to be treated, but an acceptance of the fact that all human beings have dignity and the potentiality of development into the same kind of people we are ourselves."[342] As long as a person is willing to recognize our common humanity and act accordingly, difference need not even be addressed. This is not to say that there is nothing we can learn from other cultures, nor that we can afford to disrespect their traditions. ER's standard may require the proactive highlighting of difference in order to make it familiar, to uncover the shared humanity underneath it. But in the end the ultimate goal is to make difference irrelevant at worst, an interesting flavor at best.

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[340] Here, for a number of reasons, the New Deal breaks ranks with Mill, who was an implacable foe of institutional Christianity, and according to Joseph Hamburger in John Stuart Mill On Liberty and Control. (Princeton: Princeton University Press, 1999). On Liberty was written in part as an attack on establishment Christianity.

[341] ER quoted in James Kearny. Anna Eleanor Roosevelt: The Evolution of a Reformer. (Boston: Houghton Mifflin Company, 1968). 68-69.

[342] ER "The Minorities Question" written for the Joint Commission on Social Reconstruction, (October 1945). Leave Behind. 169.

Her broad understanding of Christianity moves past even Locke's watered down list of Christian essentials.[343] One need not even accept the divinity of Jesus; only recognize that he lived an exemplary moral life.[344] Beyond that, "fundamental law is really changeable human provision for certain conditions. There is very little actual fundamental law. Really only 'love one another.'[345] The rest is all interpretation—even the Ten Commandments."[346] Any religion or philosophy that prioritized this teaching was acceptable. Any that does not is incompatible with the democratic ideals of the New Deal.

All our moral and political obligations find their ultimate grounding in this requirement to 'love thy neighbor.' Love, ER argues, becomes the substance of democracy.

> The principle…of the responsibility of the individual for the well-being of his neighbors which is akin to "Love they neighbor as thyself' in the New Testament, seems always to have been a part of the development of the democratic ideal which has differentiated it from all other forms of government.[347]

For the more millennial thinkers like ER and Wallace, true democracy represents our best attempt at redemption on Earth, and in a democracy no one is beyond salvation. The ultimate fate of the individual and the collectivity are intimately (and perhaps problematically) linked. Given the burden ER places on democracy, it is clear that its

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[343] Found in his A Letter Concerning Toleration. For Locke a believer had to have a belief in a future state of divine rewards and punishments. Everything else was secondary. While ER would not have recognized atheism as a religion, the fear of hellfire was not a necessary precondition for good works or good citizenship.

[344] In fact, essential to her theory of democracy is the belief that the life and lessons of Jesus are replicable by imperfect human beings. Her she finds herself in the same company as Jefferson, whose translation of the New Testament edited out all references to the divinity (and miracles) of Jesus.

[345] She lists 13th Chapter 1st Corinthians, with its famous celebration of love, as her favorite Bible verse. Eleanor Roosevelt. If You Ask Me. (New York: D. Appleton-Century Company, Inc. 1946). 126

[346] ER. "12 February, 1937." in My Day. In this particular column ER is attacking the idea of definitive Constitutional interpretation, what today usually goes by the name original intent, which Wallace and Arnold addressed more systematically in Whose Constitution? and Symbols of Government.

[347] ER. Moral Basis. Cited in Tamara Hareven. Eleanor Roosevelt: An American Conscience. (Chicago: Quadrangle Books,1968). 126.

practice will be demanding. It requires a 'Christ-like' way of living.[348] However, "if we once establish this human standard as a measure of success the future of democracy is secure."[349] The emphasis on the human standard is important: because Christ was human, the rest of us could conceivably hope to duplicate his public example.

The health of a society is largely determined by its ability to put these religious teachings into public practice, to look past narrow private interests towards the larger concerns of the whole community. 'Loving thy neighbor as thyself' becomes the starting point for the resolution of all conflicts of interest.

> What is the trouble between capital and labor, what is the trouble in many of our communities, but rather a universal forgetting that this teaching is one of our first obligations. When we center on our home, our own family, our own business, we are neglecting this fundamental obligation of every human being.[350]

'Loving thy neighbor as thyself' not only involves recognizing our shared humanity, but acting on it—applying to others the same standards of justice we would apply to ourselves. It creates a strenuous cosmopolitan obligation, requiring that we not only learn to be comfortable with other people and cultures, but that we care about them like we would care about our friends and family, that our narrow communities expand ever outward to embrace state, nation, and eventually the world.[351] Without this one cannot have a just (or even long functioning) society, and one certainly is not entitled to call that society Christian (or democratic). There is no way forward politically or socially without the recognition of this fundamental obligation. At best we have competing interest groups and a politics of isolation, conflict and despair.

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[348] ER. Moral Basis. 56-57.
[349] Ibid. 57. The significance of this requirement will be discussed later.
[350] ER quoted in Joseph Lash. Eleanor and Franklin. 285.
[351] The derisive hostility with which Wallace's call to provide milk for the children of the world in his 'Century of the Common Man' speech demonstrates just how far we still had to come.

It was that sense of embattled isolation that the New Deal sought to combat, and the long-term health of its institutions would depend on the revival of this sense of cosmopolitan community. ER observes that "[m]any people are feeling that life is too hard to cope with. That feeling would not exist if out of this depression we could revive again any actual understanding of what it means to be responsible for one's brother."[352] Not only are we all brothers, the New Deal claims, we are all deserving of and entitled to one another's love, respect, and aid. Fostering this sense of attachment to one another is essential if we are to endure the sacrifices democracy requires of us. A common religious heritage (broadly understood as a commitment to religious principles of charity, dignity, and love) provides us with the framework we need to develop these attachments.

The New Deal claims that we are confronted with an economic and spiritual poverty that prevents us from rising above purely selfish interests and establishing the goodwill necessary to address them. New Dealers like ER and Wallace saw the Great Depression as a millennial moment, a time of fear, doubt, and uncertainty that offers the possibility of regenerating spiritual values lost in the "mad haste for more and more money and more and more luxury."[353] These values have a long and deeply ingrained tradition in the American heritage, and we must be reminded of that heritage. The New Deal believed, as an article of faith, that it is possible eventually to overcome the baser priorities that consistently lead to depression and war. The problem is not conquering necessity or fortune: instead we must conquer and master ourselves and the suspicions we have of each other, and, in doing so, create the political will necessary to remake the world over. Only a state whose foundations are constructed on the love and trust we find

[352] ER, "What Religion Means to Me" Leave Behind. 5.
[353] Ibid. 3.

in the New Deal's broad understanding of Christianity can grant permanence to the social innovations of the New Deal. Whether or not this kind of meaningful love is possible in the cosmopolitan sense that ER and Wallace refer to, or if, as W. Carey McWilliams argued, it can only manifest itself in a way that was "radically impersonal, comprehending masses and not men…distant, outside the lives of most Americans, a condescending sentiment which, while it felt for the suffering of others, only rarely felt with them in their travails,"[354] remains to be seen. Perhaps in the end it is an assumption that must be made to make even incremental change possible. Regardless of the answer, there was a recognition that such an attempt at meaningful human sympathy, if not fraternity, was at the heart of the New Deal enterprise.

The Common Good in Citizenship

The motivating force of the theory of a democratic way of life is still a belief that as individuals we live cooperatively, and to the best of our ability serve the community in which we live[355].

While the hope was that a higher understanding of material prosperity would blunt the worst excesses of an individualism grounded in consumption, there was also an attempt to offset these excesses by appealing to citizenship and the ideals of democracy. The New Deal understood democracy in two ways: first, as a mechanistic set of procedures and institutions designed to facilitate some degree of self-government; second, as a moral idea, less a system of government than a calling—a lived experience, not a set of institutional arrangements. As callings go, there are none higher: living the life of a true democratic citizen requires you to give of yourself so that others can create

[354] McWilliams. 547.
[355] ER. Moral Basis. 14.

themselves, an act of mutual self-generation. While we are obligated to provide others with the opportunity for self-development, they in turn are supposed to use the talents and abilities so nurtured to act as active citizens, thereby creating a dynamic social environment that benefits all.[356] There is an appeal to interest, to be sure, but service and citizenship are meant to be their own rewards.

It is here that the New Deal moves beyond Mill's liberalism into the republican tradition. We see this especially in the writings of Eleanor Roosevelt, the New Dealer most engaged with questions of citizenship. ER argues that we empower the state to grant us meaningful liberty, but this is not liberty in the negative sense. Echoing Rousseau's maxim that "freedom is adherence to the laws we make for ourselves," ER writes: "[w]hen you come to understand self-discipline you begin to understand the limits of freedom. You grasp the fact that freedom is never absolute, that it must always be contained within the framework of other people's freedom."[357] In a democracy, we attain liberty when we recognize, submit to, and work to enhance the bonds of fellowship that bind us to one another.

Democratic freedom involves not only effort, but also sacrifice, the kind of sacrifice that comes from taking responsibility for your talents and abilities, from making public what was once private.

> Our basic sacrifice is the privilege of thinking and working for ourselves alone…If we are able to have genuine Democracy we are going to think primarily of the rights and privileges and the good that may come to the people of a great nation…It means that we no longer hold the fruits of our labor as our own, but consider them in the light of a trusteeship. Just as the labor itself must be put into avenues which may no longer be bringing us what at one time we considered as

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[356] The assumption here, as is the case with most democratic theory, is that the process of democracy, irrespective of outcomes, is a positive one as it enables the participants to exercise the faculties that make them most human, and grant them a healthy sense of agency and autonomy, at least in the political world.
[357] Eleanor Roosevelt. You Learn By Living. (New York: Harper & Brothers, 1960) 40.

> satisfactory returns, but which are serving some socially useful purpose in the community in which we live…. we will execute to the best of our ability every piece of work which we undertake and give our efforts to such things as seem to us to serve the purpose of the greatest number of people.[358]

She recognized that this is a lot to ask, and it is why the development of friendship and attachment is so vital to the success of the enterprise.

Since the New Deal envisions an active society in which people are expected to sacrifice for the greater benefit of all, the question of political obligation is central. How do we justify the sacrifices we expect others to make? Political theory offers three possibilities: duty, love, and fear. The later, while the choice of Machiavelli and Hobbes, is not democratic. Democracy involves citizens freely choosing the laws that will govern them and the values that will inform those laws, and choices made under the influence of fear are not freely made. While New Deal thought makes frequent appeals to duty, duty is not an end in itself. The state must earn our obligation, the New Deal argues, even if our neighbors are entitled to it.

That leaves love, coupled with the idea of dignity (as a way to limit the authoritarian, grasping excesses of love), to form the core of the New Deal's democratic liberalism. We sacrifice for what we love—indeed, only through love is it possible to generate the fellow feeling necessary to make the sacrifices the welfare state demands. Without this love, without a feeling of attachment towards fellow citizens, the welfare state (and redistributive justice) becomes a form of theft. Our fellow citizens cannot be adversaries in the marketplace, but must be friends and family whom we are willing to aid. Our obligations to the state, to each other, and to ourselves are grounded in an expansive, generous conception of love. The process is one of progressive, outward

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[358] ER. Moral Basis. 72-74.

development. It is by understanding what we love ourselves that we learn how to care for others. Once we decide how others should be treated and what they are entitled to we know what we expect from the state. Without love the attachments necessary for sacrifice become difficult, if not impossible.

For both the Roosevelts and Wallace, this love finds its origins in God, and its most expansive incarnation can be found in the life of Christ. Tactically this is a very smart way to proceed, as there are fewer symbols with more potency in American life.[359] This does not mean pandering to the basest elements of organized religion. But it does involve recognizing that in order for an ideal to take hold in the public consciousness it needs emotional relevance. Democratic politics requires salesmanship, and the progressive theorist is ultimately selling the idea of the welfare state. Doing so successfully means appealing to those symbols that have the most resonance with the buying public. This does not require the sacrifice of principles in the name of tactics: all traditions can be read in different ways and symbols can be reinterpreted in new and expansive ways. The symbols of Christianity can lead to a politics of condemnation or a politics of forgiveness, but these symbols are potent and the great progressive leaders of the 20th century (ER, FDR, Wallace, MLK) understood their power.[360]

Democracy asks that we sublimate, at least partially, the individualism that requires us only to act for ourselves, and instead learn to consider and act for others. This requires knowledge of the self and knowledge of our interdependence: democracy creates for us "a problem we cannot escape: we must know what we believe in, how we intend to

[359] Happily enough for ER and FDR these religious beliefs were authentically held, which is one of the reasons why they were so effective in convincing the voting public to follow them.
[360] To be discussed further in the next chapter.

live, and what we are doing for our neighbors."[361] However, our neighborhood extends far beyond its apparent boundaries. Given the fundamentally interconnected nature of society this creates an obligation:

> To the coal miners and share-croppers, the migratory workers, to the tenement-house dwellers and the farmers who cannot make a living. It opens endless vistas of work to acquire knowledge and, when we have acquired it in our own country, there is still the rest of the world to study before we know what our course of action should be.[362]

It is demanding, but that is the price of democratic citizenship. The rewards for these sacrifices come from the joy of membership in a community of consequence, as well as the self-satisfaction that comes from knowing that we are actively participating in the decisions that affect us, creating the boundaries that will define our opportunities for self-development. It offers a life of genuine freedom. A life this strenuous will take faith, but faith alone is not sufficient. All the New Dealers were savvy enough (or liberal enough) to understand that when principle could be linked to interest, when it could be shown that there are material benefits that come from making others more secure, it is easier to sacrifice in the name of love. But the appeal to interest was always tactical, and the New Deal held out the hope that over time it would no longer be necessary, that we could develop a different way of understanding our place in, and obligation to, the rest of the world. We return to Wallace's 'quarter turn of the human heart.'

This is complicated by the fact that love and attachment are usually intimate, local feelings, and controlling capital requires a large, likely impersonal state. It may seem counterintuitive that a robust theory of liberal democracy in modern times requires a large state to meet the prerequisites of citizenship. This larger state creates extra

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[361] Moral Basis. 77.
[362] Moral Basis. 77.

demands and poses new dangers. The New Deal is philosophically liberal, even if it is the softer liberalism of the later John Stuart Mill or John Dewey, and the central concern of all liberals is with limiting the abuse of arbitrary power. The liberal empowerment of the state that was the New Deal frightened classical liberals because of the undeniable potential for abuse. This was a fear that ER and other New Deal theorists were prepared to address. The Great Depression demonstrated that the power of the market is no less arbitrary than the power of the state and was desperately in need of checking, as it threatened millions of Americans with starvation and millions more with an feeling of powerlessness that destroys the possibility of meaningful citizenship and self-development. The market can best be softened through the empowerment of the state, and the state, unlike the market,[363] can be made democratic.[364]

In a democracy, individuals are free not only when their right to pursue happiness is protected, but when they have the opportunity to participate fully in political life, to the best of their ability, free from arbitrary constraints and voluntarily submitting to democratic ones.

> We haven't realized what democracy means. It doesn't mean having freedom, having a certain amount of personal liberty…Democracy means that you give of your service unselfishly, day by day, that you use your ballots, that you join the political party that you believe in, and that you work in that political party to get better candidates, not to complain to them; to get the very best representatives you can from top to bottom in your committees, in your states, on your national ticket, that you work.[365]

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[363] Along those lines, she was a strong supporter of the union movement, actually belonging to the Reporters Guild and refusing to cross picket lines (even missing FDR's birthday party on one occasion). The democratic possibilities for control they offered made them preferable to direct state intervention whenever possible.

[364] The realization Mill discusses (and fears the unintended consequences of) in On Liberty; that we need not fear the power of the state once that state is democratic, was slow to take root in America and never fully embraced.

[365] ER. Speech to a panel on "What Do Women Want in the 1940 Platform" in Ruby Black's Eleanor Roosevelt: A Biography. (New York: Duell, Sloan and Pearce, 1940) 145. Ruby Black was a White House journalist and author of the first of many biographies on Eleanor Roosevelt.

Democracy demands intelligent participation, and intelligent participation is impossible unless we've been liberated from the fear (and fact) of privation and have had the opportunity to develop our own mental capabilities. If the market cannot provide this, then meaningful participation (and democracy) is only possible with a welfare state.

But while the New Deal was concerned about participation, it was also keenly aware of its limits: the increasingly complex nature of the state required government by elites capable of managing its machinery. This is the paradoxical tension at the heart of democratic welfare states, where democracy is normally understood in terms of participation rather than an egalitarian distribution of benefits. Therefore, the New Deal moves away from an emphasis on the crafting and administration of the law (although this is to be encouraged when possible) and towards the larger project of opinion formation and accountability—the latter a concern the New Deal somewhat ironically shared with Walter Lippmann. A democratic people must learn to focus not on the executive moment of implementation (which will increasingly need to be, and hopefully will be, handled by experts), but the prior goal of establishing priorities (a reason why FDR was so keen on creating ideological parties) and the process of enforcing accountability through organizational pressure. Perhaps elites are required to run the state, but those elites can still be directed, influenced, and removed when necessary.

We need fear the state only if we fail in our obligations as citizens to police it. "Each of us, ultimately, is responsible in large part for the welfare of his community, for the kind of government he has, for the world he lives in."[366] If we wish to live free of the arbitrary power of the state and market, our government must be as democratic as

[366] ER. You Learn By Living. 152.

possible. This involves both increasing the ability of citizens to comprehend the work of an increasingly complicated bureaucracy and developing new avenues of communication between citizen and representative. As such, FDR's Fireside Chats were as much an effort at democratic education as manipulation. As Milkis observes, "The president was confident that if he did his job as teacher, the people would pass the lessons on to their representatives on Congress."[367] FDR made a remarkable effort to educate the public, in language that was non-technical without pandering, about the economics behind the banking crisis or the difficulty inherent in supplying troops in the Pacific Theater of World War II. But this was still controlled communication, the message controlled from the top. Ideally, the New Deal insisted, communication is also instigated at the bottom and taken seriously at the top. This in part is ER's justification behind her "I want you to write me" campaign, where she received (and answered) over 300,000 pieces of mail in her first year as First Lady.[368] It is vitally important that we regard the government as a friend to be cultivated, not a necessary evil to tame. "The feeling of friendship, the feeling that in the house where government resides, there also resides friendship, is perhaps the best safeguard we have for democracy."[369] The development of this friendship, achieved through participation and education, will create newer, stronger, and necessary attachments to our communities (local and national).

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[367] Sidney Milkis and Michael Nelson. The American Presidency (Washington D.C.: CQ Press, 2003). 275.

[368] This number averaged well over 100,000 the rest of her time in the White House, and all mail was answered by her or her staff. Frequently they contained pleas for help, full of heart-rending specifics, and ER was a sympathetic audience. Whenever possible funds were raised and letters referred to appropriate agencies. ER took her mail quite seriously, recognizing that as a symbol of the government, doing so humanized the presence of the government in the lives of millions.

[369] Eleanor Roosevelt in a letter to Joseph Lash, cited in Winifred Wandersee's "ER and American Youth: Politics and Personality in a Bureaucratic Age" in Without Precedent: The Life and Career of Eleanor Roosevelt. ed. Joan Hoff-Wilson and Marjorie Lightman. (Bloomington: Indiana University Press, 1984). 72.

Given the material markers Americans used (and still use) to evaluate success, asking us to freely give to each other is asking quite a bit, and any attempt to reconcile the individualism of the consumer model with calls for sacrifice will be imperfect at best. While the New Deal never sought to undermine the idea of private property, it did infuse it with a sense of trusteeship, across both space and time. Our current inheritance is due to the sacrifices of generations past, and we must act as stewards for generations to come. The social contract binds us to the future as well as the present, and acting on behalf of the future means creating a more just and equitable present.

This commitment to justice is based on more than a theoretical obligation to the unborn future. The New Deal's democratic theory is sympathetic to the Lockean and Jeffersonian right of revolution. While never abandoning faith that the United States could meet the needs of all its citizens, the New Deal places the burden on the state to deliver on the promise of its social contract, not for its citizens to meekly accept what was given to them. People can be legitimately disaffected when society fails to address their grievances. Unless they are provided for, there is no reason for blacks to be loyal, nor was there any reason for the young to bleed on foreign shores. ER quotes with sympathy a WWI veteran who claims:

> I am a veteran of the last war, my father, his father, and his father before him fought in wars and I think that I am a loyal and true American, yet I am not sure that I wouldn't rather have a full stomach and shelter under some other regime than to be hungry and homeless under the present one.[370]

The New Deal took this line of argument seriously. Roosevelt echoes it when he argued in his 1944 State of the Union Address that "[p]eople who are hungry, people who are out

[370] ER. "WPA Wages." *My Day* (August 8 1939). Courage. 45.

of a job are the stuff of which dictatorships are made."[371] The burden here is not on the veteran to sublimate his own interests to that of the state, but the obligation of society, acting through market and state, to ensure that we offered our citizen-consumers the material prosperity necessary to allow for the possibility of self-development and the expanded mindset that made real citizenship possible. We could not fight World War II without first having a WPA or CCC (or later a GI Bill) to give soldiers a reason to defend their country. The attraction the dispossessed felt towards communism, socialism, or even fascism should be seen less as a threat to security and more as a mark of failure on the part of the nation.

> We need not fear any 'isms' if our democracy is achieving the ends for which it was established… [and it can only function by] each individual knowing his own community and taking responsibility for his part as a citizen in a democracy….you must have a minimum of economic security in order to have a true democracy, and for people to love their government and their country. You cannot love anything which does not allow you to have anything which makes life worth living.[372]

This offers an important twist to New Deal republicanism. Our loyalty to our society is not given. It asks much of the individual, but it in turn must justify the sacrifice it calls for. If the United States was worth saving, if in fact it could be saved at all, it would be absolutely essential to reengage the population laid low by the Depression and give them some reason to feel attached to the larger national community. This, as Lincoln noted one hundred years prior, is a problem every generation of Americans must face.[373] It is in the name of this reengagement that the New Deal rewrote their social contract.

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[371] FDR. "An Economic Bill of Rights" 11 Jan. 1944. Chats. 292.
[372] ER quoted in Black. Eleanor Roosevelt: A Biography. 309.
[373] See Lincoln's celebrated "The Perpetuation of Our Political Institutions" address to the Young Men's Lyceum in Springfield" 27 Jan. 1838.

A New Social Contract

Little by little it is being bore in upon us that it's not only life which we have a right to preserve, but there is something more precious which the need of material things may stamp out of the human soul. Therefore it behooves us so to order our civilization that all can live in the security of having the necessities of life, and that each individual according to his abilities and his vision may at the same time preserve his hope for future growth.[374]

The Declaration of Independence made two promises to the American people—that they would have both the chance to govern themselves and the opportunity to craft a life worth living on their own terms. The New Deal interpreted self-governance as having some control over the economic and political forces that govern our lives, and happiness as the chance for relaxation and self-development. Historically the social contract of the United States interpreted self-governance as the absence of political restraints (our functional definition of liberty, although it was colored at times with a republican veneer), and happiness as the pursuit of wealth and property. There was little need for economic protection, as it was believed that the abundance of land, opportunity, and the mechanics of the market itself would ensure that opportunity was perpetual, success deserved, and immoral behavior punished. Freedom and happiness were pursued only in the absence of government.[375] Building off the progressive elements of the liberal tradition, the New Deal sought to redefine our contract—not only to protect liberty through inaction, but also to take positive steps to protect our freedom to be happy, in spite of the roadblocks of our modern economic system.

Hobbes argued that security is the base from which liberty is possible, but liberal thought has a tendency to interpret the idea of security narrowly, not accounting for the ways that shifting material circumstances require new interpretations of security and

[374] ER. "What Religion Means to Me." Leave Behind. 3.
[375] Although there was always the Hamiltonian/Adams tradition to challenge that conception.

liberty. As the New Deal argues, in order to secure freedom and happiness, "that broader definition of Liberty," the state is to provide individuals with security, not only from the threats of crime and invasion, but also from the vagaries of an indifferent market and the existential dread that comes from uncertainty and individualism's sundering of people from communal ties, the way in which it perverts, in ER's terms "any actual understanding of what it means to be responsible for one's brother."[376]

The New Deal's theoretical significance in the American tradition is derived not only from its conceptualization of security as a precondition of happiness, but by establishing a definition of security that has both material and psychic components. It is not only the presence of scarcity, but apprehension about the future, that needs to be addressed if we desire a dynamic, progressive populace. We cannot have security while we know fear. We cannot sustain the driving optimism necessary to continue to grow and expand as a people—both in terms of our material development and in our capacity to love one another as citizens, neighbors, fellow members of a great community.

There is clearly a utopian element to this exceedingly ambitious goal, and in some of its more millennial moments it was not clear how far the New Deal hoped to push. It was careful in practice to ensure that its grasp did not exceed its reach, but it also took care to ensure that the dream was not lost under the weight of political reality. Wallace,

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[376] ER. "What Religion Means to Me." Leave Behind. 5. ER was quick to reject any attempt to justify the current state of affairs, warning Americans to be suspicious of supporters of a patently unjust status quo.

> The free enterprise people who cry out loudly are the ones who want to grab freely and who will not acknowledge that in order to make things really free for the majority of people there probably must be some control vested in government which will prevent the strong from removing all opportunities from the weal. ER. If You Ask Me. 35.

Her suspicion and hostility had several causes. She strongly romanticized rural life/economy, and had a deep suspicion of the profit motive. The failure of businesses to cope with the depression and provide for the citizens of this country only confirmed those suspicions.

for instance, could begin a campaign speech by declaring "We believe that in this New World we will build an even newer world, in which there shall be comfort and security, and freedom and dignity for all. We believe that we are destined to create on this newer soil a higher standard of human freedom and a wider distribution of wealth and happiness."[377] It is a visionary moment in that it articulated a vision—a final destination to aspire to. But this was a speech given by a bureaucrat and these rhetorical flights were always offset by programmatic moments when the New Deal would articulate how it could use the collective power of society, acting through its government, to minimize to the greatest extent possible the uncertainty that came from being an individual in a market economy that no longer privileged individuals. This manifested itself in concrete proposals—social security, work relief, wages and hours legislation, and the like. The material benefits were obvious—individuals cannot pursue happiness when they are hungry or homeless—but the significance of the psychic benefits, the preservation of hope and the possibilities of Wallace's 'New World,' could not be overlooked.

At the most basic level, the New Deal argues that it is necessary to stop the physical and psychic harm caused by the uncertainty of survival. No one can become a decent citizen if they have no idea where their next meal is coming from. But our obligations do not stop at mere survival. As society grows more sophisticated, so too do our needs. Once we have conquered necessity we must look to our self-development and happiness. Critics of the New Deal, and of the welfare state in general, miss the ways in which the social contract is constantly evolving with changed material conditions, the

[377] Wallace. "The Hard Choice." Democracy Reborn. 163.

way in which, as Hiram Canton put it, "all mature states are welfare states."[378] Nurturing our potential requires art, recreation, and leisure.[379] As Eleanor Roosevelt reminded her readers "The arts are no longer a luxury but a necessity to the average human being and they should be included in any department which includes health, social security, and education."[380] Guaranteeing a diversity of experiences is essential if we wish to develop the broad perspective necessary to understand our larger connections to one another, to enhance the realm of experience that makes richer obligations to ourselves and to others possible.

This move is without question a radical one, as it calls for a revision of our understanding of the Declaration of Independence. The old laissez-faire, Spencerian interpretation argued that while no one had a right to deny another's happiness,[381] most of us would be preoccupied trying to secure our rights to life and liberty from a hostile world. In this old order our rights were prizes to be fought for, not entitlements. In the New Deal's construction of this new order, relief was a stopgap. Politically it was necessary but it was also clear to the New Deal that relief was just buying time. Some kind of fundamental revision of society was necessary. ER argues that

> [a] civilization and an economic system which does not recognize its responsibility to answer this question of how work at a living wage can be furnished to every individual, should be held in as great contempt as we used to hold the individual who had the attitude that he could go through life effortlessly and expect the world to look after him[382]

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[378] Hiram Canton. "Progressivism and Conservatism During the New Deal." Eden. 187. Note that Canton is describing what he would call the more dynamic Federalist attitude about the role of the state, contrasting it to what he paints as an anachronism that endured due to material conditions that allowed six generations to experience the Jeffersonian promise of land and independence.

[379] The New Deal resisted the mean spirited tendency to deny that enjoyment is a necessity of life, even enshrining a right to leisure into the 'Second Bill of Right.'

[380] ER, "Are We Overlooking the Pursuit of Happiness." Leave Behind. 62.

[381] And even here harm was defined so narrowly as to exclude most forms of distress caused by industrial capitalism.

[382] ER. "Helping Them to Help Themselves" *The Rotarian* (April 1940). Leave Behind. 370-371.

The older social contract was both unsustainable and undesirable. If the United States wished to survive it would be forced to become more democratic, which means living up to the great promises found in the founding documents: the Declaration of Independence and the preamble of the Constitution.[383]

Of special importance is the way that the preamble makes clear the intergenerational nature of our social compact. Even if Jefferson is right and every generation should be allowed to rewrite the rules that govern it, those new rules should never undermine the freedom and possibilities of those that will come in the future. The possibilities of the present are a product of our collective inheritance. Wallace argued that:

> For the first time in the history of the world, we have here in the United States the possibility of combining into a truly harmonious whole all the prerequisites to the good life. We have the natural resources, the accumulated capital, the democratic traditions, the educational institutions and the agencies for instantaneous communication of ideas…not a single nation is so universally blessed.[384]

Blessed we may be, but that blessing was the product of the dedication, work, toil, and sacrifice of generations past. As such, our obligation to "our Posterity" may even be greater than our obligations to each other, since they have no voice in the creation of the world that will affect them. Therefore, it is a moral duty to the future as much as it is to the present to address the systematic inequalities that keep certain classes, ages, races, and regions in perpetual poverty. We must make sure that success is no longer so heavily contingent on the accident of our birth.

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[383] Not the Constitution itself, which is simply a tool, and like all tools, subject to revision or replacement as they become outdated.
[384] Wallace. "Capitalism, Religion, and Democracy." 1938. Democracy.142.

The New Deal argues that the spirit of this preamble's mission is eternal, enduring for the life of the nation.[385] The Union will forever be in need of perfecting, the general welfare in need of promotion, the blessings of liberty never secured. Only the material context has changed. We must be reminded of the Preamble's spirit of unity, its commitment to social justice, and its insistence that being an American obligates us to the future as well as the present. This is the central truth of the Constitution, and "[u]nity in the name of the general welfare has all too long been delayed by those who have made the theory of States' rights a refuge for anti-social activity,"[386] enshrining the worst aspects of individualism at the federal level.

In his essay "The Public Philosophy of the New Freedom and the New Deal",[387] Charles Kessler highlights the significance of this move, as it brings a different sort of Darwninian interpretation to our founding documents—one emphasizing not the Darwinism of Spencer, but the progressive Darwinism that highlights the impermanence of our conception of rights. While the New Deal would not go so far as to say that natural rights do not exist, by leaving their interpretation subject to changing material conditions, natural rights become something more akin to a process rather than an end, rooted in impermanent moments in time. It requires us, in essence, to take Jefferson's natural rights doctrine and square it with his right of revolution. It also highlights the political moment in this whole process. Rights are not transcendent, but products of society—which places the whole political process of framing, defining, and selling a

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[385] There is an obvious tension here between the New Deal's claim that certain goals are fundamentally a part of the social fabric of the society, while elsewhere claiming that each generation can define its social contract for itself. The New Deal never troubled itself with these tensions. Doing so would make it less effective politically, which was far more important than its coherence as a body of philosophy. .

[386] Wallace. Constitution. 11

[387] Kessler, Charles. "The Public Philosophy of the New Freedom and the New Deal." Eden. Kessler's argument spends much more time on Wilson than it does on the New Deal

political ideology at front and center. How the electorate chooses to interpret and prioritize our rights to life, liberty, and the pursuit of happiness, how they interpret the Preamble, and most importantly, how political elites act to guide and craft that interpretation, determines their ultimate meaning (for now). What follows is the New Deal's understanding of the interconnected nature of our rights to liberty and the pursuit of happiness.

New Deal Freedom

The first who came here to carry out the longings of their spirit, and the millions who followed, and the stock that sprang from them—all have moved forward constantly and consistently toward an ideal which in itself has gained stature and clarity with each generation.[388]

The New Deal's liberalism is not the Hobbesian (or even Lockean) liberalism of fear. It self-consciously sets itself against uncertainty and scarcity, articulating a liberalism for times of abundance and plenty and defiantly sticking to this message at even the darkest moments of the Depression. While accepting that people form governments for security, the New Deal observed that in time our expectations change and we expect more from government than the protection of life and property. We come to expect happiness; in fact we become entitled to it. The opportunity for self-development becomes a basic human right. This creates a rich set of obligations for democratic governments to meet. They must guarantee their citizens an education, a home, a living wage, health care, and the opportunity to develop talents not strictly essential for survival, but vital for individual development. A life without recreation, without joy, is not a free life. As ER defines it:

[388] FDR. "Third Inaugural Address." 20 Jan. 1941. Speeches. 103.

> Freedom from want means being sure that if you want to work, you can get a job and that that job will pay you sufficiently to give you and your family a decent standard of living. A decent standard of living means that your shelter shall be adequate for healthful living, that your food shall be adequate and of the kind which will keep your family and yourself in good physical condition; that you shall have medical care as needed, by some something which your government may agree on; and that there shall be a margin of income to provide the necessary clothing, educational, and recreational need.[389]

Without these things we cannot say we are secure. We certainly cannot call ourselves free. One cannot starve, or even fear starvation, and claim to be free. Freedom requires a degree of material *and* mental security, a basic level of protection from the constraints of necessity and fear. Although ER[390] uses the language and ideas of negative freedom, she does so in name of the idea of social agency, an element of positive freedom.

While the New Deal's definition focuses on the individual's experience of freedom, New Deal theorists also concerned themselves explicitly with the relationship between individual freedom and the health of the larger community. The New Deal recognized from the beginning that no democratic restoration was possible without first addressing the sense of fear and powerlessness that had dampened the optimism that was for so long the source of American strength. A healthy state is one whose people are capable of love, trust, and hope, and the Depression demonstrated both the fragility of any society without a welfare component and the limits to our reservoir of optimism and faith in democracy, each other, and ourselves.

We had long been a people accustomed to movement, even after the census bureau formally declared the frontier closed. Even in times of hardship there was a sense of optimism invested in the possibilities of travel and relocation. If things are tough at home they are bound to be better elsewhere. But as Irving Bernstein notes in A Caring

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[389] ER. If You Ask Me, 131.
[390] And Mill, for that matter.

Society, in the 1930s the pervading sentiment behind migration was not hope but despair. "Folks migrated not so much because they expected life to be better elsewhere, but because they could no longer bear to stay at home."[391] The country fled from the very idea of commitment and community. Marriage and birth rates fell. As one man described it, "you lived in fear of responsibility for another person. You backed off when someone got close."[392] The strain on traditional families was pronounced. Men were loath to go home and confront the hungry faces that indicted their performance as a provider and as a man.[393]

In particular there was concern about a 'stranded generation'. Reporter Lorena Hickok, agent of Harry Hopkins and confidant of Eleanor Roosevelt, took to the road to chronicle for the WPA the circumstances of the unemployed. She worried most about "Men between 40 and 55, with families growing up –children in grade school, children in high school. Children growing up in families whose father isn't ever going to get his job back. Children growing up 'on relief…"[394] Here we see one generation embittered and despairing, another growing up without the propulsive optimism and hope that fuels peaceful expansion and a non-adversarial democracy. An orientation towards scarcity encourages you to take what you can before others do. An orientation towards scarcity in a time of scarcity (even if it was a product of distribution) will quickly turn a people into the kinds of scavengers that undermine a democratic state. As one welfare recipient described the times;

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[391] Bernstein. 3.
[392] Ibid. 20.
[393] Susan Faludi explores the social implications of masculinity, so bound up with the idea of being a provider, in an economy that increasingly offers neither security nor the ability to be a sole, male provider in Stiffed: The Betrayal of the American Man. (New York: Harper Collins, 1999).
[394] Bernstein. 146.

> You were a predator. You had to be. The coyote is crafty. He can be fantastically courageous and a coward at the same time…I grew up where they were hated, 'cause they'd kill sheep…They're mean. But how else does a coyote stay live? He's not as powerful as a wolf. He has a small body. He's in such bad condition, a dog can run him down. He's not like a fox. A coyote is nature's victims as well as man's. We were coyote's in the thirties, the jobless.[395]

This was the situation confronting the New Deal—the destruction of the habits and mores of a free people—a nation "dying by inches."[396] And it was the obligation of the society, acting through its government, to address the sense of despair and fear, and replace it with the security and hope that make liberty (and happiness) both meaningful and possible.

The New Deal understood all too well what was at stake. As Roosevelt explained in a fireside chat,

> Democracy has disappeared in several nations not because the people of those nations disked democracy, but because they had grown tired of seeing their children hungry while they sit helpless in the face of government confusion and government weakness.[397]

The precondition of freedom is security. Liberty is impossible without it. This can be traced back to the proto-liberalism of Thomas Hobbes, but Hobbes' arguments about physical security had largely ignored any economic implications. Roosevelt's central claim, one that the public at least somewhat accepted, was that 'freedom' is freedom in name only when people are uncertain about their future. We cannot have meaningful freedom without conquering both the reality of necessity and our fear of it. Therefore, the state needs:

> to try to increase the security and happiness of a larger number of people in all occupations of life and in all parts of the country; to give them more of the good things of life, to give them a greater distribution not only of wealth in the narrow

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[395] Ibid. 20-21.
[396] FDR, fireside chat 5/7/33 p.19
[397] Quoted in Joseph Lash. Dealers and Dreamers. 331

> terms, but of wealth in the wider terms; to given them places to go in the summertime—recreation; to give them assurances that they are not going to starve in their old age; to give honest business a chance to go ahead and make a reasonable profit, and to give everyone a chance to earn a living.[398]

Society, acting through the machinery of the state, must provide the security (social insurance, wage and hours laws, educational assistance) necessary to make the pursuit of happiness genuinely possible for an ever-expanding number of Americans.

Given his liberal faith in progress, it is not surprising that five lines into his first inaugural address, FDR emphasized that "the only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance."[399] In a land of abundance, human agency is limited primarily by its own self-doubt. In many ways, the crisis facing Americans during the Depression was an existential one. We had lost faith in our economic system, we had lost faith in the American dream, and, because these were always such critical aspects of our identity, we had lost faith in ourselves. Progress would be indefinitely stalled without a restoration of that faith.

There is much that conspires against the expansion of liberty, but the principal threats are the fear and ignorance that follow in the wake of the loss of faith. One creates intolerance, the other apathy, and both are caused by the despair wrought by privation. Fear is a ruling passion, and when it governs us we are unable to govern ourselves, as it makes the trust essential to democratic citizenship almost impossible to cultivate. ER, echoing FDR, warns that "[t]he worst thing that has come to us from the depression is fear; fear of an uncertain future, fear of not being able to meet our problems, fear of not

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[398] Roosevelt's response to a Canadian journalist asking him about the social objectives of the New Deal. Quoted in Abbot. 125.
[399] FDR. "First Inaugural Address." Speeches. 29.

being equipped to cope with life as we live it today."[400] Trust, and especially love, is only possible in the absence of fear. Where there is fear we find intolerance, and where there is intolerance there cannot be democracy.

ER was quick to associate intolerance and fear, with scarcity—not only scarcity of material goods, but also scarcity of understanding or human affection. In principle there were few disagreements that were fundamentally irreconcilable, provided we could avoid the problem of scarcity. Democracy requires abundance, and ER claims "[w]e must maintain a standard of living which makes it possible for the people really to want justice for all, rather than to harbor a secret hope for privileges because they cannot hope for justice."[401] The welfare state, therefore, is essential for the presence of justice, and justice is needed for the preservation of democracy and the demands of citizenship.

> [D]emocracy requires a standard of citizenship which no other form of government finds necessary. To be a citizen in a democracy a human being must be given a healthy start. He must have adequate food for physical growth and proper surrounding for mental and spiritual development…We must learn to reason and to think for ourselves. We must make our decision on the basis of knowledge and reasoning power. In a democracy we must be able to visualize the life of the whole nation.[402]

The measure of a state's ultimate effectiveness and validity is its ability to provide those preconditions of citizenship and freedom for as many people as possible. This is a utilitarian philosophy, one that bases the justness of a regime not on how well the people at the top are doing, but by how widespread success is across society.

The most famous articulation of the New Deal's conception of a just society is found in Roosevelt's "Four Freedoms"—which, FDR is careful to point out, are not an American entitlement, but "four essential human freedoms" that must be protected

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[400] ER in Joseph Lash. Life Was Meant to be Lived. 61.
[401] ER. Moral Basis. 78.
[402] ER. "Insuring Democracy" Collier's (June 15 1940). Courage. 74.

"everywhere in the world." The first two, freedom of speech and freedom to worship, are classical liberal values that need no further discussion here.[403] The third, freedom from want, is something new, a right for every nation to enjoy "every nation a healthy peacetime life for its inhabitants."[404] This goes beyond freedom of opportunity. Instead, it implies that freedom means knowing not only that our necessities are met, but also that we can all share in the abundance that is the promise of American Life. Norman Rockwell's famous "Freedom From Want" painting shows a happy, middle-class family sitting down to enjoy a large meal in comfort together.[405] This painting captured the imagination of the American people and illustrated the promise of the New Deal—a society in which every family could enjoy a meal like this, and whose health was measured by the number of people with the means and leisure to sit around the table and share that moment. Abundance was not simply the presence of material goods, but the possibility of experiencing them with friends and neighbors. One is left with the impression, viewing the picture, that the company is the most important component of the meal. It is significant that absent from this formulation is "Freedom of Commerce" or "Freedom of Enterprise." Instead of being a foundational freedom in itself, the benefits of commerce and capitalism are bound up in its ability to address want. It is represented strictly through its social dimension, through the advantages it gives to the consumer, rather than the businessman.

The fourth and final freedom is freedom from fear. A mother lovingly adjusts the covers for her two sleeping children, while their father gazes over them with serene

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[403] The author's favorite defense of these values are found in John Locke's Letter Concerning Toleration and John Stuart Mill's On Liberty.
[404] FDR. "The Four Freedoms: State of the Union Message to Congress." 6 Jan. 1941. Speeches. 99.
[405] A white family, to be sure—but the other paintings did exhibit some diversity.

affection. All is well, but the newspaper in father's hand indicating that somewhere bombs are dropping, and gives the painting a fragility it would not otherwise possess. Rockwell's visual interpretation, obviously colored by the war, revolves around reductions of arms and defense from militarism. However, one could just as easily imagine the father looking down on his children wondering where the money will come to feed and clothe them. In either case the threat is a psychic one. Fear limits freedom because it limits our sense of possibility. When we know fear, when we lack security, we are unable to take advantage of our human capacities to dream, to better ourselves, and to seek our own private version of happiness—in short, to be truly free.

We have a right, the New Deal claims, to "a reasonable measure of security." but without security for our family and ourselves, we can never cast aside the anxieties standing in the way of happiness. The New Deal's liberalism never guarantees happiness, of course—there are too many individual interpretations of happiness for that—but society has a moral obligation to provide the preconditions for every individual to make a real attempt. Without the guarantee of certain basic material needs (the right to have a job, the right to food and shelter, and later, the right to health care and an education—first established with the GI Bill) the "pursuit of happiness" is hollow.

The New Deal emphasizes equality of opportunity, but that opportunity had to be substantive, rather than formal. It requires more than an umpire or a broker state. It requires constructive aid to those most in need of help and a commitment from society to act through the state to guarantee the right of all citizens to pursue their own path to happiness, free from fear. It demands in short, a new set of rights.[406]

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[406] Although these rights were implicit in the promise of liberalism before its laissez faire perversion.

The New Rights of the New Deal

We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all — regardless of station, race, or creed.[407]

Although it would use a utilitarian standpoint to address competing rights claims, the New Deal frames economic and social reforms as a question of rights, with rights serving as a claim the individual could make on the larger community in which he is situated. What are needed are a set of economic rights to parallel our political rights, to recognize that the emancipatory role that unregulated economic power once played has ended, just as the absolute monarch eventually outlived its own usefulness. And, paralleling the development of political freedom, the first requirement of economic freedom is economic security. In Leviathan, Hobbes argued that all political rights are dependent first on physical security, which the sovereign is expected to provide. When we fear for our lives, we cannot be free. Likewise, we cannot actively pursue happiness, our birthright as Americans, if we live in constant fear of economic uncertainty.

The Liberty League, the premiere coalition of Roosevelt haters, tried to frame things differently. In their eyes, they were the great defenders of liberty (in particular, property rights), protecting our "right to work, earn, save and acquire property[408]" from the tyranny of Roosevelt. However, their classical understanding of liberalism was, at least temporarily, in decline. Property rights and the protection of profits were no longer sacrosanct. Liberty now meant something very different, as Roosevelt made clear responding to the criticisms of the League.

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[407] FDR. "State of the Union Address." 11 Jan. 1944.< http://www.feri.org/archives/speeches/jan1144.cfm>

[408] From the Liberty League's articles of incorporation. Quoted in Pietrusza. <http://www.davidpietrusza.com/Liberty-League.html>

> There is no mention made here in these two things [property and profits] about the concern of the community, in other words, the government, to try and make it possible for people who are willing to work, to find work to do. For people who want to keep themselves from starvation, keep a roof over their heads, lead decent lives, have proper educational standards, those are the concerns of Government, besides these points, and another thing which isn't mentioned is the protection of life and liberty of the individual against the elements in the community which seek to enrich or advance themselves at the expense of their fellow citizens. They have just as much right to protection by government as anybody else.[409]

This was a direct challenge to the older, laissez-faire understanding of liberalism, with its reactionary fear of any positive government involvement in economic life beyond facilitating corporate investment. The New Deal attempted to change our understanding of rights—to move beyond formal political rights and recognize that we can be tyrannized in the economic realm as surely as in the political, that we can have our rights violated by what we lack as surely as we can by what is deliberately taken away. The right to work becomes as important as the right to vote. Economic democracy serves as the precondition for political democracy, and political democracy is the only way to guarantee economic democracy. The two realms are intimately connected. 'Natural rights' include the right to food, shelter, and safety from the economic depredations of others. In the end, moreover, freedom was no longer something naturally conferred upon us, but something that needed to be guaranteed through collective social force, checked by democratic and constitutional procedures. Society in turn was morally obligated to guarantee those rights for an ever-expanding number of its citizens.[410]

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[409] Roosevelt quoted in Burns. 208.

[410] There were real political limits to the groups the New Deal was able to help. Organized interests fared better than unorganized groups, as they have throughout time. The inchoate nature of the federal state meant that programs were often administered locally, and reflected local prejudice. Southern influence in Congress was able to ensure that its hierarchical society suffered only minimal disruptions. Social Security originally excluded many forms of low-paying work, especially those dominated by women and blacks. However, the language of the New Deal was one that explicitly refused to draw distinctions between citizens, and its universal cast left the possibility of future expansion wide open. David Plotke observes "If the administration rarely challenged images of the 'people' as white, openly racist themes declined…The

Some of FDR's strongest statements on new rights came long after the active phase of the New Deal had ended, when "Dr. Win the War" would come to, at least temporarily, eclipse "Dr. New Deal." In his 'Four Freedoms' State of the Union address of 1941, he reminded an American audience the New Deal stood for "basic things that must never be lost sight of in the turmoil and unbelievable complexity of our modern world."[411] These included:

> Equal opportunity for youth and for others.
> Jobs for those who can work.
> Security for those who need it.
> The ending of special privileges for the few.
> The preservation of civil liberties for all.
> The enjoyment of the fruits of scientific progress in a wider and constantly rising standard of living.[412]

With the end of the war finally in sight, Roosevelt sought a return to the New Deal to a position of prominence within his administration, his 1944 State of the Union address the blast that would signal its return. Here we find concrete recognition that while freedom may be an inalienable right, without protection it means nothing. FDR's second Bill of Rights is nothing short of a redefinition of the American social contract. These rights include:

> *The right to a useful and remunerative job in the industries or shops or farms or mines of the Nation;*
> *The right to earn enough to provide adequate food and clothing and recreation;*
> *The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;*
> *The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;*
> *The right of every family to a decent home;*
> *The right to adequate medical care and the opportunity to achieve and enjoy good health;*
> *The right to adequate protection from the economic* **fears** *of old age, sickness, accident, and unemployment;*
> *The right to a good education.*[413]

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severely discriminatory character of the racial order meant that when new Federal programs were not explicitly racist they put elements of that order into question…[opening] political space for challenges to conventional racial practices." Plotke. 179

[411] FDR. "The Four Freedoms." Speeches. 89-99.

[412] Ibid. 98.

[413] FDR. "State of the Union Address." 11 Jan. 1944. <http://www.feri.org/archives/speeches/jan1144.cfm> Emphasis mine.

As Roosevelt points out, these rights are designed to guarantee us a basic level of security, for without that security, meaningful liberty and the pursuit of happiness are not possible. "All of these rights spell security. And after this war is won we must be prepared to move forward, in the implementation of these rights, to new goals of human happiness and well-being."[414] With his 'second Bill of Rights,' the right to economic security becomes as essential to democracy as the rights to conscience and due process. The world had furnished Roosevelt and the New Deal with powerful examples of what happens when a democratic society can no longer guarantee the pursuit of happiness. Without it, we are unable not only to guarantee any kind of peace in the world, but also to prevent the rise of fascism at home. Democracy, especially liberal democracy, functions only when it is able to provide for the material needs of its citizens. If it fails to do so, it breeds either the passivity of the servant whose fire had long since gone out, or—worse—the anger and fear that fuels fascism.

The right to property, the proverbial elephant in the room, remains, but the New Deal redefined it in terms of security. When the rights of the speculator or financier come up against the need of people to have security against old age, sickness, and unemployment, the right of security trumps the freedom to speculate, for without that security, substantive expansions of liberty become impossible.

> It is important, of course, that every man and woman in the country be able to find work, that every factory run, that business as a whole earn profits. But government in a democratic nation does not exist solely, or ever primarily, for that purpose… It is not enough that the wheels turn. They must carry us in the direction of a greater satisfaction in the life for the average man. The deeper purpose of democratic government is to *assist* as many of its citizens as possible - especially those who need it most - to improve their conditions of life, to retain all personal liberty which does not adversely affect their neighbors, and to pursue the

[414] Ibid.

> happiness which comes with security and an opportunity for recreation and culture.[415]

Roosevelt's use of the word 'assist' here is instructive. The New Deal never abandoned the liberal belief that private choices, when meaningfully available, are less coercive than public ones. But when needs cannot be met through private channels, society has a moral obligation to give people what they need to make their pursuit of happiness possible. That is the "deeper purpose of democratic government."[416]

Many of these rights were at least partially instituted through New Deal programs—Social Security provided a guarantee of minimum assistance, minimum wages attempted to ensure that workers could make a living, and the GI Bill greatly expanded the opportunity for Americans to go to college.[417] Housing programs existed to provide for the rights of a family to a decent home. And while health care was killed in part due to the opposition of the AMA, future generations would be offered partial guarantees through Medicare and Medicaid.[418] There is nowhere in the Second Bill of Rights a formal recognition of our right to leisure, although this is not surprising given that this statement was made during a period of wartime sacrifices. However, informing this laundry list of new rights is the assumption that the protection of these rights will lead to a happier society, and based on other writings it is clear that leisure was a component of this, even during wartime.[419]

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[415] FDR. "State of the Union Address." 6 Jan. 1937. <http://odur.let.rug.nl/~usa/P/fr32/speeches/su37fdr.htm> Emphasis mine

[416] Ibid.

[417] Until World War II less than 5% of the country went to college, with the cost equal to the average national wage. More than half of those who served in WWII took advantage of the GI Bill, and in 1947 half of the students enrolled in higher education were veterans.

[418] See Paul Starr's Social Transformation of American Medicine. (Basic Books: 1982).

[419] When the commissioner of baseball inquired whether the season should be canceled in 1942 FDR replied as follows. "I honestly feel that it would be best for the country to keep baseball going. There will be fewer people unemployed and everybody will work longer hours andharder than ever before.

The Right To Work

We must and do assume that the bulk of mankind who are able to work are willing to work, and that they will strive for something more than a doghouse subsistence on a dole.[420]

It is worth spending time examining two of the central components of the new Bill of Rights in greater detail—the right to work and the right to an education (bound up with the right to leisure). A 1935 poll indicated, amongst respondents classified as poor, that 90% felt the government should guarantee work to those who want it.[421] The New Deal embraced this view, seeing the right to work not as an act of charity, but as a prerequisite of citizenship. The language used in the Second Bill of Rights is instructive—"The right to a useful and remunerative job in the industries or shops or farms or mines of the Nation." The New Deal believed not only that work is useful and should be remunerative, but that the opportunities for work are not merely the possession of private individuals, but the collective property of the Nation. As such, the Nation, acting through its democratic machinery, could take steps to ensure that all people had employment. This employment was essential to the health of the nation. Roosevelt argues that the right to work matters for its 'moral and spiritual values' as much as for the wage it provides. Work, even wage work, inculcates a sense of responsibly, obligation, and agency, if not autonomy. It enables us to contribute something positive to the community, to give back to the society from which we receive both tangible and intangible benefits. Without work, FDR argues, we feel that we lack value, that we are a

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Baseball provides a recreation which does not last over two or two and a half hours, and which can be got for very little cost. And, incidentally, I hope that night games can be extended because it gives an opportunity to the day shift to see a game occasionally." The Sporting News of January 22, 1942, page 1. Thanks to Jerome Mileur for passing this along.

[420] From Security, Work, and Relief Policies. Quoted in Brinkley, 252.

[421] Foner, 198.

drain on society.[422] It provides us with the self-esteem necessary to begin to think past ourselves and look towards our larger community. As Susan Faludi argues in Stiffed, this is at the core of the American understanding of what masculinity is, as we have always been a culture that privileged builders over warriors, being able to create "something tangible that was essential to a larger mission."[423] Just as the New Deal resisted the tendency to deny that happiness is a basic human need, it also understood the symbolic power that the idea of work (and through work sacrifice) had for Americans, especially males. Without a job it is impossible for us to make a contribution to the world around them and we quickly lose the vitality and sense of worth that make society dynamic and (potentially) progressive.

In this view Roosevelt was far from alone. ER was at the forefront of the movement to offer jobs to the unemployed, rather than the dole. Even on relief, people need work that makes them feel useful and, when possible, nurture specific talents.[424] Those fortunate enough to have meaningful work should have that work protected. People with sophisticated skills needed sophisticated employment. And for people who lacked basic skills it was vitally important that the government include some aspect of vocational training with relief.[425] However, even the existence of a job was often enough. Frances Perkins tells a story of a near deaf, elderly lawyer, trained at Harvard but unable to find work during the depression. He was given a job with the Works Progress Administration acting as a caretaker at a small seaside park. He took great pride

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[422] Marxists would argue that our dependence on work in order to feel valuable is an example of capitalism's pathological effect on a worker's sense of self. Roosevelt certainly would have rejected that critique, but as previously discussed, Roosevelt never critically questioned capitalism either. In this respect he was no different than most Americans. Even American labor unions during the 30's never challenged the connection between work and value in any serious way.
[423] Faludi, Stiffed, 55
[424] ER was a strong support of the Federal Theater Project and other artistic forms of work relief.
[425] Programs like the NYA and CCC reflected those priorities

in his work and always tearfully asked Perkins to pass along his thanks to Roosevelt for "an honorable occupation that made him feel useful and not like a bum and derelict."[426] His relief job kept him off the dole, granting him dignity and a chance to serve his community in some fashion. The history of the New Deal abounds with similar stories.

The New Deal worried about the dole, both because of the social stigma attached to it and because many New Dealers could not fully emancipate themselves from the folklore that drew sharp distinctions between the deserving and undeserving poor. While the New Deal rejected the idea that poverty was a result of character flaws, it worried that receiving public assistance could have an enervating effect on the sense of worth and initiative of the recipient. Hence the emphasis placed on work relief, and the fact that relief jobs paid better than the dole (and less than private industry).[427] Work relief was superior because it allowed the recipient to do something active and constructive with his time—to both give back to his community and give back to himself. The Federal Art, Writing, and Theater projects reflect the New Deal's commitment here. Out-of-work artists and performers had their own unique sets of skills, and needed to eat as much as anyone else. The result was both a flourishing and a democratization of art, moving it out of the mansion and into the Post Office and living room.[428] However, the New Deal believed federal employment should always be designed to avoid interfering with functioning private industry. The government should function as an employer of last resort, but private employment was better, because even beneficial government programs

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[426] Perkins, 187

[427] Although much of this reflected the need to accommodate the dominant folklore about deserving/undeserving poor and the superiority of private employment to relief, the New Deal still shared these prejudices, even if not to the same degree as others.

[428] Abbot discusses this trend on p.82-84

could not help but be paternalistic.[429] It provided security, but was not meant to be a permanent profession. This was the logic behind the use of 'security wages' in government relief work. Wages had to be high enough so that families could be supported, but lower than the wages of private employment so that government employment would remain the option of last resort.

Likewise, work relief programs were always considered temporary, and as the economy responded to war mobilization they were gradually discontinued, and have never returned. There was an attempt to institute a comprehensive plan for 'full employment' after the war, centered around the National Resources Planning Board and its report *Security, Work, and Relief Policies.*[430] As Alan Brinkley notes, "To many liberals, the document became something close to a programmatic bible; to conservatives, it was evidence of the generously statist designs of the NRPD and the New Deal as a whole."[431] The conservative view won the day, as "the NRPB fell victim to the frenzied efforts by conservatives in Congress—Democrats and Republicans both—to use the war to dismantle as much of the New Deal as possible."[432]

The closest thing we have today to a universal right to work is the unemployment insurance component of Social Security. While the New Deal ultimately failed to supplant the structural dominance of capital in American society,[433] it succeeded at least

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[429] Roosevelt's thinking here reflects his liberal biases. From a social democratic perspective one could easily challenge the idea that private employment is more liberating, but it should be noted that Roosevelt's thinking was already to the left of mainstream America in this regard. His support of private employment also always went hand in hand with proposals for stronger laws on wages, hours, and working conditions.
[430] Brinkley tells the story p.245-
[431] Brinkley, 250-251
[432] Brinkley, 255
[433] We will discuss the implications of this in greater detail in chapter VI.

instituting a degree of "cradle to grave" security.[434] If it could not guarantee a right to work, it could at least protect workers "against some of the costs of the accident of not having any job at all."[435] However, the Serviceman Readjustment Act (which the American Legion coined the G.I. Bill of Rights) offered a tantalizing glimpse into what could have been. The G.I. Bill of Rights, "one of the most expansive social programs in American history,"[436] offered unemployment and pension benefits, educational assistance, job placement assistance, health care, and low cost loans—in short, it represented most of what the New Deal had hoped to offer all Americans after the war. But it failed to expand the way Social Security did. This reflected both the strength of the old folklore and the Roosevelt administration's acquiescence to it at the end of the war. The G.I. Bill "reinforced invidious distinctions between 'deserving' and undeserving citizens and sustained the popular belief that public generosity should be reserved for those with a special claim to public attention."[437] This in turn made it difficult to argue that the bill should serve as a model for a far more generous welfare state, despite the tremendous success of its programs.

The Right to Education

Learning to be a good citizen is learning to live to the maximum of one's abilities and opportunities, and every subject should be taught every child with this in view.[438]

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[434] A phrase Roosevelt claimed to have invented, and was subsequently annoyed when Beveridge 'stole' the expression from him. Bernstein, 50
[435] Mary Ross, Why Social Security, in Freidel, 80
[436] Brinkley, 258
[437] Brinkley, 259
[438] ER. "Good Citizenship" *Pictorial Review* (April 1930). Leave Behind. 292.

There is an obvious material value to education—the connection between education and remunerative work has been long established. But this was not the principle focus of the New Deal's emphasis on our right to education. Instead, the New Deal privileges its social aspects—that through education we foster citizenship, self-development, and awareness of our interconnective unity. It forms, along with security, one of the fundamental components of a truly democratic society, and as ER argued, "the true purpose of education is to produce citizens."[439] In her biography of ER, Ruby Black notes "her conviction that people can, if they are informed, really solve their problems,"[440] a conviction shared by Wallace and FDR.[441] Everyone is capable of being educated, and the evil and injustice in the world is largely a function of ignorance, a lack of understanding that can be fixed through exposure to new ideas and experiences. Certainly this was indicative of FDR's personal biography. As Jean Smith points out, it was "[f]rom the poor people of Merriweather County, [that] Franklin learned what it meant to be without electricity and running water; for children to be without shoes and adequate clothing; for a simple grade school education to be beyond the reach of many who lived in the hard scrapple backwoods."[442] It is the education of the lived experience that helps us see past theoretical abstractions and into the realities of people's lives that serves as the basis of compassion and should be what fundamentally animates policy.

As such, the New Deal defines education in the broadest possible terms. Anything that enables us to learn something about the people in the world around us is educational,

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[439] I bid. 289.
[440] Ruby Black. 307.
[441] Not Arnold, whose views will be discussed in the next chapter. His view was similar to that of De Jouvenel, who argues in that while the idea of educating the electorate is noble, what they primarily are is a chance to get your side fired up with speeches they do not understand so that they tune out the opponent before they get the chance to speak. On Power. 302.
[442] Smith. 218.

and the lessons learned from interaction with and exposure to difference is among the most valuable of these experiences. Our education as citizens is a lifelong process, and the just (democratic) society will provide ample opportunities for that education.[443] Following Dewey, the New Deal rejected the view that the primary purpose of education was to produce workers: although it was necessary to teach vocational skills as well, that goal was secondary to the ideal of crafting self-governing citizens. It is through the process of education that we come to know ourselves—who we are and what kind of a world we wish to live in. It is through education that we will come to care about the larger community around us, as it is difficult to love what is strange and unfamiliar. Participation in that community is essential, as it is how we come to acknowledge injustice and generate the commitment to oppose it.

> If we are honest with ourselves, in spite of all we have said, in spite of our Constitution, many of us in this country do not enjoy real liberty. For that reason we know that everywhere in this country every person who believes in democracy has come to feel a real responsibility to work in his community and to know the people of his community..."[444]

Through education we learn to see past differences to a shared humanity.

There is a real sense in which this emphasis on education leads to a politics of the will. Our possibilities remain unbounded provided we can somehow create the appropriate kind of education. The only limiting factor in what we can achieve,

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[443] Eleanor certainly lived that philosophy. Even while she was First Lady of New York she continued to teach history and civics part time in NYC, and she would take her students to tenements so that they could experience what that life was like.

> To these children of the rich, I had to explain what it meant to sleep in a room which had no window, what it meant to pant on fire escapes in hot July with people draped on fire escapes all around you, what it meant for a woman with her husband and eight children to live in three rooms in the basement…"Defense of Curiosity." cited in Kearney. 20.

As First Lady she continued to try and educate everyone she came in contact with about the lived experience of those forgotten by society, taking potential donors to visit the poor, giving press conferences to address issues like poverty, sweatshop labor, etc. Bess Furman offered a comparison between the differing styles of FDR and ER "At the President's press conference, all the world's a stage; at Mrs. Roosevelt's, all the world's a school." Lash. Eleanor and Franklin. 363.

[444]ER. "Address to the Chicago Civil Liberties Committee" (Marcy 14, 1940). Leave Behind. 149.

personally and politically, is our bounded imagination. It is the freeing of that imagination, the New Deal believed, that would lead to racial harmony and economic justice—to real democracy.

Fundamental to the New Deal's philosophy is the belief that we are all products of the choices that we make, but meaningful choices require self-knowledge, the ability to look at ourselves honestly. This is the basis of sympathy and understanding. But the rest of the world still has much to teach us.[445] We can learn of ourselves through interaction with others. The whole process of education is necessarily social: there is no "no human being from whom we cannot learn something if we are interested enough to dig deep,"[446] and no person for whom this cannot happen. All people can be educated—in knowledge of themselves, in job training, and especially in citizenship. Through education it becomes possible to create the kinds of citizens necessary for the New Deal's strenuous democratic ideal—substituting social responsibility for selfishness, cooperation for rugged individualism.

The primary information needed to be a good citizen, even beyond the nuts and bolts mechanics of how the government works, is an understanding of the ways in which society is interconnected, the reality of other people's sufferings, and the way that this suffering diminishes us morally and materially.

> Human beings either must recognize the fact that what serves the people as a whole serves them best as individuals and, through selfish or unselfish interests, they become people of good intentions and honesty. If not we will be unable to move forward except as we have moved in the past with recourse to force, and constant, suspicious watchfulness on the part of individuals and groups towards each other. The preservation of our civilization seems to demand a permanent

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[445] And, of course, the more sophisticated and developed the members of the society the more we can learn from them.
[446] ER. quoted in Lash, Life Was Meant to be Lived. 3.

> change of attitude and therefore every effort should be bent towards bringing about this change in human nature through education.[447]

The very survival of the United States will therefore require a reprioritizing of values on the part of its members. This is simultaneously an appeal to interest and to conscience: democratic citizenship requires love, and an essential component of this love is knowledge. We cannot love what we cannot understand, and love is cultivated through education (as experience). It is necessary to learn the ways in which we are all connected in a spiritual, almost organic sense. The threads that hold us together guarantee that we rise and fall as one people, and what touches some of us ultimately touch all.

For ER the primary place to begin training in democratic citizenship was in the home, as the home was the lifeblood of the state. The idea that the state is an extension of the home and family has a pedigree stretching back to the Greeks, but ER's focus is primarily on the capacity of the home to nurture and generate attachments, rather than how it serves as a model of authority. The home provides us with roots. It is the source of our first (and primary) human contacts and associations. It is also where we first develop skills of social interaction. and above all where we learn of our obligations to the people we care about. Therefore "the principles of democratic citizenship are taught in the home and the example is given there of the responsibility assured to the individual under a democratic form of government."[448] But the home also serves as a window to our larger community. "Few seem capable of realizing that the real reason that home is important is that it is so closely tied, by a million strings, to the rest of the world. That is what makes it an important factor in the life of every nation."[449] There is no facet of our

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[447] ER. This Troubled World. (New York: H.C. Kinsey & Company, 1938) Leave Behind. 484.
[448] ER. "My Day" (March 28th 1941) in My Day. 53.
[449] ER. "In Defense of Curiosity" The Saturday Evening Post 208 (August 24, 1935). Leave Behind. 17.

lives that does not in some way make its presence felt in the home. ER held out some hope that women had the power to change the tenor of politics if they could be made to see this, given the primacy she felt they placed on families. "When people say woman's place is in the home, I say, with enthusiasm, it certainly is, but if she really cares about her home, that caring will take her far and wide."[450] A concern about the home covers everything from the price and quality of milk to local sanitation, the minimum wage, job security, and unemployment compensation. While we live in a home, that home is situated in a community, and our lives will be enhanced or diminished by the health of that community. Through education we can come to realize this, and with that realization come to accept the necessity and desirability of a welfare state.

The Forgotten

[R]egardless of station, race, or creed.[451]

Elsewhere in FDR's address on the "Economic Bill of Rights" he argues:

> We cannot be content, no matter how high that general standard of living may be, if some fraction of our people—whether it be one-third or one-fifth or one-tenth—is ill-fed, ill-clothed, ill-housed, and insecure[452]

The limits to what the New Deal was able to institutionalize are very real, and glaringly inadequate in certain areas. We will examine in subsequent chapters the sources of these inadequacies, but the existence of political limitations does not change the fact that, as a set of principles, the New Deal aimed to be expansive. Its social contract was written to include the excluded, to make space within its programs and certainly within its theory, for women, minorities, the dispossessed, and the young—provided what they wanted was

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[450] Ibid. 19.
[451] FDR. "State of the Union Address." 11 Jan. 1944. <http://www.feri.org/archives/speeches/jan1144.cfm>
[452] FDR. "State of the Union Address" 11 Jan. 1944. <http://www.feri.org/archives/speeches/jan1144.cfm>.

inclusion. The New Deal could not conceptualize dissent within its framework. The standard through which our social contract was to be measured and judged is its ability to secure its promised rights for all its citizens, and the failures of New Deal policy can be critiqued from within the framework of New Deal theory, provided one accepts its assumption of liberal universalism—that within this framework it is possible for groups currently alienated from the 'American Dream' to be integrated in meaningful ways.

In part for political reasons, in part as a question of commitment, and certainly as a matter of temperament, ER was at the forefront of the New Deal on these issues. She sought to draw attention to both those the Depression ripped from the social fabric of America and those who had long been abandoned. In defiance of American folklore, she sought to remind "many unthinking people that the unemployed are not a strange race. They are like we would be if we had not had a fortunate chance at life."[453] ER believed this dismissive attitude towards the marginalized is ultimately a product of ignorance, and she worked diligently to publicize the plight of the forgotten. Whenever possible she sought to expose people to the desperate living conditions of the truly poor.[454] She traveled thousands of miles drawing attention to the deep, feudal poverty some Americans were mired in.[455] A companion on one of these trips offered her "any money you want" to help address the issue provided he never had to go back and confront those

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[453] ER. "The Unemployed are not a Strange Race." *Democratic Digest 13* (June 1936). Leave Behind. 367.

[454] Her friend Lorena Hick, on one of her assignments for Harry Hopkins, wrote to describe the conditions in one coalfield town. "Morgantown was the worst place I'd ever seen. In a gutter, along the main street through the town, there was stagnant, filthy water, which the inhabitants used for drinking, cooking, washing, and everything else imaginable. On either side of the street were ramshackle house, black with coal dust, which most Americans would not have considered fit for pigs. And in these houses every children went to sleep hungry, on piles of bug-ingested rags, spread out on the floor." Cited in Cook. 130-131. Descriptions like this also remind one that there are worst things to value in a society than the democratization of comfort.

[455] Henry Wallace, responding to a book on southern poverty called Preface to Peasantry, claimed that calling them peasants "really offends the peasantry of Europe." Cited in Patrice Sullivan. Days of Hope. (Chapel Hill: The University of North Carolina Press, 1996). 2.

conditions again.[456] A particularly striking story, told often by ER, involved the fate of a small boy and his pet rabbit.

> It was evident it was a most cherished pet. The little girl was thin and scrawny, and had a gleam in her eyes as she looked at her brother. Turning to me she said: "he thinks we are not going to eat it, but we are," and at that the small boy fled down the road clutching the rabbit closer than ever.[457]

Stories about parents who could only give their children raw carrots to chew on during Christmas and families who could not send their children to school because they had no clothes to dress them in became the subject of press conferences, magazine articles, newspaper columns, and public addresses. ER worked tirelessly to expose the conditions some American citizens were forced to endure, to put a human face on poverty and turn an abstract problem into a personal tragedy. It was a question of education. This kind of hideous poverty can exist only insofar as it is kept hidden, or if we utilize folklore that allows us to distance ourselves from these circumstances.[458]

Part of the New Deal's concern was a basic moral outrage which led ER to declare "we simply cannot sit back and say "all people cannot live decent lives."[459] Beyond that basic commitment, dealing with America's stranded is essential for the sake of democracy. Democracy requires trust and that trust is undermined by the fear born of poverty.[460]

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[456] Told in Ruby Black. 158. Of course this kind of response also highlights the real limitations of the appeals to interdependence, community, and brotherhood that permeate the New Deal. One can perhaps force recognition of a problem, but not meaningful personal engagement. When one creates a welfare state the conscience can, in fact, be bought off, although it isn't clear that any other set of principles could address this more effectively.

[457] This story once produced a 100 dollar check so that the rabbit might be saved. Cook. 132.

[458] See the next chapter.

[459] ER. "The Unemployed are not a Strange Race." Leave Behind. 367.

[460] In the community of Arthurdale, people were reluctant to share their crops for fear that another's child might get too large a share. They were equally suspicious of a cooperative dairy. "They trusted nobody, not even themselves. They had an eye out all the time to see who was going to cheat then next." ER quoted in Ruby Black 248.

> You can develop an interest in the community as a whole when you take away the dread of desperate want, the terror, insecurity, that these people had before…only when you have a little security do you have time to think of your neighbor.[461]

It is only possible to care about a community when the fear caused by want and privation is eliminated. It is exceedingly difficult, if not impossible, to create attachments while they are present.[462]

These were always seen as questions of rights, not entitlements. Although New Deal caseworkers and researchers generated the statistical ammunition needed for the arguments of its supporters, at the most basic level, addressing poverty did not require reports or studies—people had a right to have a minimum amount of security in exchange for their labor. Anyone who worked had a right to "receive in return for their labor, at least a minimum of security and happiness in life. They must enough to eat, warmth, adequate clothing, decent shelter and an opportunity for education."[463] Any civilization that does not grant this basic right to its citizens should be regarded with contempt,[464] and any failure to rectify this situation is inviting revolution. ER warns "no civilization can possibly survive which does not furnish every individual who wishes to work a job at wages on which he can live decently."[465] Although perhaps a touch melodramatic, the New Deal did see itself as an attempt, if not to save American civilization from extinction, certainly to salvage its conscience and decency.

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[461] ER quoted in Ibid. 257.
[462] At least broad attachments. A community can rally around shared depravations, but the attachments will be narrow and suspicious, if not openly hostile, to outsiders.
[463] ER quoted in Cook. 131.
[464] This attitude carried over into ER's views on charity: "I have never felt that people should be grateful for charity, They should rightfully be resentful and so should we, at the circumstances which make charity a necessity." Quoted in Ibid. 137.
[465] ER, "Helping Them To Help Themselves" *The Rotarian* (April 1940). Leave Behind. 370. These are enormously provocative words from a sitting First Lady.

In the eyes of the New Deal, while this kind of desperate poverty was without a doubt a testament to the failures of our society to distribute its bounty, there is a sense in which these people had already been permanently lost. Alleviating their condition represents a moral imperative, but it lacked the political urgency that animated the concern for those found in the ranks of the newly dispossessed, those not yet so destroyed by poverty to have lost the capacity to demand the restoration of what was lost

Youth posed a different sort of problem. Between 1933-1940 there were between three and four and a half million Americans under the age of twenty-one unemployed, and this did not count people working part time.[466] This was an entire generation quickly losing faith in the ability of their country to provide for them, and ER confessed to "moments of real terror when I think we may be losing this generation. We have got to bring these young people into the active life of the community and make them feel that they are necessary."[467] When the fear caused by the Great Depression caused most Americans to retreat into themselves and their own needs, she became the primary advocate for this entire generation.

The problems facing the young (from the standpoint of the New Deal's democratic theory) were twofold. Their basic physical needs must be addressed, but they also had to be integrated back into the public life of their communities. They needed purpose as much as they needed relief, and they needed it soon. Young people had to be convinced that their problems could be solved democratically. Otherwise their feeling of powerlessness and alienation caused by the Depression might remain with them the rest

[466] Kearney. 23.
[467] Lash. Eleanor and Franklin. 536.

of their lives, and those not resigned to it might look outside our traditions for redress. Revolution was not in the air, but it was on the horizon.

Such was the logic behind service-oriented programs like the CCC[468] and NYA.[469] The CCC, FDR noted, "can eliminate the threat that enforced idleness brings to spiritual and moral stability,"[470] and Jean Smith claims it "literally gave 3 million young men a new lease on life."[471] The NYA, in turn, gave "less privileged youth…at least a measure of participation in the economic, social, and educational life of an era which frequently seems to have no place for them."[472] The New Deal believed in the educational value of a year (or two) of public service—it would satisfy, as ER claimed, "certain things for which youth craves—the chance for self sacrifice for an ideal."[473] Engaging in public service employment and non-profit work would provide them with the practical exposure to new places and people necessarily for a democratic worldview. "They should learn the meaning of citizenship in a democracy and should feel that they are obtaining some valuable experience in citizenship, and contributing to the well being

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[468] The Civilian Conservation Corps was a product of famous 100 days of the first. New Deal. It was a reforestation program that was very popular with the young, as it was easier for them to move themselves to rural/wilderness areas. Cook describes the accomplishments of the CCC as follows.

> Ultimately, three million men, including 250,000 veterans, planted two billion trees, stocked millions of waterways with fish, and built 52,000 public camp grounds and 123,000 miles of roads. They connected twelve thousand miles of telephone lines, protected grazing lands, drained mosquito-infested marshes, fought fires, battled crop disease, preserved wildlife habitats and historic sties, built hiking and horse trails in the national parks. They were responsible for so many magnificent deeds that Grand Canyon park rangers asked if that great miracle of nature was a CCC project. Cook. 88.

[469] The National Youth Agency was essential a New Deal program designed for the young created by executive order in June 1935. ER's prompting played a major role in its creation. It created service camps, provided job training, money for education, community development, and job creation.
[470] Quoted in Ronald Edsforth.. The New Deal: America's Response to the Great Depression. (Malden: Blackwell Publishing, 2000). 137.
[471] Smith. 321.
[472] Betty and Ernest Lindley quoted in Bernstein. 163.
[473] Lash. Eleanor and Franklin. 536

of the nation during the period of service."[474] The process would hopefully develop a feeling of commitment to both the idea of democracy and attachment to the people in it.

However, there were limits to what the state could ask of its young without first giving them a more meaningful stake in society, especially military service. As war became increasingly likely as the world fell apart in the 1930's, the problem of youthful disaffection became even more prominent. As ER argued,

> When we have given them nothing to live for, why should we expect them to be happy when we suddenly ask them to be willing to die?…We have not made democracy work so they can find their place in it. Why should they feel a responsibility for defending it until we prove it is worth defending?[475]

Adults, ER argued, bore responsibility for the disaffection of the young. They created the world that allowed the Depression, and were in violation of their half of the intergenerational social contract. Certainly they had no right to be 'self-righteous and dogmatic' given how little they learned from WWI.[476] Youth were a group that demanded engagement. It was essential that the generations maintain "a free intellectual interchange of ideas between themselves"[477] as a way to keep the social contract vital. Since both groups inhabit the world at the same time, both are entitled to some say in its construction. She worried that her own generation was abdicating their half of that responsibility.

> We have made the world such as it is today, and we had better face the fact that at least youth has a right to ask from us an honest acceptance of our responsibility, a study of their problems, cooperation with them in their efforts to find a solution, and patience in trying to understand their point of view and stating our own.[478]

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[474] ER. If You Ask Me. 48.
[475] ER quoted in Ruby Black. 243.
[476] Lash. Eleanor and Franklin. 549.
[477] Eleanor Roosevelt, "Facing the Problems of Youth" *National Parent-Teacher Magazine* (February 1935). Leave Behind. 303.
[478] Eleanor Roosevelt. "Why I Still Believe in the Youth Congress" Liberty (April 1940). Leave Behind. 376.

Instead of facing their obligations to the young, her generation instead fixated on the anger of the youth movement, the reaction to which manifested itself in the anti-communism of the time.[479]

Again there were real limits to what could be done for the young in practice, but what is of importance here is both the theoretical commitment, and the way the New Deal used the frames of stewardship (we have obligations to those who will be inheriting the world we have created) and citizenship to conceptualize the problem. A democracy needs to ensure that all of its citizens have both a stake in society, and the tools they need to engage it. There is recognition that the bonds which unite us are tenuous, and that taking them for granted invites the real possibility of democratic failure, an entire generation either disengaged from or openly hostile to their society and its governing contract.

ER in particular also addressed the role of women in the framework of our social contract. Consistent with the New Deal's emphasis on inclusion and universality we find no emphasis on the particularities of the experience of women, of any unique needs they might have. Her primary concern was to clear away their barriers for self-development, which meant emphasizing the right of women to be independent. This, in turn, meant the right to work. "There are three fundamental for human happiness," ER claims, "work which will produce at least a minimum of material security, love, and faith. These things must be made possible for all human beings, men and women."[480] While the Depression did not necessarily eliminate love and faith from the lives of Americans, it certainly created serious barriers for women who wished to (or had to) work. Women's wages

[479] Which at times reached such ridiculous proportions that FDR's mother was on a list of possible communist sympathizers.
[480] ER in Ruby Black. 200.

plummeted even more steeply than they did for men, and they were already making half as much. What's more, the one solution to the Depression that seemed to unite the country was that married women should be denied jobs so men could work. George Gallup reported that he never saw people "so solidly united in opposition as on any subject imaginable, including sin and hay fever."[481] Many even blamed the presence of women in the workforce for the Depression itself. Magazine editor Norman Cousins argued that the cure to the Depression was to "simply fire the women, who shouldn't be working anyway, and hire the men. Presto! No unemployment. No relief rolls. No depression,"[482] a scheme admirable for its elegant simplicity, if not its content. The Economy Act of 1932 mandated that when a married couple were both employed by the Federal Government the wife be fired first whenever the workforce had to be reduced. As late as 1939, over half the state legislatures debated similar bills, although only Louisiana's passed. Married female teachers were often forced to quit.[483]

Given the pride of place work has in the pantheon of American virtues, it is not surprising that many women felt they needed to be able to work in order to feel like productive citizens.

> The fact that in our particular civilization the contribution of a human being is often gauged by the money which he can earn is probably one of the reasons why both men and women who do not have to earn a living still want to prove that what they do is worthy of receiving the reward by which success is ordinarily judged.[484]

But more was at stake than status or public judgment. Work was a psychic necessity. It represented freedom and provided security.

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[481] Quoted in Bernstien. 291.
[482] Quoted in Roger Biles, A New Deal for the American People. (Dekalb: Northern Illinios University Press, 1991). 194.
[483] Bernstein. 290-292.
[484] ER, What are the Motives For A Woman Working When She Does Not Have To, For Income? Unpublished article. Leave Behind. 280.

> Every human being has to earn his living or life has no savor. You may be fortunate to have the dollars you need for existence, but to earn a living means a great deal more than that. To earn a living a human being must have a sense that he is making a creative contribution to the world around him.[485]

For some women (especially those in ER's circles) the problem was less a question of survival and more a matter of existential meaning. For many women, ER argued, raising a family provides them with all the self-satisfaction they need, but every woman is different, and some will find that their personal needs steer them towards work. ER devoted time and energy defending the right of women to work and encouraging women professionals. She set up all female press conferences in the White House to preserve jobs for female reporters, and when it became clear that FDR often used ER to float policy trial balloons, she greatly increased those reporters' importance and prestige.

ER's goal was to make sure that everyone in society had the opportunity to decide for themselves who they were and how they planed to contribute to society. It was the place of the individuals involved, and not social norms, to determine what was necessary for a happy and fulfilling life. Women are no different. She posed the following questions to her My Day readers. "Who is to say when a man earns enough to support his family? Who is to say whether a woman needs to work outside her home for the good of her own soul?"[486] Central to her thinking on equality was the belief that people had to answer these questions themselves. Society, at any level, could not impose the answer.

Arguably there were no groups more permanently alienated from the previous social contract than blacks. The New Deal's awareness and appreciation of the problem of racism was slow to develop. It posed a particularly thorny problem for the New Deal,

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[485] Ibid. 279. The existence of work is sufficient. The nature of that work, the ways in which certain kinds of work are dehumanizing, is not addressed, although the evolutionary nature of the New Deal certainly leaves room to answer these concerns once the people involved actually have work.
[486] ER. "My Day" 34 July. 1937. 19.

as any attempt to address it threatened to wreck the entire New Deal political coalition, and with it the chance to institutionalize a welfare state.[487] ER was one of the most prominent civil rights advocate in the New Deal, and as Harvard Sitkoff wrote, "no individual did more to alter the relationship between the New Deal and the cause of Civil Rights and ER's 'we go ahead together'…became a rallying cry." Nevertheless, there was definitely a degree of racism she was prepared to tolerate, as she thought there was no way to change hearts and minds other than the slow process of socialization. She drew distinctions between social equality and political/legal equality. The former could and must be cured through education and exposure[488] but would take a long time. The government had a formal obligation to impose the later as rapidly as possible.

The moral hypocrisy of a caste system in a democracy was particularly offensive to the New Deal, as was the notion that we should derive our principal identity from race rather than more universal categories like consumers, or, ideally, citizens. The problem of racism was the denial of democratic citizenship. As long as there is segregation, and as long as the benefits of community life and citizenship are denied to blacks, there can be no democracy.

> We can have no group beaten down, underprivileged without reaction on the rest….We must learn to work together, all of us regardless of race, creed, or color. We must wipe out the feeling of intolerance wherever we find it, of belief that any one group can go ahead alone.[489]

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[487] This will be discussed in greater detail in a future chapter.
[488] The government could be a source of this exposure (and this logic can be used to justify programs like bussing) but it had to be careful not to push the electorate too hard or progressives would lose power.
[489] Hareven. 70. This statement was from an address on NBC radio.

The belief that prejudice diminished both whites and blacks can be traced back to Jefferson's Notes on the State of Virginia.[490] Both sides have not only a moral obligation but also a tangible interest in addressing the problem. Blacks and whites have a mututal interest in increasing the level of education of everyone, regardless of race.

> The menace today to a democracy is unthinking action, action which comes from people who are illiterate, who are unable to understand what is happening in the world at large, what is happening in their own country, and who therefore act without really having any knowledge of the meaning of their actions, and that is the thing that we, whatever our race is, should be guarding against today.[491]

Racism is not compatible with an engaged and informed citizenry, nor a cosmopolitan sensibility. But ER recognized that this democratic appeal alone was not sufficient.

To whites she 'preached' that discrimination is inhumane, immoral, and undemocratic, and at a material level weakened the foundations of the nation. Not only did it stunt the moral growth of the racist, but also stifled the economic development of the region. On both counts, the burden was on whites to change, even if it caused serious upheaval in the southern power structure.[492] The intergenerational social compact means that whites have to accept responsibility for slavery's legacy, even if it was difficult for a generation not directly responsible to bear that burden. The process of undoing that legacy will take a long time.

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[490] "There must doubtless be an unhappy influence on the manners of our people produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submission on the other. Our children see this, and learn to imitate it." Thomas Jefferson. "Notes on the State of Virginia." Query XVIII. 288.

[491] ER "speech to the National Conference on Fundamental Problems in the Education of Negroes" The Journal of Negro Education (October 1934) in Leave Behind. 143,

[492] FDR's National Emergency Council's *Report on Economic Conditions of the South* made it clear that the South constituted the nation's top economic problem. Blanche Wiesen Cook summarizes the findings of the report. "While the South 'led the world' in cotton, tobacco, paper, and other products, it was a disaster area. The average per capita income was half the nation's; the poll tax limited voting rights to 12 percent of the population in eight Southern states, including Virginia; the region's children were being undereducated. The south was hampered by backward and colonial customs; and its entrenched leaders wanted no changes. Cook. 564.

> It may take years to educate the great mass of colored people to be good in desirable neighborhoods; but we are largely to blame. We brought them here as slaves and we have never given them equal chances of reeducation, even after we emancipated them. They must be given the opportunity to become the kind of people that they should, and I often marvel that they are as good as they are in view of the treatment they have received…You are suffering from a difficult situation and it is always hard on the individuals who reap the results of generations of wrong doing.[493]

But regardless of the cost or disruption, the education of blacks was a moral and political necessity. Similarly important were attempts to increase the contact the races had with each other, since whites (and blacks) feared what they did not understand. Here she spoke from experience, and her personal example was likely her single greatest contribution to the cause of civil rights.[494] She allowed herself to be photographed with blacks and invited girls from a reform school (overwhelmingly black) to a picnic at the White House, infuriating southern Democrats by entertaining a "bunch of 'nigger whores' at the White House."[495] She resigned from the Daughters of the American Revolution when they barred the black singer Marion Anderson from performing in Constitution Hall,[496] and protested segregated seating by moving her chair to the aisle between black and white sections, despite a young Bull Connor's threats to arrest her for violating local segregation laws.[497]

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[493] ER quoted in Lash. Eleanor and Franklin. 525.

[494] As well as one of the biggest causes of the black migration to the Democratic Party. Her example gave FDR cover when he had to back peddle on issues like lynching. Hareven. 123-124.

[495] Quoted in Kearny. 73. Both the pictures and the White House picnic were campaign issues in 1936. Felix Frankfurter wrote to ER, praising her actions. "You render deep service to the enduring values of civilization by serving the nation as a historic example of simple humanity and true human brotherhood in the highest places." Quoted in Lash. Eleanor and Franklin. 520.

[496] Harold Ickes, Secretary of the Interior and one of the most racially progressive members of FDR's Cabinet (he was the head of the NAACP in Chicago before coming to Washington) arranged for her to sing at the Lincoln Memorial, a far more fitting location.

[497] This was during the 1938 Southern Conference on Human Welfare in Birmingham Alabama. Bull Connor ultimately chose not to arrest her.

At the same time she, like Booker T. Washington, called upon blacks to accept responsibility for improving themselves and their condition as much as possible within the existent social framework. Acceptance would come later. For now blacks had to focus their fight primarily on education and economics, and here the New Deal offered more genuine opportunities than ever before, even if those opportunities were still far from equal. Black leaders largely shared this accommodationist stance. Desegregation was less a priority than black participation in New Deal aid programs.[498] Walter White, head of the NAACP, agreed with Roosevelt's assessment that relief was more important than desegregation.[499] Leaders rarely mounted a direct challenge to the doctrine of separate but equal, but this grudging acceptance does not mean the importance of psychic recognition went unnoticed. As Christopher Lash noted, "This was what the Negro wanted—that he be seen and recognized as an individual and accepted in the fullness of a humanity that he shared with whites—and this is what the First Lady understood."[500] Friendship and support were given with "courage and enthusiasm and, what is far more important, without…the insufferable patronizing manner which so any persons in like position would manifest."[501] It was her hope that this example might encourage others to do the same.

The New Deal had faith that attitudes would change, but recognized that change would happen slowly. Blacks had a long road ahead of them, as any and all legitimate change had to happen through democratic channels dominated by a resistant, if not openly hostile, citizenry who chose to exercise their autonomy in reactionary ways. The

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[498] Lash. Eleanor and Franklin. 513.
[499] Mileur. "The 'Boss': Franklin Roosevelt, the Democratic Party, and the Reconstitution of American Politics." Milkis and Mileur.
[500] Eleanor and Franklin. 522.
[501] Dr. Carrie Weaver Smith quoted in Kearney. 68.

realities of power in the United States were such that the burden of proof was on blacks to justify their inclusion. They had to be better than their white counterparts, to rise above white intransigence. The New Deal recognized that was in no way fair, and a violation of its ideals of citizenship, but ideals still must acknowledge political reality. It will be up to the best and brightest of black Americans to gradually educate whites on issues of equality.[502] Ideally, with both sides moving together, common ground can be reached.

> It seems trite to say to the Negro, you must have patience, when he has had patience so long; you must not expect miracles overnight, when he can look back to the years of slavery and say—how many nights! He has waited for justice. Nevertheless, it is what we must continue to say in the interests of our government as a whole and of the Negro people; but that does not mean we must sit idle and do nothing. We must keep moving forward steadily, removing restrictions which have no sense, and fighting prejudice. If we are wise we will do this where it is easiest to do it first, and watch it spread gradually to places where the old prejudices are slow to disappear.[503]

With its faith in progress, decency, and education, the New Deal believed time, patience, and diligence would eventually solve the seemingly intractable problem of racial exclusion from the social contract—institutionally and socially. Today this sounds like a dodge, and the Civil Rights Movement demonstrated that a more confrontational approach could prove effective. But we should not underestimate the New Deal's challenge to the race relations of the time. As Plotke observes, "The severely discriminatory character of the racial order meant that when new federal programs were not explicitly racist they put elements of that order in question."[504] Certainly there was enough of a challenge for the overwhelming majority of the black community to support

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[502] Zangrando and Zangrando. "ER and Black Civil Rights." Hoff-Wilson. 100.
[503] Eleanor Roosevelt, "Race, Religion and Prejudice" *New Republic* (May, 11th, 2942). Leave Behind. 159-160.
[504] Plotke. 179.

the New Deal (DuBois voted for FDR all four times),[505] and many whites turned away from the New Deal for precisely those same reasons.

The New Deal was unwilling to sanction a formal challenge to the fundamental order of society that existed outside of those channels. Its belief in democracy prevented it. There was no problem that could not be solved within the boundaries of the system. This belief went far beyond racial issues. The New Deal did not worry about communist elements within youth organizations, but would never have tolerated behavior that fundamentally challenged the legitimacy of the Constitution. Despite the sexism present in the Democratic Party, ER never supported a third party for women. She was a strong supporter of unions, but felt a strike by public employees was illegitimate. Whenever a conflict of interest existed both sides were expected to submit, in good faith, to the rules and procedures of the system. Democracy is entitled to our loyalty precisely because it contained ways to address grievances that were self-correcting and evolutionary. The New Deal, its supporters would argue, is worthy of loyalty as long as it continued to work to redress those grievances and expand the breadth and depth of our social contract.

Conclusion

We hold this truth to be self-evident—that the test of a representative government is its ability to promote the safety and happiness of the people.[506]

The New Deal's theoretical innovations in the end are not to be found in its understanding of liberty, but in the other concepts it introduces into the conversation. Our understanding of security is expanded to include not simply protection from external threat and coercion, but protection from the violence that can be inflicted by the market,

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[505] Edsforth. 278.
[506] "1936 Democratic Party Platform." The American Presidency Project . <http://www.presidency.ucsb.edu/showplatforms.php?platindex=D1936>

and especially the existential fear that comes with insecurity. It is significant not only that our thinking about security is broadened, but that even in times of depression it is well within our ability to provide meaningful security for every member of society. We no longer need chain ourselves to those older understandings of liberty, security, and fear that are produced by the limitations of scarcity.

As a result we are now able to focus our attention, as a people, to that third, oft-neglected part of the Declaration of Independence's trinity of rights—the right to pursue happiness. At base the New Deal interprets happiness as the ability to participate in a consumer society, but it is important not to reduce the New Deal to this. It was well aware of the way in which a consumerist orientation narrows our horizons, and it was always meant to serve not as an end, but as a beginning. From this basic position of comfort and satisfaction we could emphasize the acts of self-development and citizenship, the two feeding off each other in a cycle aimed at taking Americans outside of their more narrow concerns and enabling them to recognize their interdependence, develop new attachments, and in the process better themselves as individuals.

This is the basis of the New Deal's social contract. It is a contract between Americans and their society—not the government per se. Ideally these goals should be provided privately, but when private means fail the burden is transferred to the public. If the contract is not honored, then the public has no moral standing from which to make any claims on its citizens, nor should it expect their loyalty.

Similarly, the contract is fundamentally expansive and in important ways unlimited. Each generation must determine for itself the prerequisites for the exercise of their rights, as well as the steps the government must take to protect those rights.

Likewise, the logic behind the New Deal is universal, which means it must continue to spread until it covers the entirety of American society (or, if the internationalist strain within its thought is followed to its conclusion, the entire world). There is, in this respect, no stopping point—no moment in which the New Deal can be said to have reached its end. Its implications are far more radical, its ambitions far more profound, than the imperfect institutionalization begun during the Roosevelt Administration and gradually expanded upon since.

There are several critical tensions running through the New Deal's social contract—most of which the theory is aware of and attempts to address. Are the kinds of attachments necessary to build a mass state on the foundation of love, respect, and dignity (as opposed to interest or fanaticism) is possible in a society as large and differentiated as the United States. The New Deal demands more than just interest group liberalism. Can we have it? While the New Deal hopes to harness the consumerist impulse and steer it towards something more sophisticated and publicly spirited, it is not clear whether or not this move can be successful. History seems to say no, as today we are a nation of consumers first, and citizens a distant second at best. Is this a lost cause? Can we do better? We will address these issues in greater detail in chapter VI.

Another tension may not yet be readily apparent. The New Deal places a premium on having an involved and informed citizenry as the only truly reliable check on an expanding central government. The act of citizenship is also a noble and worthwhile enterprise in its own right. Such is the democratic theory of the New Deal. However, if a theory of ends wishes to be more than critique it must be attached to a theory of practice, and the New Deal's theory of practice may ultimately undermine the democratic theory

that is so vital to the theory as a whole. Do the ends of the New Deal pay too high a price for its chosen means? It is to this theory of practice, the *political* component of political theory, that we now turn our attention to.

"All Armed Prophets Have Conquered:" A New Deal Theory of Agency

Politics is always the art of exceptions. It seeks to know where custom must be violated, where human habits and institutions must be changed to guarantee the survival of what is most important, and where the ideal itself must be compromised or muted so that life itself may endure.[507]

Normative political theory is abstract by nature. It holds up a regulatory set of ideals as a mirror through which it critiques reflected reality. The critique hopefully addresses relevant political questions, but it is not truly political without simultaneously addressing questions of practice. What is the institutional context of the subject or object of theory? How is power distributed in that context and how does it affect the agency of the actors involved? How does the context alter the theory? In political life, the normative ideal is a shadowy approximation of theoretical reality, but politics is always situated in the Cave. The practitioner engages theory not at the level of abstraction, but at the level of imperfect institutionalization. Political actors are forced to confront uncertainty and necessity while attempting to achieve as much as possible in circumstances unwilling to accommodate them. For the practitioner then, useful political theory must also be a theory of engagement. It must account for the political, social, and psychic roadblocks that prevent us from making a normative ideal a reality. For the liberal democrat, there are a whole host of additional, self-imposed restraints on action. For the political actor who refuses to reify the needs of his constituents, compromise becomes a moral imperative.

The New Deal is often dismissed as a source of theory precisely because of its concreteness—it is easy to miss the theory amidst the practice because its theory was

[507] McWilliams. 26.

designed for practice, rather than the other way around. We have already established the normative component of the New Deal's political theory. These next two chapters look at its theory of practice. Chapter V addresses the New Deal's institutional context. This one explores the nature of the New Deal's political pragmatism, its theory of symbolic politics, and the connection between symbolic frames and political change. In particular it will examine the complicated relationship between the folklore of old and new institutions, and the ways in which the legitimacy of the new often depends on the appropriation of the old. It is the mastery of folklore that the New Deal identifies as one of the chief sources of agency for progressives trying to transform a conservative system.

New Deal 'Pragmatism'

There is nothing more difficult to handle, more doubtful of success, and more dangerous to carry through than initiating changes in a state's constitution.[508]

Frances Perkins, charged with unenviable task of building a welfare state in a country conditioned to reject it, believed that "nothing in human judgment is final. One may courageously take the step that seems right today because it can be modified tomorrow if it doesn't work well."[509] There was a refreshing honesty that characterized the New Deal's experimental, incremental approach. Roosevelt freely admitted that he has "no expectation of making a hit every time I come to bat,"[510] and his second fireside chat warned Americans that some policies would fail.[511] It is common to describe this attitude, and the New Deal in general, as pragmatic, but we should be careful. All people,

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[508] Niccolo Machiavelli. The Prince (trans. George Bull. London: Penguin Books, 2003). 21.
[509] Frances Perkins, describing Roosevelt. She goes on to note "it was this faculty which released him from the driven, frightened, psychosis of the period." Perkins. 164.
[510] Quoted in Eric Goldman. Rendezvous with Destiny. (Chicago: Knopf, 1952). 324.
[511] Although Paul Conkin has pointed out it was rare that FDR would "frankly admit the failure of one of his policies." Conkin. 11.

especially political people, make pragmatic judgments, weighing costs against benefits. Only the most committed ideologues refuse to bend. But then again, the New Deal existed in a time of ideologues and abstractions, and as Arthur Schlesinger has noted, "The distinction of the New Deal lay precisely in its refusal to approach social problems in terms of ideology. Its strength lay in its preference of existence to essence."[512]

Of course existence alone does not define reality. Some framework is needed to interpret, evaluate, and give that reality direction. As Schlesinger goes on to argue, "Without some critical vision, pragmatism could be a meaningless technique; the flight from ideology, a form of laziness; the middle way, an empty conception….But at bottom [Roosevelt] had a guiding vision with a substantive content of its own."[513] That there was a guiding vision is clear. What differentiated the New Deal from other theoretical frameworks was not merely the content of that vision, but the way it thought about the very idea of vision. David Plotke summarizes its approach.

> In the quite different sense in which 'pragmatic' usefully describes the new political order in the 1930s, the proper antonyms are 'formalist' or 'doctrinaire; The opposite of pragmatic is not principled. Without strong commitments to a distinctive set of views about politics and society, it is doubtful that a new political order would have been built.[514]

What made the New Deal both distinct and singularly effective was its willingness to avoid doctrinaire, a priori ideological commitments, to keep its focus on both the institutionalization of its principles and the immediate needs of its constituents, accepting the inevitably imperfect nature of the process. Understanding New Deal pragmatism begins with this.

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[512] Arthur Schlesinger. "FDR: Pragmatist-Democrat." Hamby. 114-115.
[513] Schlesinger. 118.
[514] Plotke. 165.

However, it might be better to steer clear of the word entirely, or at least further qualify it. Pragmatism, especially the pragmatism of a figure like John Dewey is a rigorous and sophisticated philosophy, one that privileges a scientific process of inquiry in which beliefs are corrected in light of experience. It is a theory of epistemology rather than a theory of power. It requires a degree of detachment and control that is not feasible in democratic politics. Instead, the New Deal represented a goal-oriented approach that was remarkably flexible (some say too flexible)[515] about the methods used to pursue those goals, highly sympathetic to pragmatism, but ultimately something different.

Rather than looking to John Dewey, the great pragmatist, we can find the New Deal's political sensibilities reflected in Machiavelli, especially the Machiavelli of The Prince—an example of political theory in its purest *political* form, which is to say that political realities trump theoretical models and transcendent goals. More simply, politics, in all its forms, is about the acquisition and use of power. Obviously what one does with that power is an open question informed by normative theory, but for Machiavelli that question is secondary. Discussions of ends without reference to means may be diverting intellectual exercises, but they are not politics, as surely as the talk of means without ends is not theory. Political theory, as a result, must always take into account the question of means as well as ends—both the strategies necessary to acquire power and the various factors (cultural, institutional, personal) that interfere with its acquisition.

The New Deal understood this. It possessed a theory of ends, but unless progressive Democrats (or failing that, the party as a whole) gained and maintained

[515] As Burns describes it, "Roosevelt' mind was attuned to the handling of a great variety of operational and tactical matters, not to the solving of intellectual problems." This was a problem Roosevelt was able to ignore in part due to the staggering ignorance of so many of his critics, "slaves to the theories of defunct economists, and Roosevelt could puncture their pretensions with his knowledge of their own business and its relation to the rest of the world." Quoted in Burns. "FDR: Unsuccessful Improviser." Hamby. 130-131.

control of the government its theory of ends remains only a theory. As Roosevelt reflected, "If I were now back on the porch at Hyde Park as a private citizen there is very little I could do about any of the things that I have worked on." [516] A private citizen can preach, an opposition party can obstruct, but it is difficult for either to create. Ending the suffering of the Depression and establishing the regulatory controls and safety net necessary to prevent its recurrence, let alone safeguarding the pursuit of happiness, requires the acquisition, maintenance, and aggrandizement of power. In a constitutional democracy this means holding together the massive coalitions of disparate interests necessary to win elections and pass legislation. It will (not may) also require ugly compromises with the enemy and a tragic awareness of the limits of power---one will never have all the authority they need to remake the world over, especially in a liberal democracy with numerous institutional choke points and (in the American case) a conservative electorate. This means that liberal reform requires three things from its practitioners: a theory of ends, so that we know the direction to shape our society; a sense of mastery needed to remake, and in some ways refound political society; and an awareness of the limits of mastery so that our ends do not run too far ahead of our means.

This is, in many ways, a fallen view of politics, one reflecting the pessimism of Niebuhr despite the optimistic tone sounded in the speeches, pamphlets, articles, and books of the New Dealers. There is a tragic, perversely romantic element to this kind of politics; when justice is contingent on power and power is dependent on skill (virtu), mobilization, resources, and luck (fortuna). The effective prince will always be forced to

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[516] Samuel Rosenman. Working With Roosevelt. (New York. Da Capo Press, 1972). 30. Roosevelt understood what had to be done to get elected, ranging from comparatively innocuous compromises like having Jack Garner serve as Vice President to ensure his nomination on the fourth ballot of the 1932 convention; or in 1928 watching Tammany Hall's Ed Flynn threaten upstate Republicans with investigations if they did not speed up spending in their ballot totals.

deal with the Devil, to swallow pride, principle, and make the noxious compromises necessary to secure the power needed to partially achieve his ends. The prince is willing to make the sacrifices that fortune and necessity demand of him, even at the cost of his integrity (a word that for Machiavelli has meaning only in private morality). FDR realized this, and it is no coincidence that he found himself drawn to the tragic figure[517] of Abraham Lincoln, who also understood.[518] Given the need to address the brute fact of people's suffering (and later to deal with threats of fascism and war), FDR found himself forced to accept compromises he found distasteful and shy away from taking the stands he wished to take. For his critics on the left, these actions embodied failures of leadership and vision. From the standpoint of his governing philosophy, one he shared with Lincoln and Machiavelli, the willingness to compromise in service of larger ends is the essence of leadership, the embodiment of courage, sacrifice, and responsibility. It is the act of a statesman.

The New Deal's political theory, following Machiavelli, revolves around the limits of mastery, recognizing that the space where we can act is defined by fortune[519] and necessity.[520] Political action will always be constrained by the facts on the ground, and despite our best efforts, our control over those facts will be limited. A virtuous leader (effectiveness seems like a fair modern day analogue) is one who understands the

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[517] At least the Lincoln presented by Carl Sandburg, which was the one that FDR found most compelling.

[518] One can also imagine the political costs of capitulation on slavery weighed heavily on Hamilton and Jay, both members of the New York State Abolitionist Society. Canton. Eden. 184.

[519] For instance, the Great Depression and the rise of fascism in Europe. Both happened independent of any action taken by FDR, and his ability to act was aided by the dislocation created by these events. Likewise, President Bush had two great moments of national desolation (the 9-11 terror attacks and the destruction of Hurricane Katrina) where he had the chance to remake the world over, and will be remembered as either a great leader or a spectacular failure based on how history judges his response. But there will not be any middle ground.

[520] Necessity refers to the fundamental problems/issues that must be addressed by a leader if he desires to maintain power, as well as the context in which they must be addressed. So for Roosevelt necessity dictated that he address the economic dislocation of the Depression, and determined the political and institutional factors involved.

constraints under which they operate and works to carve out the maximum possible freedom of action within them. An effective prince (executive) has a keen understanding of the contingent nature of reality and is always prepared for fortune. Some of this involves diligent planning and an intelligent awareness of the structural forces that are at play in any given circumstance. It also involves exerting as much control over, and independence from, forces that prevent the prince from acting as necessity dictates. Many of these forces are external—the presence of reactionary Southern Congressmen in key committee positions, the complications of the sit-down strike, and so on, and will be the subject of the next chapter. But this also involves freedom from the internal forces that limit our ability to act—freedom from the constraints that political, moral, and economic theories impose upon us. The prince is subjected to enough external checks on his agency; he need not add more himself. This means that the effective prince does not allow his expectations or analysis to be colored by a priori expectations and preferences. It becomes necessary to distinguish between, to use Thurman Arnold's language, creeds and ends.

Clarification on this distinction is useful. Arnold hesitated to provide precise definitions for the terms he used,[521] but their meaning became clear from his usage. Ends are the ultimate goals of a political actor—they are the reason he seeks power at all. Creeds are instrumental, the theories we use to govern our immediate choices and provide ourselves with the morale and energy necessary for political practice. Central to the New Deal's political approach is a willingness to be flexible in its creeds, as FDR explains in his oft quoted Oglethorpe address. "The country needs and, unless I mistake its temper,

[521] He believed believing that precise definitions robbed words of flexibility and utility, and that words, like people and institutions, cannot be understood outside of their context. "[I]f you ever define a term carefully, it loses all meaning." Thurman Arnold. "Letter to Willmott Lewis." 27 Feb. 1936. Voltaire. 223.

the country demands bold, persistent experimentation. It is common sense to take a method and try it: If it fails, admit it frankly and try another. But above all, try something." These lines speak to a profoundly undogmatic political theory, and this quote is usually regarded as the definitive summation of Roosevelt's pragmatism. But, as Charles Kessler points out, this quote is missing the crucial context provided earlier in the speech, where Roosevelt states "Let us not confuse objectives with methods."[522] Roosevelt calls for flexibility in our means, but the ends themselves are fixed. Increased economic security and broader prosperity are examples of an end. A belief that market economies with a minimum of regulation (or the opposite view) is the best way to achieve these ends is be an example of a creed. For both Machiavelli and the New Deal, the effective prince will not let his own creeds, his own philosophic categories and theories, unduly limit his ability to act on behalf of those ends. Our motivations can be absolute and unyielding, but our methods must always be governed by flexible, empirical standards.

This is most famously expressed (not by Machiavelli) in the oft-misunderstood phrase 'the ends justify the means.' This is commonly interpreted to mean that any action is justifiable provided it works, and while this is broadly true, the criteria for constituting what 'works' are important. Once decided on an end, the truly effective prince will pursue whatever avenues offer the greatest probability (nothing is ever certain in a contingent world) of achieving that end. Every option with a plausible chance of success must be viable, and dismissing them on purely ideological grounds marks a failure of leadership, the prince allowing himself to be ruled by his creeds. If the end is something simple, like the acquisition of power for its own sake, there are few means

[522] Charles Kessler. "The Public Philosophy of the New Freedom and the New Deal." Eden. 160.

closed to the prince. But certain ends will exclude certain means, and the political actors must watch to make sure that short-term victories do not undermine the larger goal. If a goal is establishing a nation of self-governing, free thinking citizens, a certain degree of transparency will be necessary, even at the cost of power. But the fact that ends may limit means does not remove power from discussions of political action. No desired political end can be achieved without institutional power. As Machiavelli reminds us, "all armed prophets have conquered, and unarmed prophets have come to grief."[523] Princely virtue comes from learning how to prioritize—discovering when compromise is necessary, and how far one must bend while making it.

The New Deal's business policy alternated between the planning and industrial cooperation of the NRA and Thurman Arnold's anti-trust regime. Theoretically these two approaches to political economy are at odds with one another, and are often used to illustrate the schizophrenic, groundless, atheoretical nature of the New Deal. What it actually reflects is a purer political pragmatism.[524] The ultimate policy goal was an economy capable of providing for the basic needs of the American people under a system of 'free enterprise.'[525] The means used should remain as flexible as possible, responsive to changing political realties and the continuing vagaries of fortune. If one method proves unresponsive, refusing to try another on the grounds of theoretical commitments is the height of political irresponsibility. An effective prince understands that there are no permanently right answers (or methods) in a contingent world, and is willing to embrace

[523] Machiavelli. 21.
[524] And one that reflects the general lack of consensus about causes of, and solutions to, the Depression—amongst both FDR's advisors and the economic community at large.
[525] Although, as Arnold argues, a word like free enterprise has little fixed meaning, the terms defined broadly enough to appeal to mean whatever the situation requires of it (more on this later).

variability in order to respond to necessity. Policy is not to be judged according to abstract categories and creeds, but by the results it achieves.

At the same time, effective political actors understand the limits of political possibilities. Creedal flexibility alone is not sufficient. Politics does not take place in a vacuum, and power is never absolute. As Machiavelli asserts, "[t]he wish to acquire more is admittedly a very natural and common thing; and when men succeed in this they are always praised rather than condemned. But when they lack the ability to do so and yet want to acquire more at all costs, they deserve condemnation for their mistakes."[526] Push too hard, compromise too little, and the rewards are electoral defeats and broken movements. Political mastery involves an appreciation of necessity—the external checks that limit the exercise of power. This moment is a great stumbling block for any political theory that strives for ideological purity, as it involves compromise and limits, concepts that are often anathema to the critic but reality to the political practitioner. A moral critique can involve a blanket condemnation of actors for failing to adhere consistently to creeds or keep perfect faith with a set of ideals, but a political critique must address the central question "what else is possible?"[527] At the same time, political actors must take pains to ensure that necessity does not become an excuse to abandon their commitments. The relationship between "radical goals and immediate demands, the exercise of freedom and the constraints of necessity" is a tenuous one, and true *political theory* requires a delicate balancing act.[528]

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[526] Machiavelli. 14.
[527] Although the New Deal is not one of his explicit cases, see Stephen Bronner's Moments of Decision. (Routledge, 1992) for a detailed look at this approach to political theory and practice.
[528] Stephen Bronner Imagining the Possible: Radical Politics for Conservative Times. (New York: Routledge, 2002). 2.

A brief look at Roosevelt's failure to campaign for an anti-lynching bill is instructive in this regard. The preservation of the New Deal coalition required noxious concessions to some of the most reactionary elements of the Democratic Party. Unrepentant racists held key committees in Congress, and while FDR was able to break their stranglehold on the presidential wing of the party,[529] he had no power to intervene here. As FDR famously lamented to Walter White, head of the NAACP,

> I did not choose the tools with which I must work. Southerners, by reason of the seniority rule in Congress, are chairmen or occupy strategic places on most of the Senate and House committees. If I come out for the anti-lynching bill now, they will block every bill I ask Congress to pass to keep American from collapsing. I just can't take the risk.[530]

Poll taxes and intimidation kept voter turnout at 25% or less in the strongholds of conservative Democrats. Far more whites were disenfranchised than blacks, but the symbol of Reconstruction, and the terrifying threat of its renewal, gave the tax legitimacy, to the point that the states would not rescind it even for soldiers fighting in WWII.[531] Terror kept the blacks that could afford the taxes at home. As one election official in Alabama proudly stated, "there ain't a fuckin' nigger in this end of the country who'd so much as go near a ballot box."[532] FDR believed he lacked the power to challenge to these senators, and was reluctant to even take an open stand on the race issue while planning his attempt to purge them from the party in 1938.[533] This is compounded by the fact that many of these same Southern Democrats were among the strongest supporters of the New Deal's internationalist, anti-fascist foreign policy. A critique of

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[529] A democratic presidential nominee needed the support of 2/3rds of the delegates, granting the south a veto over any racially progressive candidate. FDR was able to eliminate this rule in 1936.
[530] Lash. Dealers and Dreamers. 415.
[531] See Patrice Sullivan. Days of Hope. (Chapel Hill: The University of North Carolina Press, 1996). 106-107. for a discussion of how the poll tax played out in practice.
[532] McMahon. 160.
[533] The purge itself was understood as an attempt to change the nation's racial order, as we shall see in chapter V.

Roosevelt on race that ignores this context can be made from moral, but not political, grounds.[534]

Effective leadership is a combination of force and craft, the ability to know, in Machiavelli's celebrated phrase, when to act the part of the lion and when to play the part of the fox,[535] as "the lion is defenseless against traps and a fox is defenseless against wolves."[536] Knowing when to use open force and when to use persuasion and cunning means understanding that politics is about managing multiple centers of power and juggling competing interests. This is especially the case in the liberal democratic politics of the United States, which encourages the presence of competing interests and in theory refuses to legitimate some over others.

In the era of the New Deal Machiavellian pragmatism found its most thoughtful and persuasive expression in the writings (and practice) of Thurman Arnold, For Arnold, like Machiavelli before him, politics is about the conflict between political will and institutional capacity. Given our productive plant, our triumph over scarcity, Arnold and the New Deal believed the primary limits to our mastery are the psychological roadblocks we choose to erect—our inability to overcome our own creedal limitations. His two primary works of theory, The Symbols of Government and The Folklore of Capitalism,

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[534] A critique of Roosevelt's sometimes tepid support of labor needs to be subjected to the same contextual overview—not only in terms of what the New Deal had done compared to past regimes, but also how far support could have been politically extended. While unions enjoyed a 50% approval rating during 1936, that number dropped down during the period of sit-down strikes to 17%. As Robert Shogan notes in Backlash, "As the sit down strikes proliferated, more and more Americans and their representatives in Congress had lost sympathy with labor. Most Americans did not know and many no longer cared who was to blame for the wave of labor agitation that plagued the country. But they did know they wanted it stopped."55. See Backlash for a detailed look at the public reaction to labor agitation and the political difficulties it created. Shogan also argues that Roosevelt, who was pushing his court plan at this time, was trying not to take two controversial stands at the same time. This is not to say that Roosevelt should not have been more supportive, just that there is a context behind his timidity that must be accounted for.

[535] Not coincidentally, the title of one of the premiere comprehensive looks at the Roosevelt Administration is James MacGregor Burns' The Lion and the Fox.

[536] Machiavelli. 56.

represented at the time the clearest articulation of the approach towards institutional change (filtered through a Machiavellian psychology) that informed the practice, if not the ends, of New Deal theory. The rest of this chapter explores the nature of the New Deal's symbolic approach to politics.[537]

Symbolic Politics

Let me designate the heroes of a nation and I care not who writes its constitution.[538]

Machiavelli is noted for his characterization of humanity as "ungrateful, fickle, liars, and deceivers,"[539] but as Bernard Crick[540] has argued, it is more accurate to see Machiavelli speaking not of human nature, but instead of human tendencies, susceptible to environmental cues. Machiavelli observes that the type of citizens you have will affect (and in turn are affected by) the political regime they find themselves in. The citizens of a republic are required to exhibit more virtue, intelligence, and self-sacrifice than those simply being ruled. As Walter Lippmann argued at length, the republican citizen, the New Deal ideal, is tragically the exception rather than the rule. Most citizens (perhaps subjects is a better word) under most regimes are far less sophisticated, and the successful fox understands that a leader must have a clear understanding of the expectations and limitations of his subjects. For Machiavelli this means acquiring the ability to *appear* with the semblance of a "man of compassion, a man of good faith, a man of integrity, a kind and a religious man,"[541] but the attributes needed vary depending on the people

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[537] Some of the more troubling implications of this approach will be discussed in chapter 5.
[538] Arnold, Folklore. 34.
[539] Machiavelli. 54.
[540] See his introductory essay in the Penguin Classics edition of The Discourses.
[541] Machiavelli. 58. It is also worth noting, that for Machiavelli, the actual presence of these attributes poses a risk to the prince's ability to act (genuine personal moral standards are a form of restraint) but as long as the subjects value these attributes it is important to pay lip service to them. That will be sufficient. The New Dealers profiled, even ones as 'machiavellian' as Arnold, would not agree with Machiavelli on this

being ruled.[542] What matters is not the reality of these qualities, but their appearance. As Machiavelli makes clear, "[M]en in general judge by their eyes rather than by their hands; because everyone is in a position to watch, few are in a position to come in close touch with you. Everyone sees what you appear to be, few experience what you really are."[543] While the term would be anachronistic, politics for Machiavelli is largely a form of salesmanship, and the great leaders have mastered the art of advertisement, selling the people whatever it is they think they want (or what the leader convinces them they want) in exchange for the currency of power.[544]

FDR and his advisors understood this. Arnold gave it a theoretical voice. In both of his major works, Arnold makes the argument (most clearly in Folklore) that politics is about the manipulation of the ideas and symbols that have existential value to their audience. This folklore provides reality with shape and meaning. Democratic and republican political theory is predicated on the belief that people can become educated consumers of political information, inoculated against the fever spread by the demagogue. New Dealers like Franklin and Eleanor Roosevelt were too devoted to republican ideals of citizenship to ever publicly defend the less charitable Machiavellian position. FDR, through his fireside chats, and Eleanor, through her voluminous writing and speaking, saw themselves as political educators as well as actors. They aspired to bring about a nation that could embrace ER's rigorous definition of democracy, where:

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claim. They follow Machiavelli far enough to concede the primacy of power, but as we've discussed, power is a means to an end, not an end in itself.

[542] Americans, for instance, increasingly look for their leaders to have business experience, so they manage the 'business' of government like they would a company, which also goes to show how little Americans understand how the government actually works.

[543] Machiavelli. 58.

[544] President Bush summed this up nicely when he noted, "You can fool some of the people all the time, and those are the ones you want to concentrate on."

> we sacrifice the privilege of thinking and working for ourselves alone…that we know what we believe in, how we intend to live, and what we are doing for our neighbors…all those who live within the range of our knowledge…there is still the rest of the world to study before we know what our course of action should be.[545]

Such is the end, and the public language used reflected the democracy's status as an American creed. However, both Roosevelts were astute enough political actors to intuitively grasp what Machiavelli and Arnold made explicit.

The republican ideal is an aspiration, not a description. The tendency of modern social organizations towards increasing size and complexity shuts the vast majority of people out of not only the decision-making process, but also blinds them from being able to comprehend the process in its entirety. Instead, as Murray Edelman argues, our "ideas about occurrences are shaped by memorable pictures, placed there by journalist accounts, everyday conversations, political oratory, or other sources of alleged information who devise striking images to win and hold audiences."[546] Accurate perception is now the province of the elite. The average citizen's understanding of political, social, or economic life becomes symbolic, filtered through the language, images, and ideas we use as heuristics. In this Arnold, his contemporaries like Walter Lippmann, and more recent theorists like Edelman and George Lakoff, place themselves firmly in this Machiavellian tradition.

Arnold, following Machiavelli's lead, argues that change is not a product of educated choice. Instead it occurs through the subconscious habituation of symbols and myths that alter the character (and with the character the political possibilities open to it) of the receiver—for most people a passive process of absorption rather than an active

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[545] ER. The Moral Basis of Democracy. Leave Behind. 87-88.
[546] Murray Edelman. The Politics of Misinformation. (Cambridge: Cambridge University Press, 2001). 11.

process of education and engagement. As Edelman puts it, "[p]olitical actions chiefly arouse or satisfy people not by granting or withholding their stable substantive demands, but rather by changing the demands and expectations."[547] The only actors with true agency are the ones capable of controlling and manipulating the symbols that create demands. The public spokesmen of the New Deal, figures like the Roosevelts and Wallace, attempted to blur the line between political speech as education and political speech as advertisement: always with an eye to education, but realizing in the end that the consumer has to buy what they're selling. In practice the New Deal looked to craft a synthesis between the positions that Lippmann and Dewey staked out during their debates in the 1920s, embracing both a 'cynical' realism and an 'idealistic' republicanism. We have already discussed the importance of education and citizenship, the Deweyian half of the New Deal. This chapter examines how the republican optimism is tempered by a decidedly less charitable appraisal of human capacity for rational action. Whether or not the synthesis is viable will be discussed in chapter VI.

Arnold's theory of symbolic politics (adopted in practice by the New Deal) argues that political action is dependent on a deep, anthropological understanding of the folklore or mythology (the terms are interchangeable for Arnold) of the relevant subjects.[548] The folklore of an institution represents the creeds, principles, and theories that people use to govern and legitimate their actions (for instance, capitalism), as well as the symbols[549]

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[547] Murray Edelman. Politics As Symbolic Action. (Chicago: Markham Publishing Company, 1971). 7.

[548] As well as ideology or culture. Arnold uses the terms interchangeably, occasionally missing subtle but importance nuances between the terms. Parallels can be drawn between Rousseau's discussion of civil religion, Tocqueville's talk of habits and mores, or Burke's reverence for tradition. However, the concept that it most closely parallels is Marx's notion of the superstructure, especially with its close connection between ideas and institutions.

[549] Edelman offers us a more precise definition of symbol than Arnold. "Symbols become that facet of experiencing the material world that gives it a specific meaning." Murray Edelman. Constructing the Political Spectacle. (Chicago: The University of Chicago Press, 1988). 8.

(such as taxation or the ideal of the businessman) and ceremonies (occasional criminal trials for businessmen caught engaging in particularly egregious abuses) that dramatize those principles and deal with contradictions between the principles and reality.

Arnold rejects, with Lippmann, the ideal of the 'omnicompotent' citizen. His theory revolves around the central importance of understanding and accommodating the ways in which people are at base irrational and passive—ruled by their emotions rather than their intellect, governed by habit rather than agency. In the arena of mass politics, appeals to symbols are always more persuasive than appeals to fact or theory.[550] Theory has power only when people are emotionally invested in its ideals, and we invest ourselves in them due to a natural desire to fit ourselves into a story, to "reduce ambiguity to certainty."[551]

Political action requires understanding how to engage the folklore of the actors involved—to plug them into a compelling story. As Abbot argues, "[i]n a constitutional democratic regime the pursuit of these [political] activities requires at various points some deeper understanding of the nature of the regime in which they operate as well as the ability to convey that understanding to the citizenry."[552] When Abbot speaks of the nature of the regime he is not speaking of its infrastructure or the day-to-day functioning of its institutions. He refers instead to the actors' understanding of themselves and the various social relationships that bind them to their society. In short, what is needed is

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[550] In fact, "the very concept of 'fact' becomes irrelevant because every meaningful political object and person is an interpretation that reflects and perpetuates an ideology." Edelman. Constructing the Political Spectacle. 10.

[551] Edelman. Constructing the Political Spectacle. 3. "Only man among living things reconstructs his past, perceives his present condition, and anticipates his future through symbols that abstract, screen, condense, distort, displace, and even create what the senses bring to his attention…It…facilitates firm attachments to illusions, misperceptions, and myths and consequent misguided or self-defeating action." Edelman. Politics as Symbolic Action. 2.

[552] Abbot. 13.

knowledge of their explanatory mythology—their folklore. We cannot ignore this folklore because it is a fundamental part of the actors' identity. As Robert Eden points out, the more radical members of the Roosevelt regime who failed to appreciate this fact found themselves marginalized. In their zeal to build a new City on the Hill, they looked "on the city that happened to be on that hill—the liberal commercial republic and its representative institutions—as received historical material to be transformed or demolished."[553] Their failure, by the standards of New Deal theory, was not their desire for transformation, but their inability to learn to work with the preexisting foundations of a city desiring neither transformation nor demolition.

We need to acknowledge the reality and the power of these foundations even as we attempt to alter them, Arnold argues. He is not concerned about whether an institution's folklore is true, as the truth of an idea is largely irrelevant from a tactical perspective.[554] Ideas are of political consequence only when they are concretely expressed through institutions. "Philosophies," Arnold asserts, "have no meaning apart from organizations.[555]" What matters is the idea's ability to inspire its adherents—its success "in creating public demands which have to be recognized."[556] It is morale and organization, not truth, which determines the distribution of power. The more persuasive

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[553] Robert Eden. "Introduction: A Legacy of Questions." Eden. 11.

[554] This should not be taken too far. As Mill points out in On Liberty, the advantage that truth has over error is that even when suppressed it is likely to rise again (although there is certainly no guarantee of this happening, and the suppression always comes with costs). Likewise, institutions are bound to necessity, and one built on faulty empirical premises will eventually find itself overwhelmed by that empirical reality. But even then the interpretation of institutional collapse is an open political question. As David Plotke argues, we should not forget that the New Deal was not the only possible response to the Depression.

[555] Quoted in Edward Kearney. Thurman Arnold Social Critic. (Albuquerque: University of New Mexico Press, 1970) 63.

[556] Arnold. "Letter to Oliver Thomason" 19 June, 1936. Voltaire. 231.

folklore wins,[557] and we must not lose sight of the fact that in politics, being right rarely ends a conversation. Or, alternately in the words of De Jouvenel, "[c]onstitutions may contrive admirable organs, but these get life and force only so far as they are filled with a life and force derived from a social power which it is not within the capacity of the constitution-makers to create."[558] The power of a social construction is dependent on the morale it generates.

Arnold is careful to draw a distinction between the empirical world and the mythological constructs that interpret it, and the two enjoy a complicated symbiotic relationship. While our folklore retains a political and interpretive primacy, it is normally reactive. Martial circumstances create institutions to organize life around those circumstances. These institutions (or their partisans) in turn generate the folklore needed to legitimate these institutions. Theory is (for Arnold) a reflection of material events, reacting to, rather than forming, existing social organizations.[559] Socialism is independent of Marx, liberalism independent of Locke, as they were necessary responses to failures of the existing institutional order. If they did not exist it would have been necessary for the institutions to invent them. The political significance of their work is not due to its truth content, but the morale and legitimacy it provided new social organizations, their ability to legitimate new institutional forms.

The first task of any political actor is to learn the folklore of their audience, to discover their symbols and stories. Next, Arnold urges the progressive reformer to realize

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[557] The use of absolutes may be an important part of a folklore's persuasive appeal, but what matters here is the force of the belief, not its accuracy.
[558] Jouvenel. 331.
[559] In a letter to Jerome Frank, 18 June. 1945, Arnold remarked "I had a hard time adjusting myself to your emphasis on how writers, economists, and philosophers as motivating forces in the development of social organization. Personally, I think they had very little to do with it and you would have just as much socialism if Karl Marx had never lived as you have today." Voltaire. 358.

the necessity of manipulating these symbols[560] to advance their 'humanitarian' objectives. Truth is but one weapon, and a secondary one at that, in the battle for political influence. This can be a hard pill to swallow, especially for the committed democrat. The New Deal never embraced power as an end in itself, and its republican ideals meant that it was unwilling to reject the possibility of voter rationality, but it did recognize that reforms are far more likely to be successful when they are dressed up in the accepted symbols of the time. The progressive must remember that theory exists to serve institutions and that the ultimate test of a theory's usefulness is empirical. Echoing Machiavelli's call to "represent things as they are in a real truth, rather than as they are imagined,"[561] Arnold argues,

> If you understand that human behavior is symbolic then you cease to look for the reality behind the symbols. You judge the symbols as good or bad on the basis of whether they lead to the type of society you like. You do not cling to them on general principles when they are leading in the wrong direction.[562]

As always, we must be careful to avoid the superficial accusation that this worldview is devoid of direction and commitment, interested only in power for its own sake. The argument here is not an argument against ends, but against dogmatic methodology that judges a practice by evaluating means without reference to ends—of voting for Norman Thomas and the dream of socialism instead of supporting Roosevelt and building a welfare state.[563]

Arnold is responding to both critics and squeamish supporters of the New Deal who believed (sincerely) that any attempt to alleviate the distress of the Depression and reform the social structure that produced it would undermine both the values and stability

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[560] Arnold envisions a process more akin to advertising than brute propaganda.
[561] Machiavelli. 50.
[562] Thurman Arnold. "Letter to Sam Bass Warner." 26 April. 34. Voltaire. 200.
[563] The communists were much better on this score than the socialists, at least in the United States.

of our democracy.[564] The commitment to the creeds of laissez faire and rugged individualism was always ideological, and that is why it hindered recovery. It condemned policy in the realm of abstraction, and brushed aside immediate concerns in the interest of our future salvation. By promising the best of all possible worlds tomorrow, we abandon the one we inhabit today.[565]

> The quaint moral conceptions of legal and economic learning by which the needs of the moment could be argued out of existence were expressed by 'long run' arguments. Such arguments always appear in religious thinking. From this point of view the future is supposed to be the only reality, just as Heaven in the Middle Ages was the only reality. All else is regarded as temporary, shifting, and ephemeral. This way of thinking allows men to ignore what they see before them in their absorption with the more orderly blueprint of the future.[566]

Therefore during the Depression the anti New Deal reaction could justify their opposition on moral, principled grounds.[567] Relief becomes short sighted, hunger an inconvenience to be borne, all because of the conviction (an article of faith, lacking empirical evidence) that a welfare state today brings tyranny tomorrow.

But this dedication to principled abstraction was not simply a phenomena of the right. Progressives like Senator Borah, at the forefront of reform in a previous

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[564] The attitudes of former Progressives regarding the New Deal is instructive here. Otis Graham studied 105 former progressives who were still alive after the first term of the New Deal. He found that 5 were more radical than the New Deal, 40 generally supportive of it, and over 60 found themselves in opposition. Typically from the Jeffersonian wing of the movement, they found themselves unwilling to adjust Progressive concerns to new institutional realities. "In an era when institutions and social patterns are transformed every generation, it is not just the ordinary, conservative citizen who finds himself and his standards outmoded by the arrival of the next generation with its new problems and its inevitable irreverence. Such is the pace of change that the greatest losses of liberalism are by defection." Graham. Hamby. 200-201.

[565] This is not to say that progressives should abandon principle, or that wholesale compromise with our creeds for any political end is justifiable. Any potential gains always need to be measured against the potential damage that compromise will do to the symbolic value of the principle—its ability to inspire others and keep them politically engaged. New Deal pragmatism does not involve the wholesale abandonment of principle to interest, and seeks instead to balance the two.

[566] Arnold. Folklore. 96.

[567] Of course, there is a certain simplicity found in simply not caring. See, for instance, a 1964 comment by Ronald Reagan. "We were told four years ago that 17 million people went to bed hungry every night. Well, that was probably true. They were all on a diet."

generation, found himself in an increasingly anachronistic position, opposing the size of capital and the state when it was clear that the size of the former was not going to be reduced and that the size of the later was therefore necessary. Further to the left, reform becomes a bar to the possibilities of future revolution, with the New Deal undermining the possibilities (themselves also an article of faith) of more radical change. In both cases the critique is primarily based on abstractions that ignore the needs of the present.[568]

These beliefs about the price of reform were so firmly (and sincerely) held by the opposition because they and their institutions were surrounded by symbols and ceremonies designed to generate emotional attachments that are by their very nature and purpose irrational—inspirational, rather than descriptive. Our need for 'religious' folklore is endemic to the human condition. Neither individual nor institution can function without them.

These mythologies require an extra-human force to legitimate them. In the past that force was God, who in turn was replaced by Nature. Today it is logic, the law, and the market. In practice they all act as a source of divine, transcendent inspiration for an institutional order. Regardless of their source, Arnold argues, founding myths tend to look the same. A long time ago, a group of gifted forebears created (or discovered) principles that contained the secret of social organization—all of the necessary fundamentals. These demigods were people of penetrating insight far beyond what we are capable of producing today (otherwise they would not be special). To question their

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[568] Figures like Zinn, Piven, and Cloward are amongst the more prominent names who argue that the New Deal prevented more radical possibilities, but as Anthony Badger observes, New Deal programs like the WPA, rather than co-opting worker agitation, tended to stimulate it. Beyond that, the protest movements that formed in the thirties did not focus enough on the political education and consciousness raising needed to pursue a more radical politics. Surges in membership tended to be temporary and movements spent their time occupied with more material issues. Anthony Badger. The New Deal: The Depression Years, 1933-1940. New York: Hill and Wang, 1989.

principles is to question the absolute, which always make believers upset and uncomfortable. A troubling byproduct of these religious attachments is that these 'faiths' also create taboos that limit possibilities when contexts change.

Scholars invent theories to justify these taboos (regulation undermines business confidence and delays recovery) in much the same way priests invented dogma to justify the social arrangements of the Middle Ages. Arnold sees little difference between the role of modern scholars and medieval priests. Both work to provide the mystic foundations for practical organizations. As long as these mythological, symbolic constructs exist, change and progress are difficult and painful. Exceptionally large groups (like the business community or the federal government) develop particularly potent forms of mythology, like the ideal of the free market or sanctification of the Constitution. Often times these two intersect to the point that you cannot talk about one without talking about the other. For Arnold, this is the 'Folklore of Capitalism,' and Wallace argues that our trust in laissez faire capitalism is grounded in a faith "which is an unreasonable, dogmatic and theoretical as any long-established theology."[569]

> The faith of business men in rugged individualism, in profits unlimited and in the divine right of big business to call on government for help in case of need, while at the same time government was to stay out of business under all other conditions, represent views so firmly held as to be beyond mere logic and in the realm of the transcendental."[570]

By restricting our ability to respond to necessity, this folklore has outlived its usefulness, but nonetheless it remains a potent political force. Arnold's concern is with the disconnect that exists between the realm of scholarship,[571] which legitimates the creed,

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[569] Wallace. Statesmanship. 83.
[570] Ibid. 83
[571] Which Arnold uses broadly to refer to any formal defense of a particular order, although when he uses it pejoratively he refers in particular to instances where the institution's creeds block practical action.

and the realm of practice, which deals with the actual needs of people in concrete circumstances. The extent that our scholarship takes place in an abstract world removed from practice is the extent to which creeds become a theoretical tool used by priests to punish heretics—those who question the legitimacy of the established order.[572]

The fundamental principles established by the relevant founders determine the limits of acceptable discourse. Arnold argues that other than in times of institutional collapse, there is only agency within these boundaries (no serious political movement can propose doing away with capitalism or ignoring the Constitution). To go outside of those prescribed bounds is heresy, and in most cases means consignment to marginalization at best, outright persecution at worst. So these accepted symbols end up meaning all things to all people, which make them not only logically incoherent but psychically powerful and politically useful. Arnold observes,

> It is considered quite a sophisticated observation in these curious times to say that both political parties are exactly alike. Few, however, understand that the reason for this is that where the center of attention is abstractions rather than practical objectives all parties are bound to be alike. The creed of each must represent all the current conflicting ideals and phobias. Only minority parties which do not expect to get into power can write creed without internal contradictions. Opposing parties which hope to win will necessarily worship the same gods even while they are denouncing each other because they are talking to actual voters and not to some ideal society of the future. This is not something to complain about. It follows from the fact that every governmental creed must represent all the contradictory ideals of people if it is to be accepted by them.[573]

In order for a principle to unify a diverse collectivity that principle must be inconsistent. It has to be able to appeal to multiple cognitive frameworks simultaneously.[574] In order to unify the United States, the Constitution must be able to appeal to both progressives and

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[572] In Arnold's eyes, economists, whose theories are predicated on the idea of an abstract rational man, can normally just moralize and judge.
[573] Arnold. Folklore. 31-32.
[574] Murray Edelman. Political Language: Words that Succeed and Polices that Fail. (New York: Academic Press, 1977). 19.

conservatives, to privilege federal power and states rights, to protect the weak and serve the powerful. This enables one side to accept political defeat without getting alienated from the larger community.

The need to appeal to these contradictory frameworks is a source of New Deal 'inconsistency'. Political commentator Dorothy Thompson cut right to the heart of the problem.

> Two souls dwell in the bosom of this Administration, as indeed, they do in the bosom of the American people. The one loves products of large-scale mass production and distribution…The other soul yearns for former simplicities, for decentralization, of the interests of the little man, revolts against high pressure salesmanship, denounces monopoly and economic empires, and seeks means of breaking them up.[575]

As long as the American people want both, a regime that hopes to bring about mass change in a democratic fashion will be forced to appeal to both interests, even at the expense of theoretical inconsistency.[576] If cognitive dissonance does not bother the voter, the theorist has to make space for it.

This theoretical inconsistency, Arnold argues, is not a problem when social conditions are static. When there is little meaningful challenge to dominant folklore contradictions can be resolved through ceremonial action and sub rosa institutions.[577] But inevitably new institutions are needed to respond to changing conditions, and whenever new organizations are needed, 'respectable and conservative'[578] people, fully raised and schooled in preexisting folklore, will oppose them. We are, for the most part,

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[575] Quoted in Eads. Himmelberg. 70.
[576] One can evaluate whether or not the policy was successful, but this is a question to be resolved in theory.
[577] More on this in the next section.
[578] Arnold uses the word conservative in the sense of having a stake in the established order, not conservative in terms of necessarily leaning towards the Right.

psychologically incapable of making choices and decisions that fall beyond the limits of our folklore.[579] It is why Arnold argues we enjoy social stability and lack agency.

> Their [conservatives] moral and economic prejudices, their desire for the approval of other members of the group, compel them to oppose any form of organization which does not fit into the picture of society as they have known it in the past. The principle is on the one hand the balance wheel of social organization and on the other hand its greatest element of rigidity.[580]

For Arnold, the logic of reaction is always the same, grounded not in economic self-interest,[581] but in a sense of outrage over the existential violation of their worldview by radical new ideas and forms of organization that challenge the roles we've crafted for ourselves in a larger story.[582] This response is only natural, Arnold argues, given our psychic needs to believe in the purity and truth of existing arrangements that provide comfort and meaning. We see the same response to changing institutional contexts during the Reformation and the French Revolution. We see it as well in Herbert Hoover's response to New Deal programs. While "'National Planning' to preserve the initiative of men, etc, would be all right with me," Hoover objects referring to organizations such as "NRA PWA, CWA, TVA as 'national planning' unless, of course, one is planning

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[579] We have seen this in the Middle Ages, Arnold argues, with the need for a banking industry that the current social hierarchy could make no room for—therefore only the Jews, who existed outside (or underneath to use a term Arnold would prefer) this established order could engage in banking. The church was brought in as an authority to justify this prevailing order and to declare that a violation of it was a sin against God. We saw a similar reaction during the depression when FDR attempted to regulate banks. The move was opposed in the same moral language of the Middle Ages, because this new technique again fell outside of accepted channels of action. Folklore. 2-3.

[580] Arnold. Folklore. 3.

[581] Arnold fills his books with examples of people outraged over New Deal policies that are actually in their material interests but because they seem 'socialistic' or 'bureaucratic' they violate their principled commitment to 'limited government' and 'capitalism.' The hostility and loyalty given to these respective terms is one grounded in an emotional commitment, not any objective understanding of what these terms and policies actually mean and do.

[582] See chapter 4 of Edelman. Politics as Symbolic Action. for further discussion.

Fascism or Socialism."[583] The connection Hoover draws between relief and fascism seems overwrought at best, but is natural and inevitable according to Arnold.

Along with the natural human need to believe in the rightness of our institutions, we are naturally inclined to find heresy in our opposition, as the presence of a heretic sharpens our own belief. Heresy provides us with a chance to rejuvenate convictions that have become habituated over time. It is a powerful form of political mobilization. Note that this is not the sharpening of ideas that comes from the give and take of intellectual argument and debate that Mill argues for in On Liberty. Arnold speaks not of the rational act of clarification but the irrational act of building attachments through what is essentially fear. Arnold argues that all movements against heresy consist of the discovery of a devil, not all-powerful (otherwise resistance would be futile), but seductive enough to cause moral panic. Invariably a priestly class arises to legitimate the battle against the heretics. During the Great Depression it was the priests of modernity—the conservative economists, lawyers, and scholars[584]—who fought the devil of state control and the impending loss of freedom and individuality that their folklore assured them the regulatory state would inevitably usher in.[585] In this case, the devil manifested itself in the heart of anyone who suggested that excess profits undermine consumer power, or that the government has a real interest in regulating that excess for the good of the nation. The profit motive is an axiomatic, religious proof—not to be questioned under pain of

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[583] Herbert Hoover. "Letter to Wesley Clair Mitchell." 26 Oct. 1934. in Patrick Reagan. Designing a New America: The Origins of New Deal Planning 1890-1943. (Amherst: University of Massachusetts Press, 1999). 183.

[584] Obviously not all of these groups were hostile to these changes. All times of change require someone to champion new ideas. But usually these groups lie outside the mainstream of their community.

[585] Of course this is not to say that other groups were not opposed to Roosevelt, but Arnold is less interested in the militant opposition of the racist or hopelessly reactionary, but instead the fierce condemnation of Roosevelt by the educated middle and upper classes.

"financial death,…political death and social ostracism."[586] Intolerance of heresy has always obstructed social reform; the 1930s being no different than the 1600s or 2000s. From the standpoint of the believer, change is necessarily immoral[587] because our morals are determined from a time when current needs were not recognized as legitimate. Received wisdom can rarely look to the future, Arnold argues, because it is rooted in the past.

Today we are able to look back at the Middle Ages and recognize the mythology of that age for what it is. Although everyone in that time believed that the portrait of the world painted by the priests was absolutely true, future generations can recognize it as a form of ideology—a way of justifying and preserving existing social arrangements. Every age has its folklore, but no age recognizes it as such. There is little public gain to be found in the critical examination of the myths of a stable order. Once you expose a myth as a myth it loses its force. "Nothing disturbs the attitude of religious worship so much as a few simple observations.[588]" And of course the social structures of any society are organized to protect the myth from challenge. In every age the U.S. has had its own folklore and attendant heresies. In the past, heresy was a lack of faith. For Arnold, 20th century heresy was a lack of acceptance of 'rational' and 'scientific' doctrine and principle, especially the principles of economics and constitutional law. Outside of religious opposition, Arnold argues, cries of heresy are comparatively uncommon in the hard sciences because it faces no crisis of legitimacy. There is no folklore trying to

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[586] Wallace. Statesmanship. 86. Conveniently, this devil, as Wallace reminds us, is easy to spot because of the 'red' company he keeps, and Wallace provides a quick test to tell if someone has been corrupted by its false theology. "Anyone who is further to the Left than you are—and whom you don't like—is a communist." Quoted in Culver. 415.
[587] Which is why the progressive is often embattled even by those who share his ultimate ends.
[588] Arnold. Folklore. 30.

replace it. Instead experts are allowed settle these issues themselves in a calm deliberate fashion, with standards of evidence not linked to emotive stories.[589] Similarly, the folklore of capitalism allows for a business to invest and organize based on empirical expectations of profits, devoid of questions of character and morality—which is why it is worthy of emulation and, prior to the Depression, possessed so much vitality.

In moments of institutional failure and fundamental change (like the Great Depression and New Deal) the adherents of an old folklore are especially vigilant in their defense against heresy. The experience and needs of the 25% of the nation in distress was to be discounted by its opponents because their folklore could not make room for their suffering. Radicals and reformers are dangerous because they refuse to accept the received truth of the market. They look at empirical evidence and refuse to have faith in the natural laws that guarantee prosperity (just around the corner), if only the Federal government would abandon its reckless desire to interfere in the market.

All myths have their central characters, and ours, according to Arnold, is the rational thinking man—capable of looking past his immediate material circumstances to recognize the truth in abstract principles: capitalism, the Constitution, democracy, justice, the family, liberty—ideals we are expected to orient our lives by.[590] Education, a free press, and public discussion enable us to make unbiased and unemotional decisions about

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[589] Although the dependence of research on capital does serve to undermine Arnold's assumption, and many scientists will be quick to point out the hostilities to change existing in their own area of study.

[590] The fact that no two people have the same views on what these words actually mean is not a problem because other than scholars, people take them on faith. The whole reason (in Arnold's eyes) that scholarship is publicly supported is because people assume that somewhere experts are producing literature that settles these questions and justifies our beliefs in these principles. Of course no one will bother to read that literature. They just want to know that it is there. Arnold would certainly point out that the dry style of much academic writing does much to contribute to this state of affairs, but in many ways that is desirable. If people actually read they would learn that these fixed principles we orient our lives around are far from settled, and our role as social priests would be greatly diminished. The Catholic Church knew what it was doing when it refused to translate the Bible out of Latin. In times of crisis, insurgent scholars and priests will challenge received wisdom with their own divine proofs justifying their own institutions.

what is in our interest.[591] If we implement these ideas objectively and rationally, we will have a productive, orderly, society. Despite contrary evidence that people in fact do not interact in the world in this fashion, we clung to our faith in our fundamentally rational nature, with the writings of economists and legal scholars serving to justify that faith. "Today, of course, we consider ourselves too rational to rely too much on the believer. Beliefs and faiths are all right in a democracy only after we have first *thought them out* or hired someone to think them out for us."[592] Likewise, we belief that the rational thinking man possesses political agency, that the policies that govern our dominant economic, political, and social organizations reflect his will and are designed to serve him. The warnings of Lipmann go unheeded, and as Edelman declares, "The faith virtually all Americans profess that they live in a country in which the will of the people prevails is based on socialization, wishful thinking, and psychological need, not on everyday experience."[593] Our eyes may tell us one thing, but we have our heavy textbooks and theorists burdened with their knowledge to tell us otherwise.

The combination of rationality and agency, Arnold argues, leads to a belief in free will, which enables individuals to overcome structural limitations and eliminates our need to confront them. All our actions are a product of choices, and if rational people simply choose to obey our natural laws we will end up with a prosperous and moral society. The same holds true for organizations. Market forces are benevolent and progressive, so

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[591] The problem, of course, is that the free press and education only present ideas accepted by our current mythology, and public discussion usually consists of rallying cries designed to inspire the faithful more than any considered debate. That can only happen in smaller, intimate settings—at least for Arnold. In his eyes public debate consists of demonization and sloganeering. He had as little patience for deliberative democracy as he did for most forms of scholarship. Abstract scholarship is only capable of following, and public deliberation is so riddled with misinformation and political manipulation that it can never live up to its promise. Innovation comes from managers responding to practical needs.
[592] Arnold. Folklore. 8.
[593] Edelman. The Politics of Misinformation. 109.

adherence to them promises long term prosperity and growth. Failures are never the fault of structural deficiencies but the necessary outcome of an individual's inability to follow clear-cut guiding ideals, a moral lapse. People unemployed during the Depression are unemployed due to poor choices or deficient character. Corporate malfeasance is the product of immoral executives who refuse to play by the rules, not structural forces that make certain choices imperative. The process is the same for individuals and organizations.[594] As long as we can blame our social problems on bad men who refuse to follow reason and principle we do not need to question the principles themselves. The problem is the individual sinner, not a failure of the market or our system of distribution. This notion of freedom is inspiring, empowering, and psychically necessary but it is not an effective standpoint from which to solve problems.

> It is essential that the individual feel that he has free will and reason, as separate qualities, in order to conduct his affairs with dignity and force. It is equally necessary that he have the same feeling toward the institutions to which he is loyal. All the ceremonies of daily life are set in the confines of that stage. However for purposes of diagnosis or dissection of social institutions, it is necessary to realize that what we call free will, and sin, and emotion, and reason are attitudes which influence conduct and not separate little universes containing principles which actually control institutions. [595]

Our tendency to dramatize, to look for sin and heresy, to look at problems through a moral lens, means that we are unable to recognize the presence of structural causes, of necessity, and respond to them appropriately. If we cannot diagnose a problem we cannot solve it.[596]

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[594] Recall again that Arnold conflates the two.
[595] Arnold. Folklore. 9.
[596] Edelman is again instructive on this point. "A focus on individuals rather than on social structure as the causes of political developments is a major and chronic reason for distorted analysis because it highlights personality and good or evil intentions rather than the social and economic grounds for conditions that might be changed if they were adequately recognized as influential." The Politics of Misinformation. 109.

Change

Social institutions require faiths and dreams to give them morale. They need to escape from these faiths in dreams in order to progress. The hierarchy of governing institutions must pretend to symmetry, moral beauty, and logic in order to maintain their prestige and power. To actually govern, they must constantly violate those principles in hidden and covert ways.[597]

Arnold's theory is ultimately a theory of political agency, and the New Deal was animated by a belief that social transformation was possible. The question becomes how to achieve it. The deep roots of our folklore means it cannot be categorically abandoned, even when necessity requires new stories for new institutions. The dilemma is that, outside of a revolution, new social arrangements must find ways to connect themselves to the symbols of the past to legitimate them, since the socialization into new folklore takes time. Fortunately, Arnold argues, the elasticity of the human mind and the poorly defined nature of our symbols make this possible. This process slows down the pace of reform, but it is necessary if it is going to be accepted. Roosevelt said as much himself.

> It is this combination of the old and new that marks orderly peaceful progress, not only in building buildings, but in building government itself. Our new structure is part of and a fulfillment of the old…All that we do seeks to fulfill the historic traditions of the American people.[598]

Legitimacy and stability are only conferred when they are grounded in habit and tradition, and reformers must direct their efforts at utilizing preexisting symbols and stories to facilitate this process.

In Arnold's view, changing a nation's psychology is like changing the habits and preferences of an individual. It takes a great deal of time, patience, and sustained commitment. Usually the impetus for change is found in the response to outside

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[597] Arnold. Symbols. 229.
[598] FDR. "Answering the Critics." 28 June. 1934. Chat. 51-52.

pressures, when the individual's previous habits are no longer satisfying and organizations are no longer able (or appear to be able) to fulfill their established roles. This process takes time to play itself out, and happens largely as a result of tension between principle and practice. Creeds exist to provide organizations with morale, and effective principles are the ones that do not interfere with the actual running of the institution. Laissez-faire capitalism was the creed of the business community, and justified that community's privileged position in American folklore. By the time of the Depression, Charles Beard's Economic Interpretation of the Constitution of the United States had clearly demonstrated that creed of capitalism in no way provides an accurate description of actual business practice. Competition hardly governed the behavior of corporate power and the United States has been a corporate welfare state from the moment Alexander Hamilton had the treasury pay off the Revolutionary War debts bought by speculators. But the point of the creed is to provide morale to the institutions it serves, not describe its practice. An actual accounting of the way businesses functioned would undermine its morale by calling its folklore into question.

Accuracy is desirable only when institutions fail and new ones are necessary. Because business managed to perform its function of making and distributing goods reasonably effectively, there was no psychic tension between creed and practice except in times of depression. Then calls for reform were heard and largely dealt with in a ceremonial fashion until business began functioning again. The point of these ceremonies were not to actually address the issue at hand (which would require structural intervention and new institutions), but to reconcile the tension between theory and practice—to demonstrate that failures are a product of immoral, sinful choices born of

free will, rather than a product of systemic failure. They also indicate that the actors responsible for addressing the problem are successfully performing their function, without actually requiring the institutional revision necessary to actually address the issue.

In The Folklore of Capitalism Arnold provides his famous analysis of the Sherman Anti-Trust Act as an example of ceremonial intervention in action (which made for some awkward moments during his confirmation hearings to run the anti-trust division).[599] Arnold was highly critical of the symbolically rich but substantively empty way the act had historically been used. Trust busting paid big political dividends to Teddy Roosevelt, but did not limit the growth of concentrated economic power, because actually stopping their growth was never the goal. There was a practical need to have large-scale organizations if we wished to enjoy the benefits of modernization, but those organizations had no place in the American folklore of the time. The few prosecutions Roosevelt made under the Sherman Act were ceremonial: intended to ease our moral concerns about economic consolidation; draw distinctions between 'good and bad' corporations; to provide cover for the growth of these organizations; and to assuage the Jeffersonian side of the American soul.

It was impossible for Roosevelt to destroy trusts because there were no extant organizations capable of handling large-scale manufacturing and distribution as effectively as these trusts.

> The reason why these attacks always ended with a ceremony of atonement, but few practical results, lay in the fact that there were no new organizations growing

[599] Including critical remarks on the way Senator Borah gained political capital through moralistic enforcement of the act that accomplished nothing in terms of practical policy. Needless to say, when Borah showed up to Arnold's confirmation hearing with a copy of the book tucked under his arm, Arnold was a bit nervous.

> up to take over the functions of those under attack. The opposition was never able to build up its own commissary and its service of supply. It was well supplied with orators and economists but lacked practical organizers. A great cooperative movement in American might have changed the power of the industrial empire. Preaching against it, however simply resulted in counter preaching.[600]

However, the act retained its symbolic value and its moral delegitimation of large corporations made it a potent weapon if the political will was there actually attempt to address the problem of trusts.[601] Certainly Arnold felt that using the Sherman Act (albeit in new ways) would be more immediately effective than the formation of new regulatory institutions[602] that lacked legitimacy and would be subject to public challenge. Arnold argues "if you are going to make that adjustment [to increased regulation] easier and less painful, you must use methods which do not create fear and distrust by attacking revered traditions. And there lies the strength of the Sherman Act. It is a symbol of our traditional ideals."[603]

As we have noted, the functionality of an organization or social structure is threatened when commitment to creedal principles end up preventing an institution from performing its necessary functions. For instance, governments need to take care of the material needs of its people, but prior to the existence of the New Deal our political government largely ignored this responsibility. Our principles told us that the government administering welfare and regulating business would lead to socialism and the end of freedom. So the government had to take a principled stand against these

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[600] Arnold. Folklore. 220.

[601] "For forty years we have haven just about ready to enforce the law. We have written books; we have passed supplemental legislation; we have preached, we have defined, we have built a great system of legal metaphysics; and we have denounced. Indeed, we have done everything except to get an organization together and do an actual job of policing." Arnold. The Bottlenecks of Business. 170.

[602] Arnold faced a great deal of hostility from liberals and other reformers who did not trust the Sherman Act, who were suspicious of the courts, and preferred some form of administrative tribunals. Much of The Bottlenecks of Business is aimed at assuaging their fears, or at least reminding them of the practical restraints that prevented them from putting their theories into practice.

[603] Arnold. The Bottlenecks of Business. 92.

issues. When this happens we see the development of what Arnold calls 'sub rosa institutions,' organizations that enable an institution to fulfill its practical functions in cases where its own principles prevent it from doing so. These institutions, never formally legitimized, do the necessary work that intuitions are required to perform but their folklore will not allow. Arnold often used political machines to illustrate this point.[604] They were far from respectable, and theorists of democracy bemoaned their existence as a blemish on the face of our democratic ideal.[605] Yet they performed a vital role, providing the necessary services that the government was unable to furnish on principle. So time and time again we went through the familiar ceremony of reformers promising to banish machines, passing laws and making speeches to that affect. Of course the machines never went away because they were instrumental for the survival of our governing institutions.[606] However, the act of condemning them was itself a necessary ceremony designed to reaffirm our faith in the principles of good government.

Normally ceremonial intervention and sub rosa institutions are sufficient to maintain the balance between principle and practice. However, in times of crisis these institutions can get overwhelmed, as witnessed during the Depression. Arnold argues that by 1933 our 'industrial feudalism' could no longer take responsibility for the millions of unemployed in America and ceased to act as a governing force. Our networks

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[604] Another example he liked was the existence of bootlegging during the prohibition. Our folklore would not allow us to drink, but of course there was a real material need for alcohol, and bootlegging provided this function without ever being legitimized.

[605] As did FDR in the early stages of his legislative career, until he learned to appreciate their value both as a political tool and a provider of services the state was not set up to handle.

[606] Another example Arnold frequently refers back to is the idea of anti-trust legislation. Our economic folklore, which privileged the idea of the individual economic man in control of his production, at the time could not make room for big corporations. Yet they were essential to progress. So laws were passed that were largely ceremonial condemning trusts. Occasionally there were trials of specific companies, utilizing another form of ceremony. But eventually the contradiction is resolved to the point that the corporations can perform their vital function and the principle can remain pure. Arnold. Folklore. 211..

of private charities and political machines lacked the resources necessary to deal with a sustained crisis of that magnitude. At this point, new institutions (in this instance, the welfare state) begin to form; designed to supplant older ones psychologically unequipped to deal with current problems.[607] At first these new institutions are persecuted by the priests of the old order, their practitioners condemned as heretics in the appropriate language of the period. As Arnold points out in his typically breezy fashion, we saw the Roman Catholic Church attack the reformation, we saw monarchists resist the rise of liberal democracies, and we saw this during the New Deal, where reformers were attacked by the establishment and its media for engaging in practices that violated the sanctity of the Constitution and what Arnold called 'sound economic thinking (whatever abstractions are used to justify the status quo).'[608]

This is inevitable, Arnold argues, because principles linger on long after their usefulness has ended.

> When the institutions themselves disappear, the words still remain and make men think that the institutions are still with them. They talk of the new organizations which have come to take the place of the old in terms of these old words. The old words no longer fit. Direction given in that language no longer have the practical results which are expected. Realists arise to point this out and men who love and reverence these old words (that is, the entire God-fearing, respectable element of the community) are shocked. Since the words are heavily charged with a moral content, those who do not respect them are immoral. The respectable moral element of society will have nothing to do with such immorality. They feel compelled to run the power over to non-respectable people in order to reserve the right to make faces at them.[609]

Many 'well-meaning people,' as Arnold frequently referred to the opposition, found they could not endorse the humanitarian ends of the New Deal because it violated their

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[607] And interestingly enough, as Arnold predicated, it was the welfare state that really destroyed the dominance of the local machine in American politics. There was no longer a vital function for them to perform because new folklore on the role of government had absorbed their roles.
[608] This is laid out wonderfully in The Folklore of Capitalism. See especially 46-83.
[609] Arnold. Folklore. 121.

fundamental beliefs about the nature of the government's role in society.[610] Their commitments to theoretical principles paralyzed their ability to act in a humanitarian fashion. Welfare reform was opposed during the New Deal out of fear for our character. Many were convinced a welfare state would breed a nation of dependents who would prefer the dole to an honest day's work for an honest day's wage. Structural defects in the system were attributed to the personal habits of the poor. Unemployment and poverty were primarily moral issues because we had difficulty conceptualizing them in any other fashion.

Our ideas change slowly and painfully, which is why reform is so slow and painful—an uneasy position for anyone animated by the presence of injustice to accept. New ideas have no myths—they have no creeds and ceremonies that have been accepted by the public. What's more, these new organizations have to overcome all of the philosophy, scholarship, ceremony, and tradition that legitimated previous institutions. As such new forms of organization will always be looked at as illegitimate until they develop a creed of their own that wins widespread acceptance.[611]

> This can be observed in revolutions of all kinds, peaceful as well as violent. A ruling class ceases to perform the functions necessary to distribute goods according to the demands of a people. A new class appears to satisfy those demands. At first it is looked down on. Gradually it accumulates a mythology and a creed. Finally all searchers for universal truth, all scholars, all priests (except, of course, unsound radicals), all education institutions of standing, are

[610] "Respectable people are not as bad as reformers would paint them. They are only caught in ideals which happen to have, at the time, no emotional relevance to the complaining reformer." Arnold. Symbols. 216.

[611] It is the failure to do this that threatens the accomplishments of the New Deal. It is not that the New Deal failed to legitimate itself, but that "the ancient symbols and traditions have never been deserted by even the most radical of those who have exercised power during the depression We have not witnessed a revolt of the down trodden, but a panic on the part of the well to do." Arnold. Symbols. 107.. Because the old symbols were never fully replaced, they remained available as a source of morale and political manipulation for future opponents of the welfare state. We will explore this idea in more detail later.

> found supporting that class and everyone feels that the search for legal and economic truth has reached a successful termination. [612]

Arnold argues that all periods of social change follow this pattern.[613] Gradually results come to speak for themselves, and new folklore is born in the struggle that legitimates new institutions, themselves a response to the failures of the old order. As circumstances change new forms of ceremony rationalize inconsistencies between the creed and function of the institution, new sub rosa institutions develop as necessary and this dialectical process begins anew as reified principle begins to trump practice once again. But this takes time, and while a program is building its own legitimacy it is in danger, which is why the reformer must work, when possible, to link new policies to old ideals.

The more in violation of prevailing folklore a program is, the harder it is to institutionalize. The New Deal learned the lesson with the Arthurdale experiment. Ostensibly a relief program for destitute farmers, the project proposed to create a community based on a hybrid of subsistence farming and light manufacturing. Townspeople would grow their own crops and maintain a cooperative dairy. During off seasons they would operate a small factory to supplement their income. In time they would buy their land and home from the government.

The idea of subsistence farming was never meant to compete with commercial farming. Instead it was designed to offer the rural poor a new opportunity to live simply and healthy. The idea was given a twenty five million dollar budget for study and experimentation, as ER believed that "[i]t is from our rural home dwellers that we must

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[612] Arnold. Folklore. 38. The rise of a commercial class against feudalism is one of Arnold's examples of this phenomena.

[613] Here he misses the great insight of the modern conservative movement—that one can, through sufficiently ruthless manipulation of folklore, create the appearance of collapse and the demand for change irrespective of actual material conditions.

hope for vision and determination to bring again contentment and well being into the homes of our nations."[614] It was a grand experiment in community building and a way to permanently deal with the problem of poverty in modernity, to help those whom the market had forgotten.

Resettlement has a rich history in this country, with roots in the agrarian nostalgia created by industrialization, our communitarian heritage, and the safety valve theory of the frontier made popular by Frederick Jackson Turner. The New Deal saw Arthurdale as an experiment not only in alternative solutions to poverty, but as an exercise in establishing the standards by which all Americans were entitled to live. Basic human dignity and happiness does not have a price tag—or rather, it has a price tag four times its budget.[615] There was a fundamental disconnect between whether or not the project was intended as relief or an exercise in alternative ways of living, community building, and democracy.[616] For Arthurdale to achieve the goals set for it, the community would need to be seen as an investment, and as Arnold argues, we have a difficult time conceptualizing how to publicly budget human investment.[617] For the New Deal, the cost was defensible because it was an educational/experimental experience that would pay off huge dividends in the future. "This is pioneering. The first automobile and the first airplane cost a lot of money to make,"[618] ER argued. "The lesson learned as to character and cost and ability to obtain work and subsistence will be very cheap, because it will

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[614] ER quoted in Kearney. 156.
[615] The homes were budgeted at 2000 dollars but due to a number of administrative errors (such as ordering houses designed for Massachusetts summers instead of West Virginian winters, as well as what some saw as too many luxuries for people on relief, the total cost per home ballooned to 8000 dollars and contained conveniences the middle class might envy.
[616] Some of which can be attributed to a failure by FDR to clarify the real nature of the project.
[617] Arnold. Folklore. 311-332. Ruby Black. 254-255.
[618] Ruby Black. 254-255.

enable others to profit by this experience."[619] But for Congress, Arthurdale was overpriced relief. For the project to be successful there would need to be a cooperative factory, and private industry (and parts of Congress) revolted. This was seen as tantamount to communism, although, as ER pointed out, it was difficult to see how giving people a chance to buy and own their own houses was communistic.[620] Nevertheless, the ideological objection held, as ER and other New Deal partisans were never able to fully erase the stigma attached to relief, nor create widespread empathy for the dispossessed as a group.[621]

The Role of the Theorist

What is needed today is the kind of theory which will be effective both as a moral force and as an intellectual playground, yet which will permit politicians to come out of the disreputable cellars in which they have been forced to work. This kind of theory might make it possible for men with social values to cooperate with political organizations without the present disillusioning conflict between their ideals and necessary political practices. The reason that such a theory is needed is that political organization is the only tool which a government faced with practical problems can use. It therefore needs a respectable set of symbols.[622]

The failure of Arthurdale was due to what we would today call poor framing. The New Deal was unable to control the symbolic language used for considering the project. It was radical and dangerous, when new social organizations are safest justifying themselves through language and ideas that are comfortable and familiar, drawing upon

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[619] Hareven. 105.
[620] Lash. Eleanor and Franklin. 400.
[621] And, it should be noted, that the dispossessed themselves had no desire to participate in a grand experiment in new ways of living. Their primary concern was to earn enough money to purchase enough land to return to for-profit farming.
[622] Arnold. Symbols. 237.

the past and interpreting it in new ways.[623] This means, as Abbot argues in The Exemplary Presidency, that

> American political culture does indeed place severe restrictions on a president's speech. Not only are there entire vocabularies of politics unavailable to a president, but there are cultural beliefs, deeply held, that are radically inconsistent. Moreover, suspicion of elites and political authority in general as well as the creedal acceptance of individualism often requires a president to justify not only his administration but government itself.[624]

Elected officials in a democratic regime are need to both demonstrate a sophisticated understanding of their society's folklore, and learn how to frame any and all policy innovations in terms of that folklore. This is further complicated with the American case, especially during the time of the New Deal, since we are a people normally hostile to the idea of government itself. Perhaps most controversially, this requires political theorists addressing an American audience to rethink the utility of Marxist categories from a political standpoint. If, as Lipset and Marks argue,[625] there is neither institutional nor symbolic space for socialism in the United States, it becomes necessary to look to other, more authentically 'American' traditions like the social gospel,[626] economic populism, and (today) the New Deal and use their categories for selling (if not theorizing) the welfare state to the American people.

The progressive reformer is put in a tricky position. As Machiavelli notes in The Prince, "the gulf between how one should live and how one does live is so wide that a man who neglects what is actually done for what should be done moves towards self-

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[623] For instance, FDR appropriated the term liberal, which enjoyed great legitimacy, for welfare state progressivism, saddling lassiez faire liberalism with the term conservatism. Even programs like Social Security were dressed up in the symbols of the corporation.
[624] Abbot. 9
[625] See Lipset and Marks, It Didn't Happen Here for a cultural, institutional, and historical look at why socialism has failed to gain political traction in the United States.
[626] See Morone. Hellfire Nation.

destruction rather than self-preservation."[627] The unromantic nature of both Machiavelli and Arnold's worldviews make it easy to default to a position of cynicism.[628] Arnold, perhaps not quite fully understanding Machiavelli, addresses this.

> Machiavelli insisted that the world was run by knaves and therefore to be a good governor one must act like a knave. In this is a moral judgment which destroys the accessibility of his teaching. I would prefer to say that the world is run by very nice people of ordinary intelligence and therefore the governor must understand the limitations of nice people of ordinary intelligence and act accordingly.[629]

The limitations imposed by our existential need to be plugged into a story means that there is limited utility in the simple exposure of hypocrisy and false consciousness. "Man was born to be harnessed by priests," Arnold claims, and that is not a condition we are easily emancipated from. As a result;

> 'Realism,' effective as it is as a method of political attack, or as a way of making people question ideas which they had formerly considered as established truths, ordinarily winds up by merely making the world look unpleasant. Since, for most people at least, the world is actually not an unpleasant place, the realist remains in the sun only a short time[630]…Man can never escape from his moral self, and a cynical position brings the futility of disillusionment.[631]

Disillusioned men do not make effective leaders, Arnold argues. If you cannot look at the Statue of Liberty, salute a flag, or sing the national anthem without irony or disgust you will not move masses. This, then, is the role of theory in political life. We require illusions, and prefer ones so familiar that we cannot identify them as illusions. Someone needs to be able to justify the symbols that the reformer wants to use, to write poetry for institutions.

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[627] Machiavelli. 50.
[628] Which was the experience of progressives like Walter Lippmann after the catastrophe of WWI.
[629] Arnold. "Letter to Felix Frankfurter." 11 June. 1934. Voltaire. 203. He goes on, to formulate a name for this position, coming up with 'neo-positivistic-semi realistic-post-Machiavellistic.'
[630] Arnold. Symbols. 6.
[631] Arnold. Symbols. 125.

Arnold draws a useful distinction between the anthropologist, diagnostician, and the advocate. The successful political actor must play all three roles. The anthropologist learns to recognize creeds as creeds—sources of morale, not truth. He catalogues the ceremonies, symbols, and creeds that make up the folklore of an institution. The diagnostician learns to see past them to view the world of necessity, and react to it empirically. The diagnostician crafts policy. But this is not sufficient. An advocate is needed to justify the proposals of the diagnostician. To be successful, the advocate needs to learn to utilize the cultural tools of the anthropologist to make the new seem old, the unpalatable palatable.

The move required is trickier than it seems. In order to do more than simply pander, the advocate must simultaneously believe the folklore of the institution, without being trapped by it. The flag cannot embarrass him, nor can he blindly salute it. The anthropologist must provide the advocate with his script, and effective advocacy requires commitment, a rejection of the detached anthropological standpoint of the observer, while still making use of his insights. New Dealers were effective advocates because they spoke about American symbols with passion and conviction while still managing to keep the recommendations of the diagnostician firmly in hand.

David Plotke seems to recognize the implications of this when evaluating the New Deal as a body of theory. He argues, in regards to FDR, that while "his public discourse was often superficial as political philosophy, it was deep in its resonance, in its evocations of Christian and democratic themes from the American tradition…Roosevelt tapped the power of vocabularies that had been largely case aside in the march of

American individualism, materialism, and capitalism."[632] New Deal advocates had to take two steps to grant it legitimacy. They had to weaken our attachment to the principles and folklore that sought to replace, and find a way to make the new order appear familiar. As FDR argued, "Our task of reconstruction does not require the creation of new and strange values. It is rather the finding of the way once more to known, but to some degree forgotten, ideals and values."[633] We can rebuild only when we find our way back.

Folklore Old and New

We are now struggling to formulate a philosophy which will give a more centralized power the freedom to learn from experience. This philosophy must be woven out of the terminology of the older way of thinking.[634]

As Arnold argued, outside of revolutionary circumstances, folklore comes into existence over time and after the fact. During the early stages of the welfare state's institutionalization the defenders of the New Deal to mined America's cultural history, reinterpreting and reinvigorating old symbols in the fight for legitimacy. The public writing of figures like FDR, Wallace, and ER were all in service of this goal, convincing Americans that radical changes were not so radical after all. And in large measure this is the goal of *political* theory—creating the poetry needed to justify a response to necessity for a people otherwise unable and unwilling to accept it, and link this response to their deeper aspirations. On this score the New Deal's success was ultimately mixed. It failed to destroy the folklore of capitalism, but it did manage to legitimate what, for the purposes of this study, we can refer to as the folklore of the New Deal, creating a set of counter symbols and creeds for future American reformers.

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[632] Plotke. 244.
[633] Quoted in Plotke, 245.
[634] Arnold. Symbols. 100.

The central tenet of American folklore is the belief that the United States is a land of limitless, boundless opportunity. The New Deal, which assumed abundance even in a time of apparent scarcity, certainly accepted this basic tenet, and probably would not have garnered much traction as a political movement if it had not. It differs from the folklore it sought to supplant in secondary myths drawn from this basic assumption, which Arnold lays out in The Folklore of Capitalism. We have already explored some of the basic creeds and symbols of the folklore of capitalism: the private, rather than public, nature of economic power, the rational thinking man, and the myths of private property and free will. Here we will examine the New Deal's critique of three more symbols of the folklore of capitalism: the positive symbol of the businessman, and the negative symbols of government and welfare.

However, as Arnold argued, it is never sufficient to just tear down. Something must be standing by to replace what was lost, and the New Deal had its own popular symbols they hoped to use to transition into 'the social philosophy of tomorrow' and the folklore of the New Deal. The symbols were familiar, but given a new twist that made them acceptable metaphors in the New Deal's institutional poetry. This chapter will conclude by exploring the New Deal's appropriation of the symbols of religion, the frontier, and the Constitution.

The Businessman

Entrepreneurs and their small enterprises are responsible for almost all the economic growth in the United States.[635]

As Arnold argues, all nations (in fact all organizations of any kind) generate heroes appropriate for their folklore. Sometimes these are actual historical figures, but an abstract ideal works just as well (and seems more appropriate for a liberal society whose principles derive from a universal subject). Although we honor and build monuments to our greatest statesmen, Arnold claims that in the end they are minor characters in our pantheon of heroes. For generations, Americans had found politics to be a sordid, unwholesome enterprise, and while a few great men might inspire us, they are the exceptions that prove the rule. [636] And as Tocqueville made clear, a socially egalitarian democracy, hostile to excellence, will require unexceptional heroes. In Arnold's view, therefore, the American hero is not the political operative but the industrial organization,[637] formally the businessman, which embodies all our consequential values, regardless of their contradictory nature. "The American industrial organization is a hard boiled trader, a scholar, a patron of modern architecture, a thrifty housewife, a philanthropist, a statesmen preaching sound principles of government, a patriot, and a sentimental protector of widows and orphans at the same time."[638] Business thought of itself in this same lofty fashion. In the aftermath of Roosevelt's Four Freedoms address Armour and Company launched a series of ads establishing free enterprise as the fifth

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[635] Ronald Reagan. "Moscow's Spring." 31 May. 1988.
< http://www.nationalreview.com/document/reagan_moscow200406070914.asp>

[636] And what is often forgotten and ignored by our history books, at least at the formative levels where everyone is required to learn history, is that these leaders were great precisely because they were masters of the political game.

[637] Minor divinities for Arnold include the warrior and the scholar, but these are adjuncts to the industrial organization.

[638] Folklore. 34.

freedom, and reminded Americans that the corporate system "exalts the individual, recognizes that he created in the image of God, and gives spiritual tone to the American system."[639]

The claim to exalt the individual may seem surprising coming from an organization that obliterates it, but it is necessary given the symbolic importance of the individual in American folklore. Long after the corporation became our dominant social actor our language continued to exalt the entrepreneur and the small business. As Jim Heath argues, "Society generally continued to accept the symbolic values of small business by believing that numerous independent economic units and numerous economically independent people were vital for political democracy and social stability." Heath goes on to note that "Big business appreciates the small operator as a valuable ally in preserving private ownership" Rhetorical support for the small businessman was a useful ceremony and reliable source of political capital.[640] The fact that these actors were increasingly marginal does not negate their existential importance in American folklore, so symbolic homage must be paid. Like any piece of folklore, incompatible positions had to be resolved through ceremony. Capitalism as a creed was developed in Protestant nations that valued selflessness; so despite all evidence to the contrary, the businessman, while acting selfishly, had to benefit the collectivity in the long run by the productive wealth his selfishness would generate. As long as this is believed, interference by the government in economic matters damaged the long-term welfare of the nation.

The businessman embodies freedom. Therefore any attempt to govern is by definition tyrannical. He only owes allegiance to the Constitution, which rewards him by

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[639] Cited in Nace. 39.
[640] Jim Heath, "American War Mobilization and the Use of Small Manufactures, 1939-1943." Himmelberg. 94.

protecting his right to do whatever it is he wants to do, unfettered by regulation or accountability.

> As regulatory bodies expanded in power and influence, the weight of all our philosophy and our judicial drama[641] was aimed at keeping them on a lower plane. Principles of freedom did not find their habitation in surroundings where man is being directed for his own good. The Lord in Milton's *Paradise Lost*, confronted by the same problem, decides it is better to allow man to fall than to take any active steps to help him out. He conceives his function to preserve man's free will by judging him only after he has sinned. To prevent sin by divine regulation would be to create a heavenly bureaucracy. Here we have poetically expressed the ideal of the common law.[642]

Only the employer was granted this freedom, however. Employees remained subjected to his arbitrary control, and "[t]heir only freedom consisted in the supposed opportunity of laborers to become American businessmen themselves."[643] The businessman's privileged position as the incarnation of freedom meant that a free government necessarily served the interests of the business community and, as Hiram Canton observes, any political pursuit of social equality becomes fundamentally despotic.[644] There is something medieval about this arrangement (and Arnold's characterization of it as industrial feudalism is apt), and it is telling that some of the earliest critics of this system came from Southern slaveholders who knew a feudal social arrangement when they saw one. It cannot be stressed enough, however, that unlike the slave system, the power of our folklore meant the majority of Americans, outside of periodic moments of crisis, accepted the legitimacy of their industrial feudalism and were complicit in its perpetuation.

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[641] Laid out principally in Symbols of Government, Arnold makes a fascinating argument that the legal system is constructed to be a rational morality play, a form of ceremony designed to resolve contradictions via the idea of combative jury trials—which in fact is a terrible way to discover the truth.
[642] Arnold. Symbols. 188-189.
[643] Arnold. Folklore. 35.
[644] Canton. 180.

At one point this mythological hero existed in some capacity. Otherwise the myth would have no resonance. The poetry of John Locke and Adam Smith would not have been adopted if it did not speak to people's experiences.[645] But the independent American businessman died with the advent of industrialization and the closing of the frontier. We still mourn when a big box chain destroys a mom and pop store,[646] but these are nostalgic tears, reminders of a battle lost long ago. The middle class entrepreneur has been replaced by the corporation, the legal status of corporate personhood aiding in the transition. American mythology is predicated on freedom and individuality, and so the personification of corporations became inevitable once the industrial corporation became a permanent fixture in our landscape.

Modernity defined itself in part by the dignity it attached to the idea of a free man pursuing wealth, Arnold argues.[647] In fact, it was this idea that helped bring down the medieval social order by providing morale and legitimacy to the rising middle class. While the idea remained, our industrial feudalism had long since extinguished its reality. Under this system, a few men were dictators and the rest were functionally slaves. A powerful ceremony was needed to square this circle. Not surprisingly then, the courts, one of our most exalted symbols, played a crucial role in legitimating this new order by turning corporations into pioneer farmers freely trading with one another.[648] It is true, Ann Norton reminds us, that we have "forgotten not only that the founders of the regime once protested vociferously against [the corporation's] institutional establishment but

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[645] Once picked up, their writings were selectively mined to support the material interests of the classes who appropriated them, but Arnold would argue that this is only natural.
[646] And Wal-Mart itself is a powerful symbol of the anti-corporate movement.
[647] An idea that the New Deal always embraced, as the New Deal remained a product of the folklore it was trying to overcome.
[648] See Nace, for an overview of the surprisingly contingent nature of this process. For Arnold the move was inevitable, but Nace's telling is pregnant with moments where it was the actions of individual actors who were truly instrumental in the creation of corporate personhood.

also that people once found the possibility of the creation of fictive bodies, invested by the regime with rights, to be an effete fiction, an absurdity, or a fraud."[649] But as Arnold argues, the legal concept of corporate personhood was not only necessary; it was inevitable as we became dependent on these organizations with no viable institutional structures available to replace them. Once we saw industrial organizations as businessmen, it did not take much rhetorical sleight of hand to make an assault on a corporation an assault on our freedom. "So long as men instinctively thought of these great organizations as individuals," Arnold observes, "the emotional analogies of home and freedom and all the other trappings of 'rugged individualism' became their most potent protection."[650]

A central American creed has always been suspicion of power and privilege, but as we have seen, the folklore of capitalism tells us that the corporation is an individual acting in a marketplace, not an organization governing the lives of citizens. There are innumerable benefits that corporations derive from their classification as people (including the enjoyment of more rights than their more organic counterparts), instead of organizations,[651] but for Arnold the greatest advantage was their freedom to experiment.

> It was this identification of great organizations with the dignities, freedom, and general ethics of the individual trader which relieved our federation of industrial empires from the hampering restrictions of theology which always prevent experiment. Men cheerfully accept the fact that some individuals are good and others bad. Therefore, since great industrial organizations were regarded as individuals, it was not expected that all of them would be good. Corporations could therefore violate any of the established taboos without creating any alarm about the "system" itself. Since individuals are supposed to do better if let alone, this symbolism freed industrial enterprise from regulation in the interest of furthering any current morality. The laissez faire religion, based on a conception of society composed of competing individuals, was transferred automatically to

[649] Norton. 25.
[650] Arnold. Folklore. 190.
[651] Nace. 70-86.

> industrial organizations with nation-wide power and dictatorial forms of government.[652]

American industry was so fantastically successful because we made an ethic of pragmatic mastery part of its creed, without incorporating concerns about morals and character. Only 'private money' was lost in the event of failure,[653] and in the long term (the preferred orientation of the folklore of capitalism) any inconvenience or hardship caused by experimentation would benefit everyone through the generation of new wealth[654] (a position that the New Deal accepts as valid for much of U.S. history).

The Folklore of capitalism insists that we draw distinctions between what the New Deal identified as economic and political government[655]— with the former much more powerful than the later.

> As business organizations grew after the Civil War, they gradually began to use for their support the ancient symbolism of freedom and liberty, until, in the quaint poetic fancy of our day, The United States Steel Company has become an individual whose powerful organization must be protected at all hazards from tyranny. The freedom of the press has come to mean the noninterference with great chains of newspapers, pouring out propaganda, even though under no stretch of the imagination can it be said to be the free opinion of those who actually write it. Liberty of individuals to live unmolested by the power of overlords has become confused with the liberty of great industrial overlords to hold in their uncontrolled discretion the livelihood of individuals. The very Declaration of Independence is now the symbol of great business organizations, who insist that every corporation is born free and equal, and that holding companies are entitled to life liberty, and the purist of power. The ideal of free competition is used to stamp out

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[652] Arnold. Folklore. 188-189

[653] A sentiment the people who owned stock in Enron have undoubtedly begun to question. But we think of stock as private property and as such there is no real sense of public responsibly or obligation. Enron consisted of a collection of shares, not a mass of workers, families, and shareholders whose livelihood depended on the success of the company. Likewise, since corporations are individuals, our first instinct when scandals (a word choice that implies individual misbehavior instead of systemic faults) break is to seek criminal penalties instead of government control. "Since the organizations were persons, they should be treated as if they had free will and moral responsibility. Regulation was bureaucracy and tyranny over individuals." Arnold. Folklore. 215.

[654] Locke's caveat is that this new wealth finds a way to benefit everyone, a fact that has been lost over time. But, as Arnold points out, what matters in practice is not the truth of the doctrine, but the emotional attachment people have to a particular interpretation of it.

[655] Somewhat surprisingly, Arnold does not allow for independent spiritual forms of government. The spiritual aspect is always attached to an organization with material commitments.

> competition. Thus great organizations became the actual government of the people in their practical affairs.[656]

Because the profit motive insures the *long-term* (which is to say, its current lack is not an indictment of the system as a whole) welfare for the people as a whole,[657] it had no particular obligations to workers, consumers, or society. Since these responsibilities would only interfere with the laws guaranteeing our prosperity in the long run, this is really for everyone's benefit.

Meanwhile, Arnold continues, political governance is left to care for the souls of its citizens, leaving their bodies in the hands of corporate government. The state is to concern itself with questions of character, to protect us from our own sinful and shiftless tendencies, while preserving the purity of the law that sanctified private property. The state cannot address material issues because its folklore consists of creeds that constrain experimentation and distribution: symbols of taxation, incompetent bureaucrats, and locating poverty and inequality in defects of character. Desirable programs would be generated by the market, which would manage them more efficiently. Any action it took was fundamentally wasteful, and always at the expense of the public. Governments consume, not create wealth. This fear of public spending could manifest itself in humorous ways. One young reporter recalled sharing a dining car with a businessman while Congress debated FDR's court reorganization plan.

> After two or three minutes paced only by the click of the car wheels, he banged down his paper angrily on the window ledge. He took out his pencil and figured lightly on the tablecloth for another minute or so. "Good Lord!" he volunteered in a loud voice. "Our taxes are going up still more. This Supreme Court plan of Roosevelt's will cost a barrel of money. Six new Justices at $20,000 a year each—that's $120,000 right there. Then they're going to let them retire at full

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[656] Arnold. Symbols. 238-239.

[657] This argument was first made by Mandeville in The Fable of the Bees. Adam Smith, to whom this logic is also credited, argued that programs would be necessary to prevent radical inequality.

> pay. And the same thing with all the other federal courts. It's just another scheme to spend more money."[658]

The man's outrage is amusing, but it is indicative of a larger, overriding suspicion of government that enervates public possibilities.

There is an oligarchic cast to the folklore of capitalism, its aristocratic implications softened by the creed of unlimited opportunity. Although the United States was ostensibly an egalitarian and middle-class society, in practice the wealthy enjoyed an honored place at the top of our social pyramid, not because of their money per se, but because wealth had long been equated with personal virtue. The presence of money did not make you better, but the ability to acquire it testified to the quality of your character. The New Deal challenged this, and as such elite hostility was a response to the existential threat the New Deal liberalism represented to the connection between wealth and worth. As Burns argues,

> The vehemence of the rightist revolt against Roosevelt can be explained only in terms of feelings of deprivation and insecurity on the part of the business community. Roosevelt had robbed them of something far more important than their clichés and their money—he had sapped their self-esteem. The men who had been economic lords of creation found themselves in a world where political leaders were masters of headlines, of applause, and of difference. Men who felt that they had shouldered the great tasks of building the economy of the whole nation found themselves saddled with the responsibly for the Depression.[659]

Once celebrated as the cornerstone of American prosperity, the businessman was now the cause of its greatest economic disaster. Our national heroes had become our great villains. A nameless mill worker knew exactly what was at stake when he said "Mr. Roosevelt is the only man we ever had in the White House who would understand that

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[658] Richard Neuberger. "America talks Court." *Current History* (June 1937). Freidel. 106.
[659] Burns. 240.

my boss is a sonofabitch."[660] From the standpoint of Roosevelt's business opposition this attitude, apparently shared by the president, threatened to undermine the fabric of our social tapestry.

Welfare Is Never Justified

Unemployment insurance is a pre-paid vacation for freeloaders.[661]

American mythology had long taught that success in the United States was almost entirely a function of hard work, determination, and ingenuity. The Horatio Alger myth, the legend of the self-made, 'rags-to-riches,' millionaire, while greatly exaggerated (the vast majority of millionaires came from privileged or upper-middle-class backgrounds),[662] contained enough truth to legitimize the social standing of the powerful. This was not merely a form of social control. It was something felt in an intensely personal, meaningful way.

The flip side of the myth was that the unsuccessful could only blame themselves. In a land of unlimited opportunity, failure was a consequence of character[663] rather than structure. Equality before the law and democratic institutions ensured that opportunity was fairly allotted. This is why the pursuit of happiness was defined so thinly for so much of American history. The people at the bottom authored their condition, and had no recourse to ask anyone, especially the government, for help. To do so was both economically irresponsible[664] and morally illegitimate. The poor earned their lot as

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[660] Goldman. 345.
[661] Ronald Reagan. *Sacramento Bee*. Apr. 28, 1966.
[662] Zinn. A People's History of the United States. (New York: The New Press, 1997). 188.
[663] Or possibly bad luck, but if it was just a question of luck you could always start over.
[664] It cannot be overstated how prevalent this belief was in the United States when Roosevelt took over, especially amongst elite opinion makers. That the government could not hope but fail if it engaged in economic functions that private industry could provide was an article of faith believed with the same sincerity with which Christians believed Jesus was the son of God. And, like all forms of faith,

assuredly as the rich earned theirs. The proper response to poverty is shame and guilt, not anger,[665] and with the occasional exception the poor accept this as the folklore of capitalism has socialized us into being and passive and submissive in the face of poverty.[666]

In this folklore class is a moral, not an economic category. Even the New Deal (and Roosevelt especially) could not fully embrace structural economic theories without introducing a moral component. Market forces might pressure a business to act counter to the public interest, but its owners could take an ethical stand against those pressures, and were worthy of praise or condemnation based on the choice they made. Nor was welfare a moral necessity. Undeserved poverty was temporary, permanent poverty deserved, and therefore no cause for public concern. Deprivation is itself a sign of self-reliance and rugged individualism; too much aid makes people dependent and indolent. The president of GM prophesized that, "[w]ith unemployment insurance no one will work; with old age and survivor benefits no one will save; the result will be moral decay and financial bankruptcy." New Jersey Senator Harry Moore railed that social insurance, "would take all the romance out of life…we might as well take a child from the nursery, give him a nurse, and protect him from every experience life affords."[667]

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contradictory evidence (such as the impressive performance of the War Industries Board in World War I that inspired so many New Dealers) was ignored or dismissed, the exception rather than the rule.

[665] This is reinforced by the public stigmatization of relief, guaranteeing that, as Edelman puts it, the "poor are therefore inundated with cues from reference groups and from government defining them as personally inadequate, guilty, dependent, and deserving of their deprivations." Edelman. Politics as Symbolic Action. 55.

[666] "The American poor have required less coercion and less in social security guarantees to maintain their quiescence than has been true in other developed countries, even authoritarian ones like Germany and notably poor ones like Italy; for the guilt and self-concepts of the poor have kept them docile. That such violence as has occurred has been localized, sporadic, limited to small groups in special circumstances, and rarely perceived by participants as am movement for purposeful institutional change but rather as despairing protest, is further evidence for this conclusion." Ibid. 55.

[667] Smith. 352.

Of course, what constitutes paternalistic handouts and what counts as legitimate aid is, as always, a question of symbolic construction and interpretation. The poor get welfare, but business gets subsidies.[668] As Edelman observes,

> Subsides from the public treasury to help businessmen are justified not as help to individuals but as promotion of a popularly supported goal…The abstractions are not personified it eh people who get generous depletion allowances, cost-plus contracts, tax write offs or free governmental services. To perceive the expenditure as a subsidy to real people would portray it as an iniquity in public policy. The word 'help' is not used in this context, though these policies make people rich and substantially augment the wealth of the already rich.[669]

The help given to the poor is framed as an act of charity, its beneficiaries weak, and frequently undeserving and deviant. But public funds transferred to business are investments, a word with only positive implications. As Albert Romasco points out, it is Jesse Jones, head of the Reconstruction Finance Corporation (whose $10.5 billion dollar budget equaled what was spent on all other relief programs combined),[670] not Harry Hopkins, who was the nation's premier relief official—as RFC relief "effectively sustained the nation's property owners and its owners of capital. The only ones excluded from these benefits were those who held no equity in anything, not even a job. These were the folks who were ministered to by Harry Hopkins."[671] The great irony here, of course, is that the people most against the dole were simultaneously on it, their opposition to welfare a ceremony to address the tension between their own creeds and practice.[672]

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[668] In 1887, for example, President Cleveland vetoed a bill to give $100,000 in aid to drought stricken Texas farmers. Cleveland argued that " "Federal aid in such cases encourages the expectation of paternal care on the part of the government and weakens the sturdiness of our national character." Instead, the national treasury, flush with cash, was used to give bond holders a twenty eight dollar bonus on hundred dollar bonds. Cited in Zinn. A People's History of the United States. 191-192.
[669] Edelman. Political Language: Words that Succeed and Polices that Fail. 73.
[670] Miroff. 258.
[671] Romanasco. 64.
[672] This aspect of our folklore is alive and well today. Just one day before the government fronted the money to bail out Bear Stearns Bush argued that ""If we were to pursue some of the sweeping government

This careful construction of welfare is further supplemented by several strands of political theory that further legitimated not only the moral failings of welfare, but also the inevitability, and even desirability, of poverty. Alexander Hamilton argued that inequality was an irremovable feature of commercial society, and that tax burdens belong on the poor (especially the agrarian poor) since taxing capital and wealth hinders investment and incentives.[673] There is something troubling about this acceptance of inequality, but as Michael Thompson argues, it did not require much rhetorical sleight of hand to make inequality natural in a nation that had to make its peace with slavery.

Social Darwinism helped take the moral sting out of this theory by teaching us that inequality and poverty, suffering and despair, were evolutionary growing pains, signs that society was shedding its unfit. Moral outrage was anachronistic—reflecting ignorance about social biology. The whole process was profoundly individualistic, with little room to conceptualize either community or solidarity. Forms of collective action were almost always seen as coercive, "A+B telling C what to do for D," in William Graham Sumner's famous formulation. The work of Sumner and others succeeded in purging "ethical and moral categories from social theory and analysis. They were able to reinterpret liberty and the entire American brand of liberalism itself as a radical individualism that was—when framed in the context of a capitalist economic framework—conducive to progress."[674] Therefore George Cutten, President of Colgate College, could argue, "Nothing could threaten the race as seriously as this [the New

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solutions that we hear about in Washington, we would make a complicated problem even worse –and end up hurting far more homeowners than we help."
Hunt, Terrance. Hunt, Terrence. "Avoid Overcorrecting Economy Bush Warns." Associated Press. 15. March. 2008. <http://ap.google.com/article/ALeqM5j057jBReERcsFFcZRSWe0hlgaXQ D8VDU1A80?>

[673] Michael Thompson. Politics of Inequality: A Political History of the Idea of Economic Inequality in America. (New York: Columbia University Press, 2007) 78.
[674] Thompson. 124-125.

Deal]. It is begging the fit to be more unfit."[675] This understanding of Darwin jelled nicely with the claims of economists who argued that under capitalism short-term selfishness produces long-term prosperity. Americans believed this with a sincerity and fervor and sincerity normally reserved for religion. In significant ways, as Arnold argues, it was their religion.

There were, of course, other traditions and creeds that interfered with the establishment of a welfare state. Convention insisted that local charities address social problems, and that family should look after its own. Certain figures in the union movement (Gompers, for instance) had long been insistent that workers should be dependent on their unions and bargain for private welfare relationships, rather than enter into a partnership with the state. There was the unsettling notion that the ideas behind social security were foreign and alien, a continental concept that had no place here.[676] But of greatest import and significance was, as previously discussed, the conviction that it the private economy was only obliged to produce and profit. The private welfare provided by certain corporations was a boom time privilege, not an entitlement. Workers who lost (or never had) that privilege were simply left to their own devices, or looked to charity and the machines, as the folklore of capitalism prevented the national government from accepting responsibility to alleviate the economic distress of its citizens.

Government is Incompetent

The best minds are not in government. If any were, business would steal them away.[677]

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[675] Fischer. 491.
[676] Bernstein. 46-47
[677] Ronald Reagan.

American thinking about government had long been shaped by a unique combination of mutually reinforcing historical, intellectual, and geographical factors that made us hostile towards public inference in economic matters.[678] We could call ourselves free because America was not bound by necessity, and in a world without necessity government becomes a source of restraint,[679] a form of coercive power interfering with our rights to freedom and the pursuit of happiness (which was almost always conflated with making money).

With some notable exceptions, this view of American opportunity was accurate enough to serve as the foundation of our American gospel. However, material conditions always seem to change faster than our ability to make sense of them. As FDR made clear in the Commonwealth Club Address, our understanding of government was frozen in a time that no longer existed. When Americans looked into the mirror, our reflections still showed a land of small farmers and independent shopkeepers, masters of our own fate, long after the corporation, holding company, and trust subjected us all to the 'freedom' of wage labor.[680] Even those who felt the sting were reluctant to ask the government for help, since the version of classical liberalism worshiped in America taught us that the laws of capitalism are eternal and immutable. Any attempt by the government to interfere with those laws would damn our nation to an economic hell.

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[678] This is not the place to discuss them in any great detail, suffice it to say the presence of our frontier offered the appearance of limitless opportunities necessary to justify laissez faire capitalism, and the comparative ease with which (white men at least) were able to secure their political rights prevented the rise of class based movements found in Europe, where the fight for economic and political democracy were inextricably linked.

[679] Since, for Locke and especially Hobbes, we form governments out of necessity—and ONLY out of necessity for Hobbes. Locke concedes there are other benefits. Come for the law, stay for the commerce.

[680] Ironically, Southern apologists for slavery picked up on this right away, noting that a slaveholder at least had a vested interest in making sure their workers don't starve. There was an investment in a particular body that was missing in a system of wage labor. A dead slave was expensive to replace, whereas wages could go to whatever body was present on a particular day.

As Arnold observed, the folklore of capitalism assures us that organizations are always run less efficiently[681] in public, rather than private, hands. Our economic theory tells us this must be true, and who are we to trust our eyes over the accumulated wisdom of the ages. As is usually the case, arguments like this suffer from an acute selection bias, as we remove all instances of effective public management from consideration. Today the folklore of the New Deal conditions us to look to the government in times of distress, and so we feel these prejudices less strongly. Yet we still cling to the belief that private organizations are generally more productive and efficient than public ones, even in cases where private organizations have proven to be abject failures. Government programs remain an evil, just one we have accepted as necessary.[682] Here we see the power of Hartz's liberal consensus, that despite the presence of alternative traditions in American life, the boundaries of the liberal ideal and the power of the Horatio Alger story prevent us from ever fully legitimating the symbols of the New Deal or abandoning the folklore of capitalism.[683]

> This folklore colors the way we look at what the government can legitimately do for us, and the explanation for the way institutions are created and justified. In this mythology are found the psychological motives for the decisions of courts, for the timidity of humanitarian action, for the worship of states rights and for the proof by scholars that the only sound way of thinking about movement is a fiscal way of thinking…So long as the American Businessman maintains his present place in this mythological hierarchy, no practical incontinence is too great to be sacrificed to do him honor—every humanitarian impulse which goes counter to

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[681] Efficiency is an example of what Arnold calls polar words, words that are defined only by what they oppose, and who lack any essential meaning. Efficiency and inefficiency are value judgments that reflect the personal preference of whoever is using the word. Arnold will still use the word, but his measure of efficiency would privilege distribution, as opposed to maximizing profits.

[682] And our first CEO president is trying his hardest to bring us back to the mentality of the 1920's. Of course, like the 1920's, this hostility to government spending is disingenuous. Hundreds of billions of dollars are still spent every year. The question is whether it goes to provide social programs or to support corporate welfare. The folklore and symbols of the 20's legitimate the later and challenge the former.

[683] Although, as Hartz would likely (correctly) argue, this is inevitable since the folklore of the New Deal starts from the same Lockean assumptions.

> the popular conception of how the businessman should act is soft and effeminate.[684]

The contemporary conservative tactic of dismantling the welfare state by ruining our public finances—"starving the beast"—reflects the continued power of this folklore, as we remain psychologically incapable of treating infrastructure as an investment or distribution primarily as a question of capacity.[685] Despite attacking popular programs and advancing aims demonstrably against the general economic interests of many of its supporters, the Bush administration (and Reagan's before it) has successfully manipulated our suspicions of government to legitimate their agenda. This is hardly a new development. FDR's calls to raise the purchasing power of the forgotten man during the 1932 election led formerly progressive democrats like Al Smith to accuse Roosevelt of fomenting demagogic class war.[686]

Our suspicion of government was abetted by a creeping wariness of the growing centralization and standardization of American life, a recognizable threat to our individual liberty. The dominant source of this centralization was the corporation, but since it was just an individual writ large, the folklore of capitalism could not acknowledge it as the source. Instead it plays off our fear of 'socialism,' and locates the threat in the state. David Lilenthal, a TVA administrator, offers a wry description of the phenomena.

> A wondrous state of confusion arose in the minds of men…they ate food bought at a store that had its replica in almost every town from coast to coast; they took their ease in standard chairs; they worse suits of identical weave and pattern and shoes identical with those worn all over the country. In the midst of this uniformity they all listened on the radio to the same program at the same time, a

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[684] Arnold. Folklore. 36.
[685] Although we are less paralyzed by fear of debt and balancing the budget than we were in Arnold's time.
[686] Hamby. 14.

> program that bewailed the evils of 'regimentation,' urging them to vote for a candidate who said he would bring an end to centralization in government.[687]

Our folklore, which sanctifies the businessman, offers us the perfect devilish foil. Arnold describes him for us.

> Our Devil is governmental interference. Thus we firmly believe in the inherent malevolence of government which interferes with business. Here are people who are not to be trusted—they are the bureaucrats, the petty tyrants, the destroyers of the rule of law.[688]

The faceless public bureaucrat is a particularly powerful negative symbol, rivaled only by the specter of socialism. Arnold describes the image of the bureaucrat in his typical sardonic style:

> These men [bureaucrats] were really incredible individuals. They had three main objectives. Their first was to waste all of the taxpayers' money they possibly could. The second was to perpetuate their wasteful organization and increase it as quickly as possible. The third was to interfere with business and cause businessmen to lose confidence. How and why these bureaucrats sink to such low estate is a mystery. There must be some poison gas distilled in government offices. For the plain and simple fact is that the moment an individual is employed by the government he becomes a bureaucrat, contumacious to all holy men, and someone geared to run this country down the road to hell.[689]

As long as this Devil torments us, the symbols of government inefficiency, socialism, and bureaucracy will remain powerful symbolic weapons for anyone opposed to a regulatory welfare state.

Of course, as a symbolic construct, this image of the bureaucrat need have no relationship to reality. Given the scope of social services provided by the government, its performance has been remarkably efficient. The accomplishments of the New Deal alone are staggering. Starting essentially from scratch, the CCC had over two and a half million young people engaged in environmental projects, and the output of the WPA makes the

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[687] Quoted in Abbot. 95.
[688] Arnold. Folklore. 36-37.
[689] Arnold. Fair Fights and Foul. 89-90

fate of New Orleans even more disgusting. In its 8 years it built or improved 670,000 miles of road, street, and sidewalk; 122,000 bridges and 1,000 tunnels; 1050 air fields and 4,000 airport buildings; laid 24,000 miles of sewers, built 4,000 wells, and 3000 water treatment plants; 20,000 stadiums and playgrounds; 38,000 schools and libraries; 7,000 hospitals, firehouses, armories, and prisons; and 20,000 other government buildings.[690] And these are just several New Deal organizations.[691] But the folklore of capitalism judges the government by impossible standards of perfection, with every misstep pilloried and their most unpleasant incarnations, such as the DMV or IRS, serving as its public face.[692] Long lines, unhelpful service people, and confusing paperwork are hardly limited to the government. Yet the image of the public bureaucrat, alternately sinister and incompetent, has been cunningly exploited by enemies of reform for as long as large government organizations have existed. When a program cannot be attacked on the grounds of its merits the mere mention of bureaucracy's ominous shadow is enough to make people cautious.

The problem runs deeper than just hostility towards government. Any opposition to business is a threat to liberty, and so the union movement has long been hampered by the same negative mythology. Opposition to the Wagner Act was grounded in the folklore of the time, rather than any real empirical discussion of the economic effects that unionization would have on the economy. David Plotke offers a brief summation of the opposition. Unions would interfere with the rights of owners and managers. Unions (unlike capital) reflect narrow self-interests. They would act coercively against their

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[690] Edsforth. 226.
[691] Abbot. 80.
[692]Feminists, hardly enjoying an excess of public good will, are typically judged by its most strident and radical adherents, yet no one judges Christianity by the standards of the Westboro Baptist Church, and their charming website www.godhatesfags.com.

members and their rule would be arbitrary and inefficient. Above all else, they represent an unwanted intrusion into private matters, violating the sanctity of a contract entered into by two equal, consenting individuals.[693]

The effects of the Depression, the New Deal's rhetorical onslaught against corporate greed, and a general commitment towards collective bargaining helped clear the space needed to establish a powerful union movement in the United States. But their good will was lost when the sit down strike confronted the folklore of capitalism. While half of the people polled in 1936 favored unions,[694] that number had dropped to 17% during the United Auto Workers strike.[695] Tactically the sit down strike proved very effective,[696] and there was public support for the right to unionize (the strikes were primarily to win union recognition). Nevertheless, the seizure of private corporate property amounted not only to theft, but a threat to the free enterprise system itself. New Jersey Governor Harold Hoffman argued that "A labor union has no more right to take possession of a factory than a band of gangsters has to take possession of a bank…There is no difference between the two, either in principle or in degree."[697] Unlike Michigan Governor Frank Murphy, a strong New Dealer who refused to order militia to expel the strikers, Hoffman declared that "The avoidance of the possibility of bloodshed is, of course, desirable, but not at the expense of surrender to or compromise with or toleration of those guilty of such criminal acts."[698] When pressed further Hoffman argued that the sit down strike was "a symbol of communism" that has "as its basic principle a deliberate

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[693] Plotke. 95.
[694] Support was likely higher as polling data tended to skew towards middle and upper income families.
[695] Shogun. 55.
[696] They invalidated most traditional strikebreaking tactics—which is to say that violence visited against striking workers could be countered by damaging corporate property.
[697] Ibid. 141.
[698] Ibid. 141.

disregard for what we have always regarded as hallowed property rights and it is inevitably followed by contempt for honorable judicial proceedings."[699] As Robert Shogan argues, the sit down strikes cannot be understood outside the context of the court battle (and vice versa). The two controversies fed off each other, creating tangible fear that the New Deal was seeking to unravel the bedrock principles (free enterprise and the rule of law) of the United States (and the folklore of capitalism). As such the opposition to them was as much existential as it was based on interest. Hostility towards the New Deal and the American welfare state has to be seen from this perspective, based less on self-interested opposition to policy than its assault on a powerfully held mythology.

New Symbols for a New Age

The architects and builders are men of common sense and of artistic American tastes, They know that the principles of harmony and of necessity itself require that the building of the new structure shall blend with the essential lines of the old. It is this combination of the old and the new that marks orderly peaceful progress—not only in building buildings but in building government itself.[700]

In order to enact a positive agenda, the New Deal had to oppose this mythology on all fronts. Much of the work was an act of deconstruction, with Arnold's The Folklore of Capitalism the most theoretically compelling tool in that arsenal, aided by the (more politically significant) public writings of Wallace and the Roosevelts denouncing inequality and insecurity. But it is not sufficient to just destroy. Something must replace what is lost, and so New Deal simultaneously sought to establish a new folklore for its new order. The reformist, rather than revolutionary, nature of this order insured that the new symbols, at least for the short term, would be drawn from the old.

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[699] Ibid. 141.
[700] FDR. "Answering the Critics." 28 June. 1934. Chat. 51

Arnold found much to admire in the folklore of capitalism, and wanted to appropriate its strengths for the folklore of the New Deal. We have discussed a number of these in greater detail throughout this project, and will only review them quickly here. Of particular value was the ability of business to experiment and conceptualize human and capital development as an investment in the future, rather than a cost in the present. Business was allowed to focus on the production and distribution of goods—organizing itself to meet practical challenges without defaulting to 'preaching.' It saw society structurally, rather than morally. Now a government is not a business. Its primary concerns are fundamentally moral, but as we have seen, there is a distributional component to New Deal morality, and a more effective governing folklore can enhance the state's ability to minister to our physical needs. But Arnold was less effective as an advocate than as an anthropologist.[701] It was the other New Dealers in this study, Wallace most of all, who self-consciously set about reconstructing old symbols for a new mythology.

Religion

It happens, fortunately, it seems to me, that the Biblical record is heavily loaded on the side of the Progressive.[702]

It was a natural move to look to religious imagery, given its central importance in American history, as well as the sincere faith of figures like FDR, ER, and Wallace. Wallace's arguments in particular often took on a millennial edge, and his words in New Frontiers are emblematic of his general approach.

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[701] His primary work of advocacy was The Bottlenecks of Business, a defense of his anti-trust philosophy which was fairly well received but did not cause nearly the sensation of The Folklore of Capitalism.
[702] Wallace. Statesmanship. 22.

> What we approach is not a new continent but a new state of heart and mind resulting in new standards of accomplishment. We must invent, build and put to work new social machinery. This machinery will carry out the Sermon on the Mount as well as the present social machinery caries out and intensifies the law of the jungle.[703]

Elsewhere he proclaims, "the people's revolution is on the march, and the devil and all his angels cannot prevail against it. They cannot prevail, for on the side of the people is the Lord."[704] References to the Sermon on the Mount and intimations of Armageddon were typical, as Wallace cast himself in the role of the biblical prophet,[705] charging the government "to devise and develop the social machinery which will work out the implications of the social message of the old prophets."[706] Wallace served for fourteen years as Secretary of Agriculture and Commerce, and in his four years as vice president revolutionized the possibilities of that office, but despite (or perhaps because of) his institutional power his public writings focused on what he would call political education, and what Arnold would call advertising. The product was the New Deal, and Wallace's writings were replete with classical American symbols reconfigured for the selling of a new institutional order.

In Statesmanship and Religion Wallace draws parallels between the American experience and the stories of the Old Testament, since "the prophets were the first people in recorded history to cry out in a loud clear voice concerning the problems of human justice."[707] And with enthusiasm, if not subtlety, Wallace draws parallel after parallel between progressive liberals and those who opposed Baal, who of course represented

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[703] Wallace. Frontiers. 11
[704] Wallace. "Russia." *Address at Congress of American-Soviet Friendship*. 8 November. 1942. Democracy. 196.
[705] Language FDR himself would use on multiple occasions.
[706] Wallace. Statesmanship 8.
[707] Ibid, 18.

corporate interests and argued that the biblical prophets (who were as unpopular as Progressives during the Coolidge Administration)[708] were bad for business. Amos is not an economist or philosopher, but someone disgusted by the way his civilization exploits its farmers. While opponents of the New Deal's economic reforms draw sustenance from their faith in the laws of supply and demand, Wallace gives progressivism the righteous sanction of scripture. Amos becomes a Roosevelt voter, Isaiah a public intellectual, advocating international cooperation

These moves, while crude at times, are designed to highlight that the "essential problem of social justice has changed scarcely at all since the time of Amos."[709] We can read the prophets to understand ourselves, and give reform a powerful legacy both familiar and sacred. "The great lesson of the prophets…is their intensity of conviction that behind the material there is something supremely worth while which guides us in our handling of material things."[710] Wallace and other New Dealers had no shortage of economic theory with which to explain the depression, but this gave them a compelling narrative, and FDR uses similar language in his First Inaugural Address when he declares "[t]he money changers have fled from their high seats in the temple of our civilization. We may now restore that temple to the ancient truths."[711] This is not just pandering. While Wallace and the Roosevelts had unorthodox or simple faiths, their strength gave this tactic an authenticity that was difficult to call into question, and was one reason why they were such successful advocates.[712]

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[708] Ibid, 22-23.
[709] Ibid. 33.
[710] Ibid. 37-38.
[711] FDR. "First Inaugural Address." Speeches. 30.
[712] Although Wallace, whose Christianity was highly unconventional, was often accused of being a dreamy mystic incapable of seeing the real world. Calling him a Christian who took its teachings on poverty seriously was not a viable choice.

Beyond references to the Sermon on the Mount serving as our social ideal (and Eleanor Roosevelt's writings, especially The Moral Basis of Democracy, are full of comparisons between the life of Jesus Christ and the life of the democratic citizen), Wallace ignores the New Testament in Statesmanship and Religion. He does, however, spend a great deal of time on the Protestant Reformation, to explain both the origins of our and weaknesses of our rugged individualism.[713] He draws parallels between the assumption of infallibility that legitimated religious repression and the hysterical opposition to New Deal programs.

Wallace, paralleling Roosevelt's liberal history in the Commonwealth Club Address, acknowledges that we owe a debt to the heirs of the reformation, since their struggles resulted "in the generation of tremendous material power which expressed itself first in the creation of democratic institutions and secondly in science and the production of great capitalistic wealth."[714] But its historical moment has ended. Just as the prophets of the Old Testament and the Reformation ultimately ushered in new eras of history that partially fulfilled the promise of the Sermon on the Mount, we find ourselves at the dawn of the next great era of reform, what Wallace would elsewhere call a New Frontier.

> We are now ready for another step; the impetus of the reformers of the sixteenth century has failed us. The Century of Progress has turned to ashes in our mouths. Is it possible that the world is finally ready for the realization of the teachings of Jesus the appreciation of the Sermon on the Mount, the beginning of the kingdom of heaven to earth?"[715]

At any rate, Wallace reminds us that if we do not embrace the spirit of love and possibility that animates Christianity, the forces of reaction will prevail.

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[713] Essentially reprising Weber's argument about the elective affinity between Protestantism and capitalism.
[714] Statesmanship. 71.
[715] Ibid. 71

> Until recently this generation has been too immersed in the greed of capitalism, the spiritual sloth of ever-increasing material pleasures and the humanistic agnosticism of men who drew their inspiration from the superficial scientists and economist of the nineteenth century.[716]

The priests of Baal are still with us, and they are voting against the New Deal. The repressive spiritual hegemony of Luther and Calvin lives in any who puts the need of class or nation over the needs of humanity. They are, fundamentally, anti-Christian.[717] "Any religion which recognizes above all the fatherhood of God and the brotherhood of man must of necessity have grave questionings concerning those national enterprises where the deepest spiritual fervor is evoked for purely nationalistic, race or class ends."[718] We can fulfill our destiny and become a City on a Hill, but only if our aim is universal brotherhood, rather than oligarchy or American aggrandizement.[719]

The Frontier

The frontiers that challenge us now are of the mind and spirit. We must blaze new trails in scientific accomplishment, in the peaceful arts and industries. Above all, we must blaze new trails in the direction of a controlled economy, common sense, and social decency.[720]

Another important symbol in the rhetoric of the New Deal was the symbol of the frontier and its conquering pioneer. He embodies the sense of independence and individualism that defined our rugged individualism. The frontier, in turn, carries with it a sense of limitless potentiality. As Anne Norton observes, our folklore teaches us that creation is an act of will divorced from restraint. Horatio Alger's characters make the fortunes from humble origins. Lincoln learns to read by firelight on a dirt floor and

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[716] Ibid, 79. Provocative words from a member of the presidential cabinet.
[717] Although Wallace, like Eleanor Roosevelt, was quick to point out that any religion that embraced these ethical principles was functionally Christian. It was the ethics, and not the cosmology, that truly mattered.
[718] Statesmanship. 81.
[719] This conviction would dominate Wallace's approach to the military buildup of the United States in world war II and especially his visions of a post war economy.
[720] Wallace, "A Declaration of Interdependence" 13 May. 1933. Democracy. 45-46

becomes president. Our Manifest Destiny is to subdue the entire continent and then send Lindbergh across the ocean and put a man on the moon.[721] In short, the frontier means anything is possible, and being an American means mastering the impossible, the pioneer's sacred duty to God and country. As long as we think the frontier is out there, waiting to be subdued through infinite act of individual conquest, we can avoid any serious confrontation with divisive political, social, and economic questions. "Carefree exploitation without thought of the consequences is, of course, delightful to the American temperament,"[722] Wallace reminds us. The presence of the frontier and the promise of its possibilities meant that Americans could always respond to tension by escaping and starting over.

There is an affinity between the symbol of the frontier and what Richard Hofstadter termed the 'agrarian myth.' "The United States was born in the country and has moved to the city," Hofstadter tells us, and its romantic defenders were "draw irresistibly to the noncommercial, nonpecuniary, self-sufficient aspect of American farm life."[723] Hofstadter rightly observes (as did Wallace) that the ideal of Jefferson was not shared by the farmer himself, who focused more on making money than preserving "his honest, industry, his independence, his frank sprit of equality, his ability to produce and enjoy a simple abundance."[724] Nevertheless, the spirit of rural independence carried with it an air of authenticity that had a powerful hold on the mind of the American people during the Depression,[725] the minds of FDR and Wallace included.[726]

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[721] Norton. 102.
[722] Henry Wallace, "Technology, Corporations, and the General Welfare." 4 April. 1937. Democracy. 128
[723] Hofstadter. 23.
[724] Ibid. 23.
[725] And contemporary public intellectuals like David Brooks continue to profitably mine the myth for inspiration, even if the contemporary terminology revolves around red and blue state distinctions.

Since the pioneer is a significant character in our folklore, writing him into the New Deal's social order became an important political project. FDR would pepper his speeches with references to the 'pioneer spirit', reinterpreting the lone individual into a champion of cooperative communities. "It is true that the pioneer was an individualist but, at the same time, there was a pioneer spirit of cooperation and understanding of the need of building up, not a class, but a whole community"[727] The emphasis is no longer on the lone settler braving the elements, mastering the wild with his rugged individualism. Instead we see the pioneer, a member of a cooperative community, recognizing that the pacification of any frontier reflects an act of communal, not individual will. The pioneer understood that he must surrender some of that individuality to the needs of the larger community, that on the frontier the preservation of his individuality would require a social network of support. The cowboy, alone on the range, could survive in but not master his environment. It was the founding of new villages and towns, connected via railroad and telegraph to the rest of the nation, that finally subdued the west.

However, the most systematic reinterpretation of the pioneer and frontier symbols was found, as usual, in the work of Henry Wallace—in particular his first major work, New Frontiers. Like the Roosevelts, Wallace was an effective advocate because he was also an anthropologist. He appreciated the power of frontier myth because he sincerely believed it. But he also recognized that there was a fundamental immaturity about the pioneer dreams of the United States. Just as children eventually outgrow childhood games of cowboys and Indians, Americans too must grow up and accept our adult

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[726] Although both of them, Wallace especially, were keenly aware of that fact that farm products were ultimately a commodity, and that the continuation of the agrarian lifestyle required making it economically viable, even at the expense of much of the farmers 'independence.'
[727] Abbot. 73.

responsibilities. Our old solutions will no longer work. No longer can depressions be "be cured by the pioneer virtue of optimistic grab and toil."[728]

> We educated our children—among them, millions of unemployed young—in the belief that the United States was still a pioneer country where the rugged, individualistic virtues of hard work and saving would inevitably bring success. We did not tell our sons and daughters that they were caught between two worlds, and that in the new world it will take more than hard work and saving to insure salvation.[729]

Like Eleanor Roosevelt, Wallace feared the creation of a lost generation, one that would either be left enervated or radicalized by the Depression, but alienated from American society regardless. Either possibility threatened the stability, integrity, and future of the United States. In order to save this generation, and preserve our future, we must figure out where the boundaries of the old world end, and where our new frontier begins.

One possibility is found in the pseudo-imperialism of Henry Luce's "American Century." But New Deal rejected that vision. Instead of seeking new land, we must explore, discover, and unlock new possibilities of the human heart. The old grasping, conquering individualism, hand in hand with laissez faire capitalism, gave us the power to overcome the problem of scarcity. Ours is no longer a problem of necessity. It is a problem of will. Can we change our social institutions, and ourselves, to adapt to a world of abundance? The next great frontier to master is ourselves

Wallace was a scientist, and he shared the New Deal's faith in the power of experts to reorder the world as the rest of the New Dealers. But he also understood, following Tocqueville, that new institutions are not sufficient.

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[728] Wallace. Frontiers. 3
[729] Ibid, 5

> This vague new world has thus far been approached chiefly by restless, romantic men who feel that the vast riches of a cooperative good life can be attained suddenly by making a speech on the New Deal by electing some one to Congress, by writing a book, or by passing a law. All these things may be a part of the necessary pioneering but the work that finally counts will be slower, less romantic and infinitely more difficult.[730]

Only by changing ourselves, laboring in the long abandoned frontier of the soul, can we give erect permanent foundations in our new world. It is a daunting task, but possible, provided we can commit for the long haul. Wallace is not advocating that we wait for changed hearts before we act. If we build institutions to cope with abundance and end scarcity our habits would change over time. The shifts will be subtle, "literally of a million different kinds,"[731] but we will gradually come to realize that the grasping selfishness that subdued the world and conquered scarcity is now preventing us from enjoying the fruits of that conquest.

One of the great difficulties we will face is the fact that the gateway to this frontier is difficult to find. The existential shock of the Great Depression, the realization that our heritage is "rather bitter—a rich land racked and mismanaged, with huge accumulations of goods and wealth, yet with millions of our people deprived and helpless"[732] created a brief opportunity for progressives to change an otherwise a conservative people. Wallace notes that "[t]he New Deal sprit ebbs and flows. Ordinarily the progressive liberals get a real opportunity to change the rules only about once in a generation." The rest of the time we are just too complacent. "Most people resolutely refuse to think politically if they have jobs, a place to sleep, and something to

[730] Ibid. 10.
[731] Ibid. 11.
[732] Ibid. 9.

eat and wear."[733] As long we are comfortable will not take a critical look at the foundations of that prosperity. Abundance undermines its own possibilities

The potential cost of the social discipline required to subdue this new frontier asks a great deal of Americans. The aftermath of a struggle often poses a greater challenge than the struggle itself. Putting together a new state may haven harder than fighting a war for independence. Pacifying the continent will prove to be less difficult than learning to live with the results.

> When everyone began to realize finally that the country was really filled up, that there were no more good homestead and no frontiers to fee to in times of depression, there was great uneasiness. The day which we feared had came upon us. At last we had to learn to live with each other.[734]

The old frontier united us. Its dangers were very real and its possibilities defined our identity. But that frontier is closed—its promise has finally arrived. It will not be easy to abandon the pioneer individualism that denied the obligation and responsibilities thatarise when we are forced to actually address the tensions and problems that arise from confronting one another as citizens in a community instead of isolated individuals in an empty landscape. The potential benefits are staggering, but the first tentative steps towards them will be among the most difficult we have ever taken. It will be like learning to walk again as we come to learn that people supporting our weight are not just competitors, but friends and neighbors. This, Wallace tells us, is our new frontier.

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[733] Ibid. 16.
[734] Ibid. 251.

The Constitution

To interpret the Constitution in the light of the sprit of its framers is one thing. To interpret it in the light of the economic conditions as they were in 1787 when the constitution was draw up is another.[735]

We have previously discussed the New Deal's reinterpretation of the Declaration of Independence, but the Constitution, and the idea of constitutionality, remained a powerful weapon in the opposition's symbolic arsenal. Therefore it was necessary for the New Deal to not only justify itself in terms of the spirit of the Declaration, but to demonstrate that it was not actively undermining the Constitution in the process.

The New Deal's pragmatism influenced its Constitutional interpretation. Our folklore teaches us that "[t]he faith that dignifies the Supreme Court is the belief that through logic and reason it may discover impartial principles of law that are independent of the whims, prejudices, or the economic philosophy of the justices.[736] Aided by a long legal history of controversial 5-4 decisions that "suggested that constitutional interpretation was decidedly uncertain,"[737] The New Deal rejected the position that the Constitution embodied unchanging legal truths. Instead, the Constitution was a living document, responsive to the needs (not the arbitrary whims)[738] of the people. It was a gift from our founders, but the gift was a useful tool, not a divine mandate. FDR's Jacksonian attitude towards the Constitution explains in part why he reacted so strongly to what he saw as the Supreme Court's obstruction of popular will and abuse of the framers' intent.[739] The courts were flouting the general desires of the people in the name

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[735] Wallace. Constitution. 92.
[736] Arnold. Fair Fights and Foul. 72.
[737] McMahon. 50.
[738] Although how one tells the difference between the two is another matter.
[739] Some members of his administration, like Arnold, went a step further and took the position of the legal realist: The Constitution has no inherent meaning, and its interpretation is subjected to the arbitrary whim

of narrow and selfish interests at worst, an attachment to paralyzing folklore at best. The battle over constitutional interpretation loomed large over Roosevelt's second inauguration, and when reflecting on his oath to uphold the Constitution he later remarked to Sam Rosenman "I felt like saying; 'Yes but it's the Constitution as I understand it, flexible enough to meet any new problem of democracy—not the kind of Constitution your court has raised up as a barrier to progress and democracy.'"[740]

In Symbols of Government Arnold systematically destroys the idea of reified legal 'theory,' and attempts to supplant rule by the courts with rule by administrative elites. But here Arnold miscalculates, overlooking the importance of the Constitution as a symbol. It was Henry Wallace who again offers the most systematic reinterpretation of Constitutional intent as a buttress for New Deal social policy,[741] this time in his 1936 work Whose Constitution?[742] His central argument is that the Declaration of Independence and Constitution (filtered through the Preamble) must be read as the two halves of a greater whole. We find our spirit of liberty and independence in the Declaration, moderated by the preamble's "doctrine of unity and interdependence."[743] The tension between these two ideals is responsible for the dynamism that enabled America to subdue the continent and unlock its possibilities. But Wallace places particular emphasis on Preamble's call to create a more perfect union. Within this line we find the logic behind both the legitimacy and the necessity of the welfare state.

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of the judge doing the interpreting. They will find what they want to find—what their background has encouraged them to find.

[740] Shogun. 86.

[741] Arnold was incapable of formulating an argument like this since the intent of the framers was irrelevant.

[742] Which we will not explore in great detail, since the argument is essentially the same as the one in New Frontiers, filtered through a different set of symbols

[743] Wallace. Constitution 8.

Of special importance, Wallace argues, is the way that the preamble makes clear the intergenerational nature of our social compact. Even if Jefferson is right and every generation should rewrite the rules that govern it, those new rules should never undermine the freedom and possibilities of those that will follow. Our obligation to those future citizens may even be greater than our obligations to each other, since they have no voice in the creation of the world they will enter. As such, we have a duty to future as much as to the present to address the systematic inequalities that keep certain classes, ages, races, and regions in perpetual poverty.

The spirit of this Preamble's mission remains the same. It is the material conditions, the context, that have changed. Today we must apply it to a world of corporations, unions, and commercial farmers instead of plantations, small farmers, and shopkeepers. "Today, the States mark no economic boundaries that make sense, and they provide only limited instruments for action to meet modern problems."[744] He notes that "were agriculture truly a local matter in 1936, as the Supreme Court says it is, half of the people of the United States would quickly starve,"[745] and similar parallels can be drawn in the industrial world.

Simply observing that conditions have changed is not sufficient, nor is arguing that the Founders would support a welfare state. The argument must made that the Supreme Court's decision to return the country to the 'horse and buggy days' is constitutionally wrong. Wallace is prepared to make this case, claiming that "National power to solve national problems was intended by the Founding Fathers…What the national problems might be a generation hence, a century hence, no man could say. The

[744] Ibid. 93.
[745] Ibid. 96.

power had to be created, to be utilized by future generations as they required."[746] We find support for this in the writings of Alexander Hamilton,[747] who argued in *Federalist 31* that

> A government ought to contain in itself every power requisite to the full accomplishment of the objects committed to its care, and to the complete execution of the trusts for which it is responsible, free from very other control but a regard to the public good and to the sense of the people?[748]

Therefore, a broad view of Constitutional interpretation is in fact the original intent of the Framers, especially in regards to the changing dynamics of economic life.

We must be reminded of our fundamental principles, enshrined in our great texts, Wallace tells us. The spirit of unity, the commitment to social justice, and the insistence that being an American obligates you to the future as well as the present. This is the central truth of the Constitution, and "[u]nity in the name of the general welfare has all too long been delayed by those who have made the theory of States' rights a refuge for anti-social activity."[749] Aggressive use of our founding texts reminds opponents of the New Deal that before the folklore of capitalism, we were ruled by a much nobler mythology. This is what the New Deal hopes to restore.

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[746] Ibid. 205.
[747] Who, interestingly enough for a Secretary of Agriculture, is quoted more often than Jefferson in Wallace's major works.
[748] Hamilton quoted in Ibid. 205.
[749] Ibid. 11

Conclusion

The so-called demagogue has an advantage because he does not view the control of human institutions under the illusion that men in groups are composed of so-called thinking men, to whose knowledge of fundamental governmental principles he must appeal.[750]

The New Deal's theory of practice is in the end a theory of agency, at least agency for the political actor who can penetrate the folklore of an institution, attach himself to an organization, and be fortunate enough to live in a time of institutional collapse. Agency is normally limited to these brief periods—old symbols are vulnerable for only a short time, and so the actor must be prepared to make the most of those fleeting opportunities to lay the foundations for an alternate order.

For a new institution to be viable it needs to respond to a specific material need of the moment. It must address an issue of (perceived) necessity. Theory provides that organization with its legitimacy and the morale its members need to function, but our tendency as human beings is to reify dynamic principles, fixing them in a particular moment of time and preventing them from responding to changing material conditions. It is at the moment where sub rosa institutions can no longer counter the paralysis of static folklore, when necessity overwhelms ceremonial interventions—in short, times of institutional collapse, when the reformer has the greatest possibility of actually affecting the structure of his society.

But old folklore dies hard, and almost always remains a potent weapon of reaction. This is why the New Deal argued it is best for a new social philosophy to connect itself to the old. This addresses our fear of the new, and blunts one of the most valuable tools of the opposition. This is especially true in the early stages of new

[750] Arnold. Folklore. 87.

institutions, when they lack the legitimacy of long established folklore. And this is why being able to navigate the symbols, ceremonies, and creeds that make up the old mythology is so important for the progressive reformer. He must learn which symbols have emotional resonance.

> Therefore the first lesson to be learned by the objective student of governmental theory is that, when he desires to step into the moving stream of events as an actor, he must accept the legal and economic theories of his time just as he accepts the language of his time. He will find, in the vocabulary of current theory, principles though which he may support any cause."…His choice of theories cannot be made on any other ground than that of expediency in gaining the ends he desires. [751]

What we must always remember, Arnold reminds us, is that creed needs to serve the institution, not the other way around. "You judge the symbols as good or bad on the basis of whether they lead to the type of society you like. You do not cling to them on general principle when they are leading in the wrong direction."[752] Successful reformers, Arnold argues, have to be politicians before philosophers. They must concern themselves less with theoretical consistency and purity, and more with figuring out how to manipulate and control symbolic language to create possibilities for the New Dealers of that era.

Philosophy needs to conceptualize our ends, but equally important is its ability to create political space for pragmatic action. "In Arnold's view, people acted upon their beliefs, and these beliefs became real in the consequences of that action; what they believed was what was important. As far as action was concerned, their beliefs were the operative reality."[753] Arnold argues for, and the New Deal largely followed, a

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[751]Arnold. Symbols. 103-104
[752] Arnold. "Letter to Sam Bass Warner." 26 April. 1934. Quoted in Legal Realism and the Burden of Symbolism: The Correspondence of Thurman Arnold. 13 *Law & Society*, Summer 1979. 1006.
[753]Ibid. 1005.

Machiavellian conceptualization of the relationship between theory (as traditionally understood) and practice. The purpose of constructive theory is to build morale for political actors, not to discover transcendent truths that constrain our ability to act. The point of destructive theory is to weaken existing ideals to clear space for constructive ones.

The theorist has the luxury of ignoring politics because theory is accountable to nothing but its own ideals. Princes are willing to make the emotional (demagogic) pleas necessary to accomplish their goals. They are willing to sacrifice principle to engage in the horse-trading that forms the core of political action. "…They [politicians] lack social values, their aims are imperfect, but society clings to them rather than to the occasional reformer who does not understand its emotional needs, and tries to fit it into some procrustean bed made in the world of his own dreams."[754] Theorists expect their principles to conform to practice, and get discouraged when they do not. Princes know better, and minimize internal checks on their ability to respond to necessity and fortune. The fact that they choose to use principles as weapons is particularly infuriating for those who put principles before practice. But the practical politician knows what Machiavelli knows, that moral commitments, taken too far, makes compromise and experimentation difficult. Honest people who refuse to accept the shadows in the Cave at face value are unable to make the compromises that are at the heart of politics.

> A most significant effect of our scholarship and learning about government today is to remove from active participation in governing most of the kindly and tolerant people who might otherwise be a more important factor…The reason is that our students of governmental problems consider politics a low and unworthy purist. They think that sincerity and candor can be used in a political campaign. They feel a sort of spiritual trouble when confronted with the realities of a political institution, which makes them confused and ineffective. Unscrupulous persons

[754] Arnold. Symbols. 21.

> who do not feel the same spiritual trouble when confronted with things as they are naturally become more proficient.[755]

Not only does the progressive need to engage in the 'demagogic' practice of appealing to people's emotions and utilizing popular symbols to accomplish practical political ends, he needs to be willing to accept the fact that it is more important to make dirty changes in the real world than keep clean hands in the ideal one.[756]

In the end the New Deal's theory of practice challenge the progressive to accept our world of necessity, and engage the possible in the hopes of someday transcending it. This involves a realistic assessment of the institutional options available for reform, and is the subject of our next chapter. But the truly bitter pill is the one that forces the theorist to confront the limits of human rationality, our fundamentally religious nature, and our squeamishness about engaging that nature tactically. In order to achieve the power needed to move society forward, a degree of manipulation is necessary. In order to free people as subjects a certain degree of instrumental thinking is necessary. There can be no mistake that this is a dangerous move to make, but that does not make it any less necessary. As Arnold reminds us, the progressive's refusal does not stop the reactionary opposition from exploiting the same human vulnerabilities. A principled refusal to win keeps the actors hands clean, while leaving those he would help at the whims of the less principled opposition. It is a slippery slope, but the New Deal demonstrated that it is possible to navigate, especially if the leaders involved are

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[755] Arnold. Folklore. 87.

[756] FDR went through a similar education. His early political career in New York was marked by an anti-Tammany, anti-corruption standpoint that ignored the role of interest in society, the fact that these organizations were important political coalitions, and the role they played in providing necessary civil services. But by 1924 he was eulogizing Tammany captain Charles Murphy for his leadership and service. In the end the decline of political machines can probably be traced not to the corruption crusades, but the rise of a central state willing to provide the social services once offered only by Tammany and the other machines. Arnold offers a detailed account of this in Folklore of Capitalism.

animated by both a clear sense of ends, and an understanding of which means so severely compromise the ends that they cannot be considered. This in turn creates an enormous responsibility on behalf of citizens to police those leaders, and to ensure that the best ones assume positions of power. We may not get it right every time, but as Henry Steele Commager argued, the ugly side of democracy is the freedom to be wrong.[757]

[757] Henry Steele Commager. Majority Rule and Minority Right.

The Third New Deal: The Institutional Context of Reform

[P]rogrammatic rights, such as social Security and collective bargaining, would not amount to anything unless new institutional arrangements were established that would reorganize the institutions and redistribute the powers of government.[758]

Fortune and necessity cannot be conquered, Machiavelli argued, only contained. The New Deal took this lesson to heart, and drew the appropriate consequences. First, political theory must account for the presence of necessity in its evaluation of the possible. The imaginative, transcendent moment must be there to orient the direction of political behavior, but as a guide, not an absolute standard that negates the possibility of action in the name of utopia. Second, the effective political actor must learn how to respond to fortune and necessity in a way that maximizes his own potential for action. Political life exists in the realm of necessity, but within that realm there is considerable room to determine how necessity shapes our lives, for "imagining the possible." We must learn to maximize our agency in a bounded world.

Thus far we have looked at the symbolic constraints on action—the way an institution's folklore determines the boundaries of political action and the conditions under which that folklore can be adapted to serve new institutions. In this chapter we examine the New Deal's political context, and will conclude with a look at the New Deal's theory of change. Unlike its positive political theory, a great deal of excellent work exists on the New Deal's relationship to the institutional structure of the United States. As a result, this chapter will focus more on the theoretical implications of the New Deal's response—the way these structures affected its theory of practice, more than the nature of the structures themselves.

[758] Milkis. "Franklin D. Roosevelt, the Economic Constitutional Order, and the New Politics of Presidential Leadership." Milkis and Mileur. 41.

The Forces Against Reform

No leader is a free agent. Even Hitler had to cope with grumbling and foot dragging among the military; even Stalin had to deal with backward peasants and with party rivals. Roosevelt's plight was far more difficult. He was captain of the ship of state, but many hands reached for the tiller, and a rebellious crew manned the sails.[759]

We have already examined the conservative mindset of the American people. Here we look at how the folklore of capitalism limited what the New Deal could accomplish institutionally. The purpose of this section is not to provide an exhaustive look into any of these areas, nor is it to issue an apology for what the Roosevelt administration's failures. Instead I wish to introduce an informal set of 'Machiavellian' criteria for influencing normative judgments of political acts. Given the constraints the New Deal operated under, *could* it have done a better job mastering its conditions, and to what degree? These judgments cannot be rendered without first looking at the institutional framework in which political decisions are made. What other choices were available? Were they viable? What might their consequences have been? The empirical context has to be carefully considered before the normative evaluation is made. In the face of missed meaningful possibilities, the normative critique is valid as political critique. In the absence of meaningful choice, the normative critique devolves into the apolitical moralizing Arnold cautioned against. Although this list is hardly exhaustive, we will examine the conservative coalition in Congress, the Supreme Court, the sit-down strikes, and the fundamentally weak nature of the U.S. state, and in doing so begin to unpack how complicated the politics of reform can be.

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[759] Burns. FDR: Unsuccessful Improviser." Hamby. 137.

The Conservative Coalition

Somewhat counter intuitively, the vast majority of the New Deal's reforms preceded Roosevelt's landslide 1936 victory. James Patterson, one of the first historians to trace the rise of the conservative coalition that successfully stymied the New Deal, is clear that its strength was not a direct response to leadership failures on the part of New Dealers. The coalition owes its birth to a potent combination of FDR's court plan, his failed purge, hostility towards a labor movement that its detractors identified with FDR (or at least with FDR's refusal to suppress it), the 37-38 'Roosevelt Recession' (never mind that the recession seemingly validated the successes of the New Deal measures under attack), a rural reaction against the increasing visibility of the Democrats' urban coalition, southern fears of a civil rights agenda, the common loss of influence that accompanies a second term president, and the decreased sense of urgency borne of the New Deal's very success By the end of the 1930s this coalition had come to thoroughly dominate Congress, and other than a few brief moments it has wielded considerable influence since.[760]

The elements of this coalition were always there, a reflection of deep antagonisms rendered temporarily dormant, but not resolved, by the momentum of the New Deal. Its roots were in the Solid South, built around principled support of Jim Crow, which had long served as a bulwark against any progressive change that might disturb southern race hierarchies. In the south the category of class paled in comparison to the category of color. As Carol Horton notes, "Segregation, like disenfranchisement, reinforced the dominance of conservative elites by crushing all politically salient divisions among

[760] James T. Patterson. "The Conservative Coalition." Hamby.165.

whites under the overwhelming weight of racial hierarchy."[761] Class divisions and economic concerns were subordinated to issues of race, and memories of Reconstruction were powerful symbols justifying the massive disenfranchisement of poor whites—probable allies of the New Deal—provided this also kept blacks from voting. And this block became increasingly capable of holding the New Deal hostage, especially on progressive matters of race. And given the New Deal's color blind, universal language, this ultimately covered a great deal of legislative territory..

Senator Jimmy Byrnes, usually a stalwart Roosevelt ally,[762] gives voice to the palpable southern fear that thanks to the New Deal, "the Negro has not only come into the Democratic Party, but the Negro has come into control of the Democratic Party."[763] In particular, southern congressmen feared the passing of an anti-lynching bill in 1938. Byrnes comment is noteworthy for its comparatively moderate tone, compared to the dire prophecies of Senator Bilbo (the platonic form of a corrupt fire eating southern populist and normally a friend of the administration) that "upon your [supporters of anti-lynching legislation] garments…will be the blood of the raped and outraged daughters of Dixie, as well as the blood of the perpetrators of these crimes that the red-blooded Anglo-Saxon white southern men will not tolerate."[764] The emotional salience of race, combined with the wholesale abandonment of the region by Republicans, meant that the seats of

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[761] Carol Horton, Race and the Making of American Liberalism. (Oxford: Oxford University Press, 2005). 114.
[762] And ultimately rewarded by Roosevelt with a position on the Supreme Court.
[763] Quoted in McMahon. 117. This was not just pandering. McMahon notes that lynching was receiving new support from southerners who supported it as a means to keep the Negro in his place. Ibid. 164.
[764] Ibid. 117.

reactionary congressmen, especially those representing rural areas, were safe (as FDR discovered during the failed purge).[765]

Of course in the early stages of the New Deal many of these congressional figures voted in tandem with the New Deal. But the increasingly anti-business, pro urban, (which of course is not the same thing anti-rural), racially inclusive face of the New Deal was creating new tensions that a decreased sense of crisis could not paper over. Roosevelt's insistence on legislation breaking up utility trusts (the death-sentence bill), even in its final, moderate form, caused previously sympathetic members of Congress to become suspicious of the administration, and awoke within them a desire to reassert institutional prerogatives and once again let ambition counteract ambition. Roosevelt expended a great deal of political capital getting the bill passed, forcing many recalcitrant congressmen into compliance, which led to ill feelings resurfacing during the court fight—an important reminder that political capital is finite, and victory in one battle may spell defeat in another. More importantly, as Shogan observes, the fight showed opposition moderates within the party that "they could resist the New Deal and survive to fight another day,"[766] especially with FDR's expected retirement in 1940.[767]

Opposition to the New Deal could also take on subtle forms, hidden from larger public scrutiny. When they lacked the votes to kill a bill members of the opposition,

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[765] Of course one could blame the New Deal for not fighting harder for the bill, for not making the undeniably courageous decision of an LBJ to sign civil rights legislation even if it costs the Democrats the south for a generation. But with World War II on the horizon, and southern congressmen amongst FDR's strongest foreign policy supporters, the benefits of the legislation have to be weighed against the possible costs.

[766] Shogan. 117.

[767] "While the Big Four [Senate Majority Leader Robison, Senator Byrnes, Senator Pat Harrison, and Vice President Garner] had been loyal to Roosevelt during his first four years, with their terms presumably extending beyond is, they now figured to be much less reliable in their support for his plans." McMahon. 80.

especially southerners, would avoid committee meetings to prevent a quorum.[768] Similarly, opposition Democrats could use their positions on committees to force concessions into bills they opposed before they made it to the floor, changing the nature of the bills under consideration. As Eliot Rosen argues, roll calls do not show the full picture of democratic obstruction.[769]

One of the things that made the coalition difficult for the New Deal to oppose was that it was not a fixed entity. Patterson notes that while its members shared common characteristics—they were Democrats from safe districts where FDR had limited influence, that they were often ranking members on important committees, and frequently from rural districts—their membership changed from issue to issue. The hostility of Byrnes to race legislation is instructive here, as he was one of FDR's leading supporters during the court-packing plan and generally one of his most stalwart congressional allies. Certain prominent conservative Democrats were in frequent opposition, which grew increasingly strident when the Supreme Court finally adopted Rooseveltian sympathies and ceased to function as a check on New Deal power.

Here the New Deal was partly a victim of its own success. Roosevelt warned that "[p]rosperity already tests the persistence of our progressive purpose."[770] The American middle class, upon losing its fear, quickly returned to its characteristic inwardness and simply forgot (or stopped caring) about the 1/3rd of the nation still "ill-housed, ill-clad, ill-nourished." Likewise, moderates in Congress, no longer ruled by fear and cowed by crisis, were increasingly inclined to oppose New Deal policies they felt were too radical,

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[768] Bernstein. 139.
[769] Eliot Rosen. Roosevelt, The Great Depression, and the Economics of Recovery. Charlottesville: University of Virginia Press, 2005. 198.
[770] Abbot. 133.

or concentrated too much power in the hands of the executive. Having banished the looming sense of fear and catastrophe from the nation (generally considered to be the one unqualified success of the Roosevelt Administration) it was much easier for the old folklore, with its concerns about constitutionality and business confidence, to reassert itself.

The Courts and the Sit Down Strikes

The fear of centralized, executive power was a cornerstone of American folklore, still powerfully felt at the time of the New Deal. It is telling that Roosevelt's comparatively modest plan for executive reorganization was known as the 'Dictator Bill' which intended, in the words of Massachusetts Senator Walsh to plunge "a dagger into the very heart of democracy."[771] Even if the accusations of Roosevelt being a dictator are nonsensical (with the advantage of hindsight or even with measured reflection at the time), the rise of totalitarian governments worldwide made this fear understandable. During the first six years of the Roosevelt administration there was little serious congressional resistance to New Deal programs and the further development of the federal government. Its opponents instead had to look to the careful reasoning of the Supreme Court in order to check an immensely popular president ruling in the name of the democratic mob.

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[771] Burns. 344. These accusations were taken seriously enough to prompt FDR to make an announcement confirming the following"

> "A: I have no inclination to be a dictator.
> B: I have none of the qualifications which would make me a successful dictator
> C: I have too much historical background and too much knowledge of existing dictatorships to make me desire any form of dictatorship for a democracy like the United States of America."
> Quoted in Burns. 3345-346.

The court represented a powerful bulwark against the expansion of federal power, the last check in a time of crisis. Southern Democrats, especially following the loss of the 2/3rds rule in the 1936 Democratic National Convention,[772] worried (presciently) that liberals would use the courts to push civil rights legislation. Felix Frankfurter warned FDR that the sit down strikes emphasized amongst many voters the need for 'law and order,' which would heighten the prestige of the court and make the electorate more suspicious of tampering with the institution.[773] As columnist Dorothy Thompson observed, "Cleverness and adroitness in dealing with the Supreme Court are not qualities which sober-minded citizens will approve."[774]

While there is not necessarily consensus on the popularity of FDR's court reorganization plan outside of elites,[775] it is generally conceded that its failure marks the end of FDR's dominance over congress. But the fact that it failed does not mean that action against the court was unnecessary. The court's opposition to government intervention in the economy was ideological in the worst sense of the word—so divorced from empirical circumstances that even action aimed at bolstering free enterprise was out of bounds. Shogan captures what was at stake when he notes that no matter how much power congress handed to FDR, "he could count on wielding that power effectively only at the sufferance of the Supreme Court."[776] The Morehead v New York (1936) decision demonstrated the bind in which the courts placed the New Deal. Previously in its Adkins

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[772] An enormously important institutional change championed by FDR designed to eliminate the southern veto on presidential candidates.
[773] Lash. Dealers and Dreamers. 310.
[774] Backlash. 122.
[775] Shogan cites that the mail coming into the White House was 9-1 against the plan (Shogan. 123.), while Patricia Sullivan points out that a Gallup poll showed that the South especially was in favor of FDR's plan, and that Lyndon Johnson made his support of it as an issue in his 1937 congressional campaign. (Sullivan. 61.) That support did not extend to most of the entrenched Southern leadership, another example of their comparative safety and the extent of southern disenfranchisement.
[776] Shogan. 14.

decision (1932) the court denied the federal government the authority to establish minimum wages. The Morehead decision (by a divided 5-4 court that highlighted the ideological nature of the ruling) overturned the rights of states to declare their own minimum wage laws, throwing the entire idea of worker protections into jeopardy and denying citizens the possibility of even marginal agency in the face of arbitrary economic power.

Roosevelt has been criticized for his handling of his court plan on a number of levels—for pursuing it at all (Brandeis and others argued that the problem was the ways the laws were written, not their substance), for insisting on it even after the Court's famous Switch in Nine, for the way it was framed,[777] and for the secrecy surrounding it. Some, like Jean Smith in an otherwise sympathetic biography, argue that this was pure hubris on the part of FDR, an sentiment echoed by Bruce Miroff, "the work of a president whose normal political acumen had been supplanted by the over confidence of the resplendent ego."[778] But as always criticism of Roosevelt must keep in mind his context. For example, knowing the superheated atmosphere surrounding the court, FDR believed that any proposal would be second-guessed from the start. "The danger he faced would be that his proposal would be so battered that by the time he sent it to Capitol Hill it would be dead on arrival."[779] Keeping it secret would allow FDR to frame the issue the way he chose.[780]

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[777] FDR's initial claim was that it was designed to help justices deal with overwork and advanced age, a claim the Chief Justice famously and publicly demolished. Jean Smith argues, for instance, that FDR should have framed his attack on the court as their own failure to follow judicial precedent. Smith. 379. Frank Freidel argues that he would have been better off approaching it openly as an obstruction issue, believing that the subterfuge conjured up unfavorable comparisons to fascist Europe and communist Russia. Frank Freidel. "The New Deal in Historical Perspective." Hamby. 24.
[778] Miroff. 237.
[779] Shogan. 85.
[780] Admittedly he chose poorly.

Joseph Lash argues that opposition to the plan was inevitable, that Congress was looking for a chance to reassert itself and defend its institutional prerogatives.[781] He recounts an exchange between Senator Wheeler and Roosevelt advisor Tom Corcoran. "I've been watching Roosevelt for a long time. Once he was only one of us who made him. Now he means to make himself the boss of us all. Well he's made the mistake we've been waiting for a long time—and this is our chance to cut him down to size. Your court plan doesn't matter: he's after us."[782] Again, the characters involved here are significant. Senator Wheeler was a mainstay of the progressive movement, even leaving the Democratic Party to run as La Follette's vice president on the Progressive Party ticket in 1934, and was an ardent support of FDR prior to the court plan.[783] The congressional hostility to the comparatively innocuous proposal is a reaction to Roosevelt's executive centered approach to governance as much as it was any substantive reflection on its content.

As Shogan argues in Backlash, the court plan cannot be made sense of without also considering the rise of the sit down strike and a more militant labor movement.

> The court fight and the sit down strikes were two great political dramas that played out simultaneously on the national stage in the winter, spring, and early summer of 1937 and transformed the balance of power in the country. Taken together, the two controversies became a whole far greater, and more devastating to the New Deal, than the sum of its parts. [784]

Although the New Deal administration was sympathetic and supportive of labor (with the caveat that unions were valuable primarily as a form of worker representation and a means to raise purchasing power), during the era of the sit down strike even modest

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[781] Something it seems far less interested in doing in an era of ideological parties.
[782] Cited in Lash. Dealers and Dreamers. 298.
[783] Afterwards he became John L. Lewis' choice to lead a third party to oppose Roosevelt, before sadly deciding to endorse Willkie.
[784] Shogan. 239.

support came at a cost, leading in the end to Roosevelt's mutual condemnation of both labor and capital ("a plague on both your houses") and John L. Lewis's marvelous rejoinder.[785] Although labor would ultimately stay loyal to Roosevelt, the decision of Roosevelt and fellow New Dealers like Michigan's Governor Murphy to avoid cracking down on the strikers helped pave the way not only for Roosevelt's defeat on the court packing plan, but also the conservative take over of Congress in 1938.

In the first three months of 1937 the number of sit-down strikes jumped from 25 to 170, leading the Detroit News to remark "[s]itting down has replaced baseball as a national pastime."[786] There was a lighter side to the strikes, including children in Illinois engaging in a sit down strike at a drugstore demanding free candy.[787] But most of the incidents were far more serious, especially when it was clear that strikers were prepared to try and hold the plants by force. The Roosevelt Administration and its allies refused to use state violence to break the strikes, a tremendously *unpopular* decision.[788] The President Emeritus of Harvard commented that thanks to the 'sit down revolt' "freedom and liberty are at an end, government becomes a mockery, superseded by anarchy, mob rule, and ruthless dictatorship."[789] By and large the American people shared this assessment. A poll taken in July 1937 indicated that 2/3rds of the public felt that sit-downs should be made illegal and favored using force to eject the strikers. Eight in ten favored laws regulating the conduct of strikes, and a two-thirds majority found AFL

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[785] "It ill behooves one who has supped at labor's table and who has been sheltered in labor's house to curse with equal fervor and fine impartiality both labor and its adversaries when they become locked in deadly embrace." John. L. Lewis. "Labor and the Nation." 3 Sept. 1937. Lewis ultimately backed Wendell Willkie in the 1940 election, and when labor did not follow his lead he resigned as head of the CIO.
[786] Shogan. 138.
[787] Ibid. 138.
[788] And one that begs the question, what sorts of reactionary responses might a mainstream movement to the left of the New Deal had called into existence. While the New Deal arguably co-opted the possibility of more radical reform, it similarly co-opted what would likely have been an even more potent reaction.
[789] Ibid. 177.

president William Green to be a more responsible political leader than John L. Lewis.[790] Perhaps most damaging to the New Deal coalition was the opposition of farmers, who were amongst the most vociferous opponents of the sit down strikes. Gallup also identified that 40% of the people voting for Roosevelt self-identified as conservatives in disagreement with one or more of his policies. While they may not have yet been ready to break with the President, they were more than willing to punish his party.[791] The Senate, trying to stave off an electoral backlash, passed a non-binding resolution condemning the strikes 75-3. But it was not sufficient, and not even Roosevelt's intervention could prevent the conservative coalition from asserting full control over Congress after the 1938 midterm election. In the end, the court plan, along side the purge and reorganization failures spelt the end of the New Deal as the embodiment of the Democratic Party. After that it became a movement within the party, reacting to, rather than controlling, a national agenda.

The Weak Central State

As Bernstein notes in A Caring Society, our modern state "lodged power not in a bureaucratic elite, but in patronage –based political parties, local governmental units, and a strong judicial system. Modern bureaucracy here had emerged primarily in the private sector." Rosen, quoting Theda Skocpol, concurs, noting that the state:

> lacked independent authority to plan and lead a powerful social insurance bureaucracy—labor unions were too concerned with their own survival or their workplace issues and expansions. What we had was a need for politicians to create "compromises….of social interests in ways congruent with the operating needs of the political institutions within which they pursue their careers."[792]

[790] Ibid. 210.
[791] Ibid. 223.
[792] Quoted in Rosen. 157.

As a result, the New Deal could institutionalize itself imperfectly at best, and helps to explain the urgency, experimentalism, and willingness to accept compromises capable of getting a policy or program off the ground. Reformation and improvement in the future was possible, expected, and desirable, but could not happen until something, however flawed, was in place in the present. The dominant impulse in the New Deal was to do something now and perfect it later. In the end the New Deal was animated simultaneously by the hope that anything was possible, and the realization that its possibilities were highly constrained, its incrementalism a balance between these poles.

FERA tried to make the distribution of relief as professional as possible, but the need for speed, lack of funds, pork barrel approaches to local relief, and differing state standards made this impossible for a fledgling organization.[793] While those in distress were supposed to receive food, fuel, shelter, utilities clothing, and medical care they rarely received much beyond food. The goal was to distribute relief in cash grants (for the dignity of the recipients), but this was not viable in practice. This was an issue of state capacity, which was itself related to larger issues of federalism. While the town meeting may have been an excellent vehicle for democracy, it proved to be a poor vehicle for distribution. The problem the programs ran into (besides finding funding at the federal level) was their local implementation. As Walter Davenport reported for Collier's magazine, "We do know that some farmers refused to serve on the committee [AAA], saying that if they were strictly honest in their appraisals they would lose some of their friends.[794] In addition, the AAA had to rely on the cooperation of the major southern planters, who exercised enormous control over tenant farmers. In a famous

[793] Bernstein. 30.
[794] Walter Davenport. "Money in the Mailbox." *Colliers*. (10 Feb, 1934). Freidel. 56.

incident early in the Administration, Wallace was forced to fire Jerome Frank and a number of high profile New Dealers who, in his view, refused to recognize that the state simply lacked the infrastructure to bypass these farmers.[795] Ultimately, with tears in his eyes, Wallace let Frank know that "the farm people are just too strong."[796] And, as per the argument of this project, any critique of Wallace's action needs to question the accuracy of his assessment.

The lack of national institutional capacity was doubly hampered by the general failure of the states to successfully implement their own reforms. Most attempts at providing adequate state level welfare were short lived, financed by regressive consumer taxes,[797] and quickly met their demise at the hands of local conservatives. Lorena Hickock toured the country, observing the implementation of New Deal programs and chronicling the unrelenting disaster that was local relief. In order to qualify in Maine, "a family has got to measure up to the most ridged Nineteenth Century standards of cleanliness, physical and moral…and Heaven help the family in which there is any 'moral problem"; In Texas she reported "If I were twenty years younger and weighed 75 pounds less I think I'd start out to be the Joan of Arc of the fascist movement in the United States" and by the time she reaches California she had wiped her hands of it. "I think we ought to let Japan have this state. Maybe they could straighten it out."[798] While Hopkins never did suggest that FDR turn California over to the Japanese, he did have to

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[795] Sullivan. 57.
[796] Quoted in Culver. 156.
[797] And without FDR's famous logic about the taxes on social security. FDR argues that the decision to finance the program through payroll taxes was entirely a political decision, designed to ensure that "no damn politician can ever scrap my social security program." And to be fair, as Patterson argues, most other sources of income had already been tapped.
[798] Quoted in Patterson. Hamby. 209.

federalize relief in 6 states, and Patterson believes would have preferred to nationalize it in many more.

When it was not the politicians, conservative courts and static constitutions were even more imposing obstacles to reform, and far more difficult to address short of state action not likely to occur given the disorganized, factional nature of state parties. The funding cuts that accompanied Roosevelt's ill-conceived attempt to balance the budget in 1937 exacerbated what was already a dire shortage of funding. Patterson concludes that with only a handful of exceptions (FDR's New York one of them) by the 1930s states had long ceased being laboratories of social reform, with little the New Deal could have done in the short term to address the "limited nature of pre depression state progressivism and the bitter resentment of outside interference,"[799] a lesson FDR learned firsthand in his purge. Patterson ultimately concludes,

> The most striking feature of federal-state relations during the 1930's was not the failure of New Dealers but the limits in which they had to operate. Time was short, the need for immediate action great, courts hostile, state institutions blocked progressive reforms, and state parties were often divided, conservative or concerned with patronage instead of policy.[800]

As a result, Patterson argues, the New Deal could only function federally, with its power centered in Washington. The question then becomes where to situate that power? This is at the heart of the New Deal's efforts to center national power around the presidency, rather than in Congress or with the parties.

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[799] Ibid. 214.
[800] Ibid. 217.

The President and the Party

The purpose of the New Deal institutional program was to force Congress to relinquish its control over national administration, which was becoming the center of political life in industrial societies.[801]

Machiavelli warns of the risks of dividing power in The Prince, lessons the New Deal took absorbed as it set out to not only build a national bureaucracy capable of administrating a welfare state, but to control both an increasingly hostile Congress poorly constructed for national leadership, and a Democratic party unwilling to define itself as the liberal party. The ultimate goal was, as Sid Milkis argues, the creation of the modern presidency, which "emphasized executive administration with limits on partisanship and rhetoric. Like his cousin, FDR hoped to emancipate the president from the constraining influence of American political parties, which made national administrative power chimerical."[802] The institutionalization of the New Deal social contract would prove to be impossible without first greatly expanding the nations capacity for what FDR referred to in his Commonwealth Club address as "enlightened administration"—governance (not necessarily rule)[803] by experts.[804] It was the effort to institutionalize this enlightened administration that Milkis refers to as the Third New Deal, with its:

> objective of strengthening national administrative power. It marked an effort to transform a decentralized polity, animated by localized parties and court ruling that supported property and states rights into a more centralized, even

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[801] Milkis. "Franklin D. Roosevelt, the Economic Constitutional Order, and the New Politics of Presidential Leadership." 45.
[802] Ibid. 32.
[803] The distinction being that the bureaucracy took its cues from mandates furnished by the people.
[804] Although, as Milkis notes, the end result was "a more active and better equipped state, but one without adequate means of public debate and judgment." Ibid. 33. We will explore these implications in greater detail in the next chapter.

> bureaucratic, form of democracy that could deliver the goods championed by New Dealers.[805]

Thus, while democracy as an act of citizen self-creation remained an important part of New Deal theory (both as a check on materialist excess and as a moral ideal) the process of government took on a decidedly more managerial tone, its effectiveness evaluated by its ability to deliver desired services to its citizens.

The Brownlow report, which FDR privately regarded as serving the same purpose as a constitutional convention,[806] served as the basis for this reorganization. Although its recommendations (expanded support staff and increased presidential control over the executive branch) were far more modest than the 1787 convention, the aim was clearly to permanently institutionalize mechanisms for reform, so that the common good could be expressed beyond episodic moments of crisis. This required making the president the central actor in our political system. As John Rhor notes, "The Brownlow Report prepared us to accept President' Truman's description of his office—'the buck stops here.' Before Brownlow we might have thought the genius of American government lay in the fact that the buck stops nowhere."[807] Brownlow sought to institutionalize the New Deal position that saw the president and his advisors as both the primary source of public policy and the people most responsible for its implementation.

The original recommendations of the Brownlow report were defeated in April of 1938, due to massive defections influenced by the Court plan and sit-down strikes. It was this combination of defeats that led Roosevelt to attempt his ill-fated 'purge' of

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[805] Ibid. 42

[806] John Rohr. "Constitutional Legitimacy and the Administrative State: A reading of the Brownlow Commission Report." Eden. FDR preferred this method in part because it kept figures like Coughlin out of the equation.

[807] "We might have said it floats freely among such competing institutions as the Senate, the House, the courts, the presidency, the bureaucracy, the states, our allies, our enemies, and a host of private organizations blessed with either fat coffers or righteous fervor or both." Rohr. 95.

conservatives from the Democratic Party. FDR's logic was Jacksonian—an appeal to the people over the heads of the reactionaries and their sheltering institutions, a method made viable by the existence of direct primaries and modern media. While the purge was technically unsuccessfully, it did scare enough recalcitrant Democrats to get a more modest reorganization bill through congress in 1939, establishing the Executive Office of the President and increasing his formal control over the bureaucracy, institutionalizing a relationship that previously had been a sole function of FDR's leadership.[808] This increase in centralized power helped to emancipate presidents from their parties, as parties were no longer as essential for logistical or electoral support, policy formation, and interest group contacts. It also, as Milkis points out, made ideological patronage possible, whereas prior patronage was solely a form of spoils. Thanks to the Ramspeck Act of 1940, which granted civil service protections to New Deal appointees, the New Deal would be able to maintain its presence long after FDR left the White House.[809]

The Democratic Party

The New Deal was not synonymous with the Democratic Party, as David Plotke makes clear.

> The Democratic Party was not the leading agent in those efforts [at progressive reform]; it was not powerful or coherent enough to create the New Deal. Parts of it flourished in a political bloc that cut across institutions – in this bloc the Roosevelt administration and new state agencies exercised more political leadership than the Democratic Party.[810]

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[808] Milkis. "Franklin D. Roosevelt, the Economic Constitutional Order, and the New Politics of Presidential Leadership." 46.
[809] Although, as Milkis points out, it is likely that this bill would not have passed had FDR not declare he would run for a third term, which he in turn would not run for if not for the presence of Fascism and Japanese imperialism.
[810] Plotke. 129.

Roosevelt's impressive electoral victory in 1936[811] was self consciously framed as a referendum on his leadership, rather than the party. His public statements made little mention of the Democrats, "nor did he credit his accomplishments to the party. He offered a national, progressive, and popular-democratic program and vision, always trying to attract Republicans and independents."[812] Voters tended to reflect Roosevelt's thinking in this matter. They were for FDR first, the administration second, and the party third, in an increasingly derivative fashion. Roosevelt had a vision for what the Democratic Party could be, but this vision was always second to the implementation of the New Deal. As such, he was prepared to work with the Democratic Party as it was, and bypass it when possible, instead of trying to simultaneously reform the party and build a American welfare state. Party reform would always be a means, not an end, one to be abandoned when preferable options presented themselves.

To understand the New Deal's attitude towards parties we must remind ourselves that the Democratic Party of the 1930s was hardly a monolithic organization with ideological coherence (nor, for that matter, were the Republicans). Instead it was a massive coalition of state and local organizations, sheltering within its borders both the New Deal Coalition and the Conservative Coalition, with some members of Congress existing in both camps simultaneously. As Albert Romasco observes,

> It would be more precise to speak of the Democratic parties, for the party label was a convenient umbrella covering a congeries of large and small factions representing different regions, diverse and conflicting interests, and the entire political spectrum from left to right. All these unwieldy components were held together under one designation, mainly by the uncertain glue of tradition and party loyalty.[813]

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[811] As Roosevelt understood, 1932 was a mandate against Hoover more than an endorsement of FDR.
[812] Plotke. 135.
[813] Romasco. 34.

The new people brought into the party by Roosevelt reflected its expansion more than its reformation, a reformation desired by neither the party leadership nor the rank and file. The Democrats simply contained too many divisions guaranteed to "undermine any attempt to make the party a coherent and autonomous center of power."[814] This lack of coherence is one reason why Roosevelt, as opposed to a progressive like Wilson, chose to distance the executive branch from the party, rather than unite them under a banner of presidential leadership.[815] Whereas Wilson saw parties as a way to integrate the different branches of government, the New Deal simply doubted that the Democrats could demonstrate the kind of independent agency needed to serve as the heart of the movement. As Jerry Mileur put it, "In governing, a leadership of principle and national purpose could frame issues more effectively and produce change more quickly, but not so with party leadership, in which old habits and localism held sway."[816]

FDR's efforts at party reform were sporadic, in part because of the limited institutional power he possessed as party leader. He had no formal disciplinary power, and Congress is not constitutionally responsible to him. He reformed the presidential nomination process (the significance of overturning the 2/3rds rule cannot be overstated) and the Jacksonian appeal to the public was a useful weapon, but as the purge demonstrated, it often faltered against the black box of local politics. The fact that Roosevelt could claim to speak for all the people did not necessarily help when speaking to a particular people, especially when local laws and customs silenced huge swaths of

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[814] Plotke. 138.
[815] Milkis. Eden. 126. Milkis argues that whereas Wilson reconciled himself to the splits in his party, Roosevelt tried to either govern through progressives or bypass the party in its entirety.
[816] Mileur. Milkis and Mileur. 103.

potentially sympathetic voters. His control was over the national, not the local party. As Hamby argues,

> Unable to control the constituencies of these congressmen, Roosevelt could not wield effective power as a party leader. He could and did continue to dominate the Democratic 'presidential party,' the coalition that controlled the Democratic nominating conventions and provided the margin of victory in presidential elections. However, he could not control the Democratic 'congressional party'; after 1938 he could hope to achieve only legislation only through the weak and largely ineffective method of persuasion[817]

Therefore, simply bypassing the party was often preferable to directing it, since party reform was not an urgent priority.

The idea of giving the party coherence nevertheless remained appealing to the New Deal, and part of FDR's ambiguous legacy on parties is his attempt to create a national liberal party while simultaneously undermining its importance by transferring power to executive institutions. "Once the administrative state he envisaged was in place," Mark Landy argues, "such grand partisanship would no longer be either necessary or even possible… Administration would replace partisanship as the defining force in public affairs."[818] Nevertheless, there was still a role for parties, especially ideological parties, to play in a new institutional order dominated by the executive.

Although fiercely loyal to the Democratic Party, FDR wanted to see the country move away from a party identification that reflected ancestral loyalties and accidents of birth. A party should be more than a sports team. He desired ideological parties and sought to be the architect of a new liberal party.[819] The appeal of having a 'liberal' and

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[817] "Historians and the Challenge of the New Deal". Hamby. 6.
[818] Landy. 73-74.
[819] Miroff. 250. Miroff argues that Roosevelt was too timid to make the commitment to full fledged party reform, although he admits that the local roots of the parties were extremely strong, and he does not really address the question of priorities—did Roosevelt have the political capital and capabilities to simultaneously address the Depression and reform his party.

'conservative' party was the possibility of enhancing participation, citizenship, and accountability—that thick definition of citizenship advocated by the New Deal. Ideological parties ensure that something is at stake in every election and give voters the chance to send clear signals to Washington about the desired direction of the national agenda. They would also serve to make the government more efficient, ideally minimizing the friction between the executive and legislative branches and realizing Woodrow Wilson's ideal of presidential party leadership.

The base of that party would be found in its urban coalition as urban immigrants, blacks, and working class whites were drawn into the Democratic fold, a movement begun by Al Smith and consolidated by Roosevelt. As Samuel Lubell argues, "Roosevelt did not start this revolt of the city. What he did do was to awaken the climbing urban masses to a consciousness of the power in their numbers,"[820] and the tangible presence of New Deal programs in their lives "gave a clearer content to partisan preferences than had previously been the case."[821] Roosevelt sought to use their strength to impose his own vision onto the Democratic, justified with the Jacksonian legitimacy conferred by his office. And this link with the public was in the end more important than party, as it enabled him to govern on behalf of a liberal ideology as the head of the entire nation, rather than as the leader of a coalition of factions.

FDR was clear about this from the beginning, and in his 1932 speech accepting the Democratic nomination he warns

> nominal Democrats who squint at the future with their faces turned to the past, and who feel no responsibility to the demands of the new time, that they are out of step with their Party. Ours must be a party of liberal thought, of planned action,

[820] Lubell. 145.
[821] Miroff. 250.

> of enlightened international outlook, and the greatest good of the greatest number of our citizens.[822]

The presence of Republican progressives like Henry Wallace and Harold Ickes in his cabinet emphasizes his desire to make the Democratic Party (or failing that, the Roosevelt administration) the one true voice of the mainstream American left. FDR would endorse prominent liberal Republicans like Senator George Norris over conservative Democrats,[823] and in 1944 was discussing with Wendell Willkie (at this point a committed internationalist and the nation's most prominent liberal Republican) the possibility of a mass defection of liberal republicans and a new purge of conservative Democrats.[824] The death of both Willkie and Roosevelt within a few months of each other obviously put an end to this possibility, but it demonstrates that Roosevelt continued to entertain this notion years after the purge attempt that Burns marked as "the bankruptcy of his party leadership."[825]

By almost any standard the 1938 purge has to be judged a failure, and Burns' assessment is common. He particularly harsh in his appraisal of Roosevelt's performance, arguing that he never made the commitment to building up the party rank and file. While Burns concedes that our political system contains numerous constitutional blocks designed to prevent the emergence of the majorities that Roosevelt sought, that the third term taboo lessened his influence, and that recovery made the New Deal less urgent and strengthened the opposition. Nevertheless, Burn's accusation that Roosevelt failed to build a coherent party misses the mark. Roosevelt's failure was not a question of

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[822] Smith. 276.
[823] Rosenman. 128
[824] Ibid. 463. Of course this obscures the very real policy differences between figures like Willkie and Roosevelt. Liberalism and conservatism are broad covering terms, capable of endless variation.
[825] Burns. Hamby. 133.

fostering party infrastructure per se, but of actually giving the party an ideological coherence that would have alienated huge swaths of the party (and in many cases the fact of intervention itself became a major campaign issue, demonstrating how powerful localism was),[826] threatening the entirety of Roosevelt's recovery program. The sheer audacity of the President of the United States intervening in local politics was itself a bold, controversial stroke. The fact that the press labeled it a 'purge' with all the fascist and Stalinist connotations the word evokes, is itself significant.[827]

While he desired an ideologically liberal party, Roosevelt was clear that he was prepared to ignore the party when he had to, especially if it threatened recovery and reform. Obviously a fully liberal democratic party eliminates constitutional roadblocks, but the attempt at creating one would have absorbed vast amounts of political capital with an uncertain prospect of success. It would have had to take place at the federal, state, and local levels, and given the ways in which state constitutions and voting laws were often roadblocks to voter enfranchisement and liberal politics, this would have been an enormous undertaking in the midst of the twin goals of recovery and reform. Burns argues that a more developed and organized, long term purge could have been successful, given the fact that its few success came when it was supporting established figures[828] in well organized campaigns.[829] But in his ultimate indictment of FDR he attributes the failure of the purge to "[Roosevelt's] unwillingness to commit himself to the full implications of party leadership" which "would have demanded a continuing intellectual and political commitment to a set strategy—and this kind of commitment Roosevelt

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[826] Smith. 411-414.
[827] Milkis. "New Deal Party Politics, Administrative Reform, and the Transformation of the American Constitution." 131.
[828] Of course, this assumes that these people were available everywhere.
[829] Burns. "FDR: Unsuccessful Improviser."136.

would not make."[830] For Burns this is due to a failure of vision on Roosevelt's part, the fact that he was "less a great creative leader than a skilful manipulator and a brilliant interpreter."[831] What Burns misses is that Roosevelt in fact had a 'creative' vision for the role of president in American political life. It just did not involve the president acting as a party leader.

The Centrality of the Executive

Much has been made of the alleged Jeffersonianism of the New Deal, which following in the tradition of Teddy Roosevelt's New Nationalism, sought to fuse Jeffersonian ends (democracy) with Hamiltonian means (state power). While it is certainly true that FDR was sympathetic to aspects of Jeffersonian thought, in particular his romantic agrarian streak, FDR's leadership owes much more to Jackson than it does Jefferson, especially given the centrality of the executive in the political life of the New Deal. It is with Jackson that we first start to see the president conceptualized as the tribune of the people, the most democratic, rather than the aristocratic, element of the federal government. Congress is demoted, becoming the embodiment of factionalism and localism, devoid of any unified vision or purpose. The presidency, on the other hand, personifies, democratic legitimacy, as it is the only branch of government capable of articulating a common, rather than aggregate good. This was a view subscribed to by the majority of FDR's closest advisors, as well as FDR himself.

Beyond the moral legitimacy conferred by speaking as the voice of all the people (as opposed to the narrower, factional representation embodied by Congress), there was a tactical consideration involved in the New Deal's Jacksonianism—namely that the nature

[830] Ibid. 136.
[831] Ibid. 140.

of our Constitution virtually ensures that programmatic leadership and accountability has to come from the executive branch.[832] As Milkis argues, Roosevelt offers a strong executive as an alternative to the collective responsibility of the Congress.[833] Rather than concern himself with full-fledged party leadership, the New Deal sought to emancipate the presidency from the shackles of party government.[834] Roosevelt makes clear his intentions during his first inaugural address when he declared

> I shall not evade the clear course of duty that will then confront me. I shall ask the Congress for the one remaining instrument to meet the crisis—broad Executive power to wage war against the emergency, as great as the power that would be given to me if we were in fact invade by a foreign foe.[835]

It is the president's job to lead. The initiative and responsibility clearly lie here, and it is the job of the congress to facilitate the president's leadership, not to act as an equal partner.

As diminished as the role of congress becomes, the role of the party is even more reduced. "I do believe in party organization." Roosevelt claims, "but only in proportion to its proper place in government….Parties are good instruments for the purpose of presenting and explaining issues, of drumming up interests and elections, and, incidentally, of improving the breed of candidates for public office."[836] And in that speech Roosevelt goes on to talk about both the rising importance of independent voters not bound to traditional party loyalties, and the increased recognition that "the great

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[832] Miroff. 251.
[833] Milkis. "New Deal Party Politics, Administrative Reform, and the Transformation of the American Constitution." 134.
[834] The source of some New Deal hostility from progressives like Borah and Wheeler. McMahon. 77.
[835] Quoted in Smith. 302.
[836] FDR. Jackson day speech, 1940, quoted in Milkis "New Deal Party Politics, Administrative Reform, and the Transformation of the American Constitution." 140.

public is interested more in government than in politics,"[837] politics, of course being synonymous with parties.

As Milkis argues, while the New Deal saw the welfare state as a non-partisan set of programs and policies, they were prepared to use partisanship to generate the support needed for its institutionalization, and to ultimately one day transcend partisanship.[838] The content of FDR's address declining the 1940 presidential nomination (written when Wallace's confirmation looked doubtful) expressed as much.[839] We may never have a moment when the entire country shares an ideology, but the party differences should reflect principled disagreements about the proper role of the state in people's lives, rather than shifting, arbitrary loyalties that only serve to hinder voter accountability by making the parties interchangeable.

In this formulation, the president becomes not only the voice of the people, but the central actor in the process of governance. The president is both the tribune of the people and their chief administrator. The later function is particularly vital as governance increasingly means discretionary mandates interpreted and implemented by appointed, rather than elected officials.[840] This is why, as previously mentioned, the idea of executive reorganization was as important to Roosevelt as the purging of the Democratic Party and the liberalization of the Supreme Court. All three were roadblocks preventing the implementation of executive leadership.

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[837] Jackson day speech, 1940, Ibid. 140.
[838] Ibid, 129.
[839] The Democrats "must go wholly one way or the other. It cannot face both directions at the same time. By declining the honor of the nomination for the Presidency, I can restore the opportunity to the convention. I so do." FDR quoted in Culver, 222.
[840] Milkis and Nelson. 279.

The New Deal's abandonment of party government rejects the Democratic Party's Jeffersonianism and attempts to make the welfare state a constitutional issue, a permanent fixture of our social contract, rather than a set of programs whose basic stability is threatened with each election. Roosevelt made clear in the Commonwealth Club Address, and throughout his presidency, that modern social conditions require an enduring alteration in our constitutional order. Joseph Harris, the director of the research staff on the President's committee on administrative management, sums up what is at stake.

> We must consider a planning structure in light of expansions of functions occurring in collectivist periods like the present and in periods of reaction during contracting phases marked by the dominance of rugged individualistic views. We must assume, however, that these contradictions will always be less in fact than in profession. We may assume that the nature of the problems of American life are such as not to permit any political party for any length of time to abandon most of the collectivist functions which are now being exercised. This is true even though the details of policy programs may differ and even though the old slogans of opposition to governmental activity will survive long after their meaning ahs been sucked out.[841]

Ultimately the administrative welfare state becomes a permanent institutional arrangement, where the parties (ideally liberal and conservative) can argue about its comparative size and scope, but not about its existence.

The recommendations of the Brownlow report call for centralizing the actual process of governance in the executive branch. Governance becomes a matter of efficiently delivering services, a role the Congress is simply not suited to play. Instead the role of congress is limited to naming broad mandates, and exercising accountability

[841] Milkis "New Deal Party Politics, Administrative Reform, and the Transformation of the American Constitution." 141.

via impeachment, appropriations, and oversight.[842] Small surprise then, that Congress ultimately balked at the committee's recommendations.

Milkis is correct. There was a 'third' New Deal, although that third New Deal did not represent a departure as much as it did a recognition that institutional reform would be required to make the New Deal's Social Contract a permanent fixture of American life. And Burns is wrong when he argues that there is no larger vision animating the enterprise. The New Deal sought to move the executive beyond not only acting as the voice of the people (following Jackson) but as the centerpiece of an administrative state, whose priority was ensuring the delivery of necessary services to the American people. The role of Congress and the parties were necessarily diminished in this new arrangement, the parties serving as a tool of the executive, and the congress engaging primarily in oversight. Citizens would have to look to external organizations to exercise participation and influence beyond the broad accountability and agenda setting that occurs with elections.

Organization

The President wants you to join the union.[843]

FDR began his political career running on an anti-Tammany, clean government platform. His opposition was largely aesthetic, ignorant of the role of interest in society and the fact that machines were important political institutions, providing necessary services people could not get from their formal government (usually, according to Arnold, because prevailing folklore would not permit it). A description of FDR and his

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[842] Rohr. 97-101.
[843] The standard organizing speech in the aftermath of section 7a of the NRA began "The President wants you to join the union." Abbot. 102.

political priorities circa 1911 encapsulates all this nicely, "the silly conceits of a political prig [devoid] of human sympathy, human interests, human ties."[844] It was under Secretary of the Navy Josephus Daniels that FDR learned of the Democratic Party, its diversity, the importance of small favors, and the need to accommodate regional political balances of power. By 1924 he is honoring Charles Murphy, the recently deceased leader of Tammany Hall, as the 'political prig' learned that one must accept a certain measure of dirt in politics if they wish to accomplish progressive ends, and work with whatever organizations present themselves in the process.[845]

The New Deal was always shot through with the primacy of politics. On the surface this gives the New Deal a Niebuhrian coloring—a sense that humanity has fallen and its organizations will always reflect our lack of grace, but the rhetoric of the New Deal is one of uplift, of the belief that, through democratic action, we can save ourselves and each other. And this is the complicated relationship between New Deal democracy and the practice of political organization. The New Deal has a clear theory of political ends, and among those ends is an adherence to democratic practice and procedure—that giving people a direct voice in the laws that govern them is a positive good in itself. The reality of political life is that the voice that shouts the loudest is the most likely to be heard, and that the quiet, retiring wallflowers are ignored no matter how numerous they are, regardless of the justice of their cause. Therefore, the New Deal always recognized

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[844] Smith. 78.

[845] Therefore, Roosevelt ultimately accepted the need for political machines, at least until the final institutionalization of a welfare state. Arnold captures why this is necessary. "The political machine as an institution separate from recognized government thrived in the Untied States as in no other country in the world. It was called in whenever the Government, bound by its ideals to stay aloof from reality, was compelled to enter into the affairs of an every day world. We were always just about to get rid of it, but we never did. The reason of course was that we refused to permit recognized government to become a practical force." Symbols. 239-240. As long as the machine remains the only organization willing to address the practical needs of its constituents they will remain an important and necessary part of the political process.

the central importance of organization. Because it would be undemocratic to ignore the voices of the people, steps had to be taken to organize the groups that needed to be heard. The New Deal's leftward shift after the failure of the NRA is a response to the increasingly vocal presence of that constituency, but ending the discussion here misses an important point. These groups were pushing the New Deal where it wanted to go, giving it the political cover it needed to make those moves, and in some cases the groups talking were given their voice by the New Deal in the first place.

This is why political organization was such a fundamental part of the New Deal's political philosophy and practice. In a healthy democracy those in power have no choice but to listen to the demands of the people, so the more organized the people are, the more likely their voices are to be heard above the din of competing interests. Organization cleared the space necessary for the government to act, and both Roosevelts were talented organizers. ER especially worked hard on behalf of unions, civic organizations, and any group capable of aggregating people who needed help. Pluralism and factions are a political reality, so it was necessary to make sure that the most vulnerable are sufficiently organized. The New Deal understood that right is unlikely to inform public policy unless the votes line up that way.

Like education, organization was a constant process. It was ER's belief in the permanent campaign that, under her leadership in the 1920's, turned the Women's Division of the New York Democratic Party into the most prominent in the nation. But any group so organized must always keep their particular interests in line with the interests of the nation as a whole. Her advice to the American Youth Congress sums up

nicely both the importance of organization and the ways in which it fits into the New Deal's democratic theory.

> Organize first for knowledge, first with the object of making us know ourselves as a nation, for we have to do that before we can be of value to other nations of the world and then organize to accomplish the things that you decide to want. And remember, don't make decisions with the interest of youth alone before you. Make your decisions because they are good for the nation as a whole. [846]

In a democracy, you can't acquire political power without making yourself heard, which in turn comes from knowledge and organization. However, there is a moral obligation not to abuse that power, and to always keep the common good (as defined by the New Deal and ratified by the electorate) of the nation at heart, and it becomes the job of the government to move in that direction when the interests themselves are unable to take that step.[847]

Organization becomes even more important as the power of the state expands, as exclusion and the costs of non-participation are that much higher. Beyond the obvious representation of their welfare, without participation in groups it will be increasingly difficult for individuals to having some kind of role to play in their government.[848] An increasingly powerful state requires an increasingly well-organized electorate to ensure accountability and avoid the type of administrative despotism Tocqueville warned about—both within the state and within its political organizations. Active citizen participation (usually filtered through organizations) also serves to soften the elitism that inevitably flows out of an administrative state. Even if there is little room for the citizen

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[846] Lash. Dealers and Dreamers. 554.
[847] This was one of the reasons why the New Deal did not fear labor radicalism, as these were seen as growing pains in a new organization, and as it matured it would come to see its place in a larger web of interdependence.
[848] Although hardly a New Dealer, de Jouvenel expresses this concern in On Power. 365-366.

to manage policy, they can at least determine the principles and goals that drive the policy itself.

When necessary, it becomes the obligation of the state to organize the unorganized themselves, or facilitate their self-organization. Labor is one obvious example, but the efforts made by New Dealers to encourage rising black political activism is often overlooked. This was both a moral obligation and, as Sullivan notes, part of a deliberate strategy of using blacks to act "as catalyst in a long term effort to institutionalize the democratic aspirations of Roosevelt's recovery program by appealing to expectations of groups long on the margins of southern politics."[849] Likewise, the creation of the Southern Tenant Farmers Union gave the chance for the New Deal to explore the economic and political handicaps blacks faced,[850] but it could not do this without the window that organization provided. Philip Randolph got the defense industries desegregated when the strength of his organization was capable of overcoming existing institutional roadblocks.[851]

There is a dark side to this process, one that reflects the realities, rather than the aspirations, of democracy. The code making process of the NRA was perfectly democratic, which is to say that it reflected the massed strengths of the interests involved, and those with the best organization did the best. While organized business was held in low esteem at the time of the first inaugural, this did not reflect their actual power, economically or politically. As Bernstein notes in A Caring Society, it is not surprising that the New Deal's minimum wage law had the gaps in coverage that it did, especially in the south, as "the prospective beneficiaries of such a law, the most exploited persons in

[849] Sullivan. 43.
[850] Sullivan. 56.
[851] Sullivan. 136.

the employed labor force, were unorganized and many, probably most, did not even vote. Since they did not speak, no one heard them."[852] In the end the Roosevelt administration did pay the most attention to the groups who talked the loudest. That is the reality of political life, and of formal democracy. What is more important is the recognition that in order for the conversation to be both democratic and just, everyone would need to be given a voice, and even more radically, that it is the obligation of the state to help citizens acquire that voice.

Change in a Liberal Democracy

To remove the rag bag of phobias, prejudices, principles, and ideas that condition the reactions of the human computer to new data is a long and painful process…But gradually the change comes about, principally through the substitution of new words, words that have a different emotional content from those previously used.[853]

One of the things that frustrated both supporters and critics of the New Deal on the left was the pace of reform. Regardless of how radical many changes were, there was always so much more that could have been done. The initial formulation of Social Security that made it through Congress was just as noteworthy for who was excluded as included. We have examined thus far some of the external reasons behind the limited (from a certain point of view) nature of the reform. It is worth looking at some ideological ones—namely that a liberal regime will by its nature be inclined to move slowly, and if Arnold is right, and our folklore determines the boundaries of possible action; and if Louis Hartz is right, and we are a liberal nation to the core, then this pace is inevitable. Different regimes require different political practices, and a liberal representative democracy is no different. If anything, it is an especially limiting form of

[852] Bernstein. 135.
[853] Arnold. Folklore. 285.

government as a democratic prince has less recourse to the lion and must make do with the fox. What's more, a liberal democratic government headed by a philosophically liberal prince creates even more constraints. Liberalism, at least the Lockean strain that influenced the United States, is grounded in a skeptical modesty about ends, which in turn leads to a tolerance of other views, and grants them access to the machinery of government. We've seen this play itself out not only in the New Deal's positive insistence on an inclusive common good, but also in its emphasis on organization and the importance of giving all interested parties a voice in their government—and that the government's legitimacy is dependent on the presence of that voice. Violence is not (theoretically) a legitimate form of political authority to be used against the citizens of the state. Power is contested in freely fought elections where both sides engage in persuasion (the demagogue is effective, but illegitimate, to the chagrin of Arnold if not quite the other people profiled in this study), and the winner must respect the rights of the loser. Leaders are bound by the rule of law, which trumps the rule of man.

The emphatic protestation of the Liberty League to the contrary, FDR was an authentic liberal democrat. While New Dealers like Eleanor Roosevelt were more staunchly committed to the idea of politics as education, FDR was enough of a believer to ensure that his salesmanship usually lacked some of the more nakedly manipulative appeals to passion, and certainly his policy more temperate then his strategically inflammatory electoral rhetoric. Roosevelt could claim, as he did on the eve of the 1936 election, "I should like to have it said of my first Administration that in it the forces of selfishness and of lust for power met their match. I should like to have it said of my

second Administration that in it these forces met their master.[854]" But these voices were never shut out of the legislative process, as a matter of both necessity and liberal commitment. While Roosevelt greatly expanded the power of his office and at times had a hostile relationship with both the courts and the conservative Democratic/Republican congressional opposition, he accepted the legitimacy of checks on his power as well as the right of the opposition to exist. He was also willing to concede that they in turn represented interests entitled to a voice in government (the source of many accusations of New Deal schizophrenia).

This adds up to a tolerance for divided government and willingness to rule in the name of all, which runs counter to the Machiavelli of The Prince. Mill's great fear was that democracy confers a breezy sort of legitimacy onto the actions of the state and threatening minorities. But as the Roosevelt Administration folded ever more power into the executive, the New Deal began to fear that minorities could use this new power to impose its will upon majorities, especially when those majorities stand in the way of policy. The coercive power of democracy *must* be limited. We cannot force anyone to be free. "Unless you are Mr. Hitler you must not lead where your responsible following is not ready to uphold you."[855] Respect for the autonomy of others means you must also respect their right to dissent, their freedom to be stubborn, and their right to be wrong.[856] The process of educating the electorate, exposing them to new ideas and new experiments in living is a gradual one, and the liberal democrat must resign himself to the occasionally glacial pace of reform.

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[854] FDR. "Campaign Address" 31 Oct. 1936. <http://www.fdrlibrary.marist.edu/od2ndst.html>.
[855] ER quoted in Kearney. 263.
[856] Both Roosevelts thought people should be allowed to make their own mistakes and learn from them—the job of parents is to provide them with the support they need while they make those mistakes. See "Mother to a Generation" in Kearney. 3-56.

Despite the rhetoric of his most militant speeches, the New Deal never truly went to war with those who would oppose it.[857] Ideologically FDR was not capable of such a move, which in turn highlights a real limitation of liberalism from a Machiavellian standpoint. If one is to remain a liberal it requires moving liberalism to the top of the hierarchy of ends, with a respect for due process and the recognition of legitimate dissent topping even the humanitarian goals of the New Deal. Justice is served when all people have a substantively fair chance at playing the game—it is not found in the outcome. As Bertrand Russell argued, for Machiavelli there is no such thing as legitimate power (or rather all power is functionally legitimate),[858] whereas for FDR there is. Questions of justice, law, tolerance, and obligation have intrinsic, not just instrumental value. Machiavelli assures the Prince that he stands outside history and morality, and cannot be judged by it. The liberal democrat must reject that stance on moral, if not empirical grounds.

The recognition of legitimate independent interests and respect for the democratic process also means that the American prince will be dependent on others, limiting his freedom to act. Roosevelt was willing to concede that the Democratic Party had interests and goals independent of his ideological policy preferences.[859] Likewise, the nature of a democracy itself means that the Prince will be as dependent on the interests of the coalitions voting for him as much as that coalition is dependent on the Prince. He will never be able to wean himself of his dependence on the arms of others, even if steps can

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[857] Although FDR was not above making life difficult for political opponents like Huey Long.
[858] Although, as Leo Strauss has noted, ideas of conscience and the common good appear in The Discourses, in addition to a distinction between princes and tyrants.
[859] Although his later efforts, such as the 1938 purge campaign and the progressive alliance offered to Willkie shortly before Willkie's death indicated a desire to give both parties a degree of ideological consistency.

be taken to minimize their importance (party reformation, executive reorganization). In a democracy the prince will always rule at the sufferance of others, which in turn brings us back to a basic Machiavellian principle. The election must come first. Without the ability to maintain office there is no institutional vehicle through which the democratic leader can achieve his political goals. The only choice available is picking which mercenaries to use, be they the Hearst newspaper chain during the 1932 campaign or the southern Democrats who would obstruct any and all attempts to challenge the racial and economic status quo of the south. While a progressive coalition strong enough to be the sole basis of New Deal support was the ideal, it was simply not numerous or influential enough in reality. And even if it was, victory does not grant it the right to silence other voices. The New Deal is ultimately a liberal movement more than a democratic one, tempering its tyrannical possibilities with a healthy dose of modest liberal skepticism.

These liberal commitments place reformers in a difficult position. Ideological purity demands commitment to principle. Democratic power requires compromise. To not give ground on the issue of lynching means surrendering both the expansion of the New Deal in other areas (and blacks did benefit from its protections and programs, as their political leaders recognized) and the possibility of arming the nation to meet fascist aggression, as the same southern Democrats were amongst the strongest supporters of FDR's foreign policy. Individual political decisions can be called into question empirically. Maybe FDR could have endorsed the lynching bill without tearing apart what was left of his coalition. The historical record gives us the data necessary to make an educated guess, but for Machiavelli, for Arnold, and for Roosevelt the larger right and necessity of compromise is never called into question. The political leader, responsible

for the welfare of the electorate, does not have the same luxury of the principled stand that the extra-institutional actor enjoys.

Conclusion

There is nothing more difficult to handle, more doubtful of success, and more dangerous to carry through than initiating changes in a state's constitution. [860]

Arnold concludes The Folklore of Capitalism with what he calls his theory of political dynamics, a first attempt at a formal theory of institutional change implicitly accepted by the New Deal. While his version contains twenty-three separate points we can simplify the argument down to six.

1. Organizations, in order to meet specific goals, require morale—a belief in the rightness of their project and the appropriateness of their methods. In the process of acquiring this morale institutions develop folklore, a set of symbols, ceremonies, and creeds.
2. This folklore determines the limits of what sorts of actions are legitimate, or even possible. Most forms of folklore lead over time to a reification of principles that limit the adaptability of the organization to new challenges and conditions.
3. Because practical needs have to be met, sub rosa institutions develop to address new challenges, with ceremonial action taken to make sense of thedisconnect between principle and practice.
4. In times of crisis, sub rosa institutions get overwhelmed and old institutions break down. It is in this moment that fundamental political change is possible, through the development of new institutions. "The failure of older social organizations to act leave a vacuum into which some new organization is bound to follow."[861]
5. As these institutions are new, and are frequently in conflict with older folklore (which Arnold argues maintains its psychic value long after it ceases to provide an accurate reflection of reality), they are often seen as illegitimate.

[860] Machiavelli. 21.
[861] Arnold. Folklore. 388.

6. The crafting of new folklore takes time. During the transition period, before new folklore has acquired legitimacy, it is important to reinterpret older forms of folklore to lessen the existential shock that comes with change. As Arnold argues,

> When you are marching under a banner of reform or revolution you can accomplish great things, but you cannot keep marching forever. Sooner or later you have to stop, and only when you can stop and know peace have you been successful. This is best accomplished by making sure that "the ancient habits of thought are preserved while molding them to new needs."[862]

The primary moment of agency comes at point 4, the moment of institutional collapse. However, the largely inescapable symbolic limitations of the human mind mean that it is difficult to fully break with the past, even in the face of clear failure. The effective political actor is the one who best knows how to navigate this moment, to recognize the psychic and institutional forces that prevent change (the anthropologist) and neutralize them through a simultaneous process of co-option of the old to ease the period of transition and the formulation of a new folklore to replace it.

An illiberal ideology will likely find the possibilities of action less constrained, given that liberalism is self-conscious of its limits. The liberal progressive is always trapped in a null space between reform and revolution. The old forms have a degree of legitimacy beyond their instrumental value that precludes them from ever fully being challenged (the New Deal was attempting to preserve, not undermine constitutional governance and FDR always saw his mission as saving capitalism). Yet the New Deal could also be considered a real American revolution that drastically redefined our understandings of the relationship between government and citizen no less than the first founding or Civil War. The principality is both new and old, a founding and a renewal of a previously established regime.

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[862] Arnold. Symbols. 247.

The failure of the New Deal reflects in part its failure to establish a new form of folklore able to completely vanquish the old. This is not surprising. Given the liberal restraints New Dealers operated under, they were in fact creating a counter tradition to be appropriated when needed, a set of competing symbols rather than an entirely new creed. The old order can be discredited for a time, but never fully purged. Doing so would have required a genuine refounding, an exercise of princely power not achievable through liberal means.[863]

And so, the New Deal believed, the reformer must be prepared to accept two things. The first is the slow, measured pace of change. FDR reminds us that "governments such as ours cannot swing so far so quickly…They can only move in keeping with the thought and will of the great majority of our people. Were it otherwise the very fabric of our democracy—which after all is government by public opinion—would be in danger of disintegration."[864] The New Deal has a profound commitment to the process of liberal democracy. One can plead with, cajole, manipulate, and hopefully educate the people. But in the end the President can only point the way to go. The people must choose to follow, and they are a long time in choosing. If they reject your direction, you are obligated to accept their judgment and continue trying to sell your product to them. This principled respect for autonomy buttresses the willingness of people like FDR and ER to accept compromise and take the ideas of the opposition seriously. The government must serve all the people, and those who oppose you still have a claim on your leadership. In order to be a liberal and a democrat, one must maintain their ethical and political commitments while remaining non-ideological. This is a difficult tightrope

[863] It is worth noting that the previous moment of refounding, the birth of the Union after the Civil War, represented a failure of liberal politics, not its triumph.
[864] FDR quoted in Smith. 465. This particular quote was in reference to the possibilities of a draft.

to navigate. On the one hand the president is the instrument chosen by the people to do their bidding and on the other hand he has an obligation to enlighten and lead.

In criticizing FDR's second term performance, Burns argues, "During his second term Roosevelt seemed to forget the great lesson of his inaugural speech of 1933—that courageous affirmation in itself changes the political dimensions of a situation."[865] Burns offers us an important check on the seductive complacency of any political theory that gives pride of place to compromise—that surrender is not only easier than fighting, but easy to justify. But we must still remember at all times there are limits to what can be done, even as we strain against them. Even when a movement has its moment, it will be difficult to sustain. As FDR reflected on the failures of Woodrow Wilson, he observed that "Public psychology and, for that matter, individual psychology, cannot, because of human weakness, be attuned to a constant repetition of the highest note on the scale."[866] Learning to manipulate that scale, to control when and how each note is sounded, becomes essential to any kind of political agency. And it is here that Arnold offers his most important advice to progressive reformers, advice that FDR, ER, and Wallace embodied in their public writings. The progressive reformer in a liberal democracy must never forget that his ability to affect the changes he wants depends on his ability to make the electorate desire those changes. Theory plays an important role here—it acts as poetry, reminding us why change is desirable and perhaps inevitable. It gives an otherworldly beauty to an otherwise empirical politics. "Accurate detailed photographs never bring out that blurred beauty which thrills us at twilight. To the artist, the human body is a far more poetic and beautiful symbol than it is to the physician, who is

[865] Burns. "FDR: Unsuccessful Improviser." 138.
[866] Milkis. "Franklin D. Roosevelt, the Economic Constitutional Order, and the New Politics of Presidential Leadership." 32.

interested in it chiefly because of its disease."[867] But Arnold also argues that, while engaging in the act of politics, we must take pains to not mistake poetry for truth. Successful politicians must be prepared to use theory instrumentally, as a form of manipulation as much as education, in order to secure the power necessary for change.

The act is certainly distasteful, and perhaps offensive, but this is why politics is the realm of fallen angels. The actor must be willing to make the emotional (demagogic) pleas necessary to accomplish their goals. They are willing to sacrifice principle to engage in the horse-trading that forms the core of political action. "…They [politicians] lack social values, their aims are imperfect, but society clings to them rather than to the occasional reformer who does not understand its emotional needs, and tries to fit it into some procrustean bed made in the world of his own dreams."[868] Without recourse to the naked power of the lion, the role of the fox becomes more important than ever. If Machiavelli and Arnold are right (and I believe they are), political change in the short term results from habituation and manipulation, not education. Elections, and the power of the office in question, are acquired through the emotive appeals of the demagogue and the effective use of folklore tied to viable political organizations. If anything, Arnold underestimates the power of these appeals, missing (as conservatives later demonstrated with the successes of the Reagan and Bush presidencies) that with sufficient framing and first rate storytelling one can delegitimate a functioning institutional order.

'Respectable people' Arnold argues, expect their principles to conform to practice, and get discouraged when they do not. Politicians know better, get things done, and are condemned for it. The fact that they choose to use principles as weapons is

[867] Arnold. Symbols. 229.
[868] Arnold. Symbols. 21.

particularly infuriating for those who put principles before practice. But the practical politician knows that moral language, once reified, makes compromise and experimentation difficult. Honest people who privilege the world of principle over the world of politics and expect to find it governed by reason and rationality, are unable to compromise those principles and accept political realities, and are therefore uncomfortable making truly political decisions.

> A most significant effect of our scholarship and learning about government today is to remove from active participation in governing most of the kindly and tolerant people who might otherwise be a more important factor…The reason is that our students of governmental problems consider politics a low and unworthy purist. They think that sincerity and candor can be used in a political campaign. They feel a sort of spiritual trouble when confronted with the realities of a political institution, which makes them confused and ineffective. Unscrupulous persons who do not feel the same spiritual trouble when confronted with things as they are naturally become more proficient. The so-called demagogue has an advantage because he does not view the control of human institutions under the illusion that men in groups are composed of so-called thinking men, to whose knowledge of fundamental governmental principles he must appeal.[869]

Not only does the progressive need to engage in the 'demagogic' practice of appealing to people's emotions and utilizing popular symbols to accomplish practical political ends, he needs to be willing to accept the fact that it is more important to make dirty changes in the real world than to maintain clean hands in the ideal one.

> Therefore the first lesson to be learned by the objective student of governmental theory is that, when he desires to step into the moving stream of events as an actor, he must accept the legal and economic theories of his time just as he accepts the language of his time. He will find, in the vocabulary of current theory, principles though which he may support any cause."…His choice of theories cannot be made on any other ground than that of expediency in gaining the ends he desires. Legal and economic theory, whether radical or conservative, can never make him a prophet. They may, however, make him a successful advocate.[870]

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[869] Arnold. Folklore. 87-88.
[870] Arnold. Symbols. 103-104.

While this manipulative frame may be necessary for advocacy, at the same time we must not lose track of the fact that in order to advocate one needs a set of goals to advocate for. And here we must not lose sight of the fact that the New Deal advocates this particular theory of means in the pursuit of a clear theory of ends, namely the creation of a society in which, in the poetry of Eleanor Roosevelt, "we maintain a standard of living which makes it possible for people really to want justice for all, rather than to harbor a secret hope for privileges because they cannot hope for justice."[871]

There is much the New Deal took from Machiavelli, and its method can in the end be called Machiavellian. Of primary importance is an awareness of the intersection between power and theory, and the way that democratic power limits theoretical possibilities. The democratic prince is forced to lead and follow at the same time. What can be accomplished is bounded by the political realities of institutional arrangements and the imagination of the electorate (the ultimate source of democratic authority and power). In order to act effectively in the interests of reform, the prince requires an understanding of the forces that check him. Some are beyond mastery, but Machiavelli and the New Deal both argue that provided one understands the folklore of their audience—the symbols and stories that create meaning and morale—that audience can usually be convinced to follow. This requires not appeals to logic and rationality, but to emotion and passion that are both familiar and existentially satisfying. The basis of democratic political power is found in education *and* manipulation, and it is the instrumental, rather than ontological, value of theory and principle that should serve as the basis for its adoption. Truth is what works, and what works is what the electorate will accept. The New Deal will not go as far as Machiavelli—it never questions the

[871] ER. The Moral Basis of Democracy. Leave Behind. 89.

legitimacy of the ends of the welfare state, and limits its means by those ends. The New Deal embraces the possibilities of meaningful citizenship, and retains the liberal commitment to limiting arbitrary power. The progressive need not give up his ends, for a society defined by Arnold's humanitarian ideal, namely that "it is a good thing to make people comfortable if the means exist by which it can be done."[872] However, he must, for Machiavelli, for Arnold, for FDR, and for the New Deal as a whole, learn to emancipate himself from the creedal aspects of those ends, to grant himself the flexibility to confront necessity and fortune with the greatest possible internal freedom of action. The inability to do so marks a failure to take seriously the real responsibilities of political leadership.

[872] SOG, 236

"A Living and Growing Thing:" Appropriating New Deal Liberalism

Ideas are practiced by and upon human beings, who fulfill them only more or less workably, never perfectly.[873]

No theoretical framework will ever negate the need for politics. There can be no political change without organization and struggle. But in order for transformative organizations to function effectively they need a theory that can both generate morale and new partisans. It is the argument of this dissertation that best way for progressives to move the country forward is by looking backwards to the insights of New Deal theory. But while the theory provides us with a compelling framework for progressive politics, it is not without its own tensions. This chapter has two purposes, as the title gives away. First we will discuss the relevance of New Deal liberalism and its value for progressives in search of a theoretical frame capable of generating internal morale and building legitimacy. The second half of the chapter begins a critique of the theory itself, highlighting the limitations of the theory and looking to see if these limitations can be addressed from within the framework of the theory.

I focus primarily on five areas of tension. The first highlights the New Deal's privileging of the consumer as the central agent in its theory of the common good. This is followed by a look at the nature of citizenship in the modern welfare state. What sorts of attachments can we create? How much space is there for democratic participation? From there we will briefly explore the limits of the interest group liberalism that followed from the New Deal. Underpinning all of these questions is the New Deal's decision to not engage the structures of capitalism head on. The practical and theoretical

[873] Attributed to FDR.

consequences of that philosophic and political choice are critical to both understanding how the New Deal has contributed to the current crisis in American politics and recognizing its potential to address it. Finally we examine the New Deal's theory of political practice—the dangers of its stance on compromise and advocacy of what can only be seen as a manipulative politics.

There are a number of consequential issues not addressed in this chapter that still need to be considered. Of particular import is further theorizing about the strengths and weaknesses of liberal universalism. How do we go about making space for advancing the claims of clearly disadvantaged groups without alienating other components of a progressive coalition? I am not sure we have a better option than linking liberal rights to a framework that acknowledges both the moral obligation to protect those rights and our own interdependent interest in a rising standard of living for all of our citizens, but of course this argument has to go hand in hand with an attack on the economic forces that keep us oriented towards scarcity in our distribution of goods and services.

Of even greater concern is the assumption of abundance, which is an assumption all left leaning political traditions need to seriously engage. What if our environment simply cannot sustain the standard of living we are accustomed to? Here the stationary state tradition of liberal thought (J.S. Mill comes to mind but he is not alone) needs to be revisited, as a progressive liberal politics in a time of limits and scarcity needs to reorient people towards standards of value that privileging time, leisure, and self-development over material goods as the marker of wealth, success, and general worth. This element is present in the concern in New Deal theory for limiting the excesses of consumption

oriented liberalism, but in the face of international privation this is an aspect of the theory that needs a much greater emphasis than it was given during the 1930s.

It is my conclusion that most of the objections to New Deal theory reflect problems inherent in the corporate form of organization (if not capitalism in general), liberalism, and the nature of modernity. Absent any immediate mechanism for deep structural change, the New Deal offers us a viable framework for addressing these larger concerns within an American context. The New Deal is an imperfect theory, but the weaknesses in the theory reflect the limits of our citizenry and institutions. These limits can be overcome, but as our history has made clear, even incremental advances require great care and enormous effort. But small changes are nonetheless capable of making a measurable difference in the lives of millions of American citizens, and can lay foundations from which something more dynamic can someday be constructed.

The Value of New Deal Liberalism

Man's capacity for justice makes democracy possible; but man's inclination to injustice makes democracy necessary.[874]

The New Deal understood the delicate balance of darkness and light that is at the heart of the American, and the human, experience. It constructed a political theory that accounted for the worst in us while working for the best. It is an imperfect theory, but it was constructed amidst an imperfect world, and that is its value—it speaks to the tensions at the heart of the democratic experience and takes responsibility for reforming what cannot be redeemed.

[874] Reinhold Niebuhr. Quoted in Young. 182,

We should not look to the New Deal for particular policy prescriptions. Every generation must confront its particular institutional context with its own set of proposals and reflexive loyalty to old forms represents precisely the kind of dogmatism the New Deal opposed. We are no longer a country whose economic strength derives principally from industry. A welfare state designed for a service economy will look different than one intended for an industrial economy. We are no longer employed for life, and our benefits and protections will need to be more portable, or guaranteed by the state rather than employers. But these are questions of empirical policy, open to debate and experimentation.

What the New Deal does offer us is a justification for the welfare state that speaks to American categories and the American experience. Through articulating the theory of the New Deal we can tell a story capable of preserving and expanding the welfare state. It offers us the poetry needed to revitalize the morale of the progressive left. In fact, much of the groundwork needed has already been laid. The New Deal is a powerful, preexisting symbol capable of providing existential inspiration. FDR is the Reagan of the left, a weapon to be cultivated in the battle for the hearts and minds of the electorate. But the frame the New Deal offers has value even beyond its power as a symbol. It speaks to the promise of our founding principles and highest ideals, and grounds a welfare state within the American political tradition. It challenges us to aspire to more, without undermining what we already believe in. And the importance of this cannot be stressed enough. While we can cite statistics demonstrating that our institutions no longer serve our interests, or point to the self-help section of Barnes and Nobles as evidence of dissatisfaction in American society, no matter how much we are plagued by a nagging

sense that somewhere along the way we've gone terribly wrong, there is no evidence that Americans are prepared to reject America. As was the case in the 1930s, we see our distress as a perversion of our ideals, rather than a refutation of them. We look for the restoration of its promise: a new deal, not a new game.

This is why the ability of the left to tap into our traditions, to craft new policy out of old language, is so important. Wallace is right—a truly new order will require that elusive 'quarter turn of the human heart.' And ER is also correct in that we cannot affect that quarter turn without education, without helping Americans learn to see the structures of power that undermine opportunity, the artificiality of privation, and our fundamental interdependence. But education alone is not sufficient. This transformation needs to be grounded in a new institutional order. And these new institutions require legitimacy in order to survive and thrive. Education and socialization can provide them with that legitimacy over time, but they cannot help us overcome our existential attachment to the old order, even when its principles have long since failed to map onto reality. This is why, the New Deal argues, the reformer of any age needs to learn to tap into the stories and language that has relevance to the electorate. They need to learn to ground new ideas in old values, so that the old story can protect new institutions while they develop their own legitimacy. Much of the truly difficult work is already done. Today we have a powerful tradition capable of competing with the (weakening) hold that laissez faire individualism has over the public mind. It is the tradition of the New Deal.

So what does this tradition offer us? The New Deal's critique of capitalism provides an effective platform from which to challenge the dominance of unregulated capitalism. The New Deal articulates the arbitrary nature of private economic power; the

way in which it is in fact a form of government with the same capacity for tyrannical abuse. This conceptualization of economic forces speaks to the distrust of power so deeply rooted in American culture without engaging the contradictions within capital itself.[875] It reminds us that the market is as likely to threaten our rights as protect them. It enables us to confront capitalism as a structural institution without having to radically reconceptualize our fundamental values—making it a far more effective strategy for promoting institutional reform.

The same can be said of the New Deal's focus on consumption as the basis of our collective common good. If it was true of the 1930's it is certainly true of today—the act of consumption has become the realm of freedom for most Americans. It is the place in our lives where we feel ourselves most capable of exhibiting agency. The fact that this may be a false agency, that we are prisoners of planned obsolescence and an economic structure that forces us to theorize freedom in this way does not change the fact that this is still the frame Americans have adopted (or been forced to adopt). A headlong attack on this position is almost certainly doomed to fail as long as the institution itself is still capable of providing a basic level of service and we are socialized into thinking that consumption is both a legitimate exercise of freedom and that the shortcomings of the institution are artifacts of our own failures. The New Deal embraces the inevitability of consumption while seeking to push us away from it. It subverts, rather than confronts. It understands the value of comfort while refusing to end the conversation there. Higher quality food, access to entertainment, a washer and dryer in every house, high speed internet access on every computer are positive outcomes in and of themselves, but they

[875] Of course there are serious consequences that stem from this dodge, which will be discussed later in this chapter.

also provide the building blocks that enable us to transcend consumption. We will not suddenly transform into a nation of ascetic luddites even if it is good for us (and the author would miss his on-line video games and ipod too much to endorse this position). But while a strong case can be made (and the New Deal makes it) for the fact that citizenship and self development represent higher ends than consumption, it highlights them as a refinement of our consumerist impulses, rather than standing in opposition to it. It integrates all three, alongside concerns for time and leisure, into a broader understanding of liberty, security, and happiness.

The New Deal rejects substantive equality as an end in itself, as one fundamentally foreign to our identity as Americans. Our understanding of equality has always been primarily formal—equality of opportunity in a land where everyone had an equal chance to craft a decent life for themselves. But the New Deal manages to preserve much of the fact of substantive equality by emphasizing the obligation of society (via the state) to furnish the preconditions of liberty and the pursuit of happiness. Its realization may require broad, and reasonably equal, distributions of fundamental resources, privileges, and opportunities.

Of course it is vital in all of this to address our narrow interests. While the hope is that suspicion borne of privation will gradually turn into a warmth and generosity borne of abundance, this time is in the future. It must be made clear that the welfare state, which promises freedom, is not an instance of a particular interest capturing the machinery of government for its own advantage. The New Deal's emphasis on community and the collectivity as the source of individualism appeals to our desire to

avoid conflict[876] and our suspicion of 'special interests' without banishing appeals to individual rights from the picture. It grants the welfare state legitimacy that can only come from an appeal to solidarity, even if it is a thin solidarity. The focus on abundance and the rejection of scarcity makes it possible to give priority to disadvantaged groups without the groups themselves becoming a narrow interest through the emphasis on our interdependence—it is in all of our interests (besides it being a moral obligation) to develop the human capital of the nation.

The New Deal supported a greatly empowered national state—only as a last resort in the face of capital's abdication of its responsibilities, but since that abdication seems complete (and likely necessitated by its very structure), in practice this calls for a permanent expansion of the state. The attendant risk is that the institutions the state needs to regulate can capture and pervert the regulatory function they were formed to serve. Much, if not all of the leadership in our regulatory bureaucracy under the Bush administration are firmly in the control of the industries they were created to police. There is, unfortunately, no way to ever eliminate this risk—only reduce it. Given the ever-increasing global challenges we face, we will only grow more dependent on Federal oversight. Excluding perhaps questions of social policy, the problems facing progressives are, under most circumstances, capable of overwhelming the capacities of local governments to effectively address them. This regulatory welfare state is a necessity, despite the possibilities of co-option. The reduction of that risk requires first of all accepting the permanency of politics, the fact that the threat of co-option is ever present and only preventable via the vigilance of citizens and their organizations. This is

[876] Not necessarily as powerful as an open desire for unity, but the New Deal insists that you work with the conditions you are given.

one of the primary roles that the citizen must play in modern democratic politics. We can no longer think of ourselves as administrators, or even legislators other than in the broadest possible sense of ratifying national priorities. Our role is instead to hold the state accountable to the common good, to ensure that it serves the interests of the collectivity.

This can best be accomplished, the New Deal argues, through the aggregation of citizens into groups. Even if hierarchical structures are required within the groups themselves it is the obligation of the citizens they represent to ensure that they reflect the interests of their members, and that they connect those interests to the larger public good. Likewise, the advantage of these groups is that, in a liberal democracy, they can provide the pressure necessary to overcome the various institutional roadblocks in the way of reform. The state, at the same time, has an obligation to empower those groups that are unjustly underrepresented within our institutional structure. It we do not wish the state to micromanage every aspect of our lives we need to ensure that the state fulfills its obligation to guarantee that the arena in which interests organize and compete for public (and private) resources are fair and open to all members of society. There is, in that sense, a symbiotic relationship between state and organization. The state needs to give political cover to progressive organizations, and these groups in turn need to work together to give the state maximum leverage to support them. In both cases vigilance is necessary and eternal, as progressives will always occupy a position of weakness in a capitalist system.

As I have argued above, there is a sense in which all of this presents difficulties as pure political theory. There are tensions and cross purposes running through much of the New Deal. It is, in important ways, more schizophrenic than it is elegant. But we are also

a schizophrenic people who recognize the need for government and resent ourselves for it. The United States has long been a land of contradictions, contradictions that we have been fortunate (or unfortunate) enough to avoid having to confront outside of moments of crisis and collapse. Arnold argues, and I tend to agree, that when considering politics, the truth of a theory matters less than its ability to inspire. An unnamed aide of Bush derided progressive critics of the administrations as members of the 'reality based community' and argued that they failed to account for the way in which political reality is symbolic and constructed by elites.[877] And he was right, to a point. Symbolic reality can only hold for so long. Eventually our institutions will buckle under the strain. The aftermath of the Iraq invasion has demonstrated this with perfect clarity. The long run may have vindicated the progressive critique, but this did not keep us out of the war. Bush told the better story, had the better outlet for it, and got his war. As long as we believe our contradictions and illusions, any attempt at engagement will need to find a way to embrace those contradictions even as it tries to phase them out. This is what makes reform politics so slow, its theory so blurry, and ultimately so frustrating to those who, in the interest of purity, exercise the political moment out of political theory. The question becomes whether or not these contradictions are fatal to New Deal theory?

[877] The aide said that guys like me were "in what we call the reality-based community," which he defined as people who "believe that solutions emerge from your judicious study of discernible reality." ... "That's not the way the world really works anymore," he continued. "We're an empire now, and when we act, we create our own reality. And while you're studying that reality—judiciously, as you will—we'll act again, creating other new realities, which you can study too, and that's how things will sort out. We're history's actors…and you, all of you, will be left to just study what we do." Ron Suskind. "Faith, Certainty, and the Presidency of George W. Bush" *The New York Times Magazine*, 17 Oct. 2004.

The Limitations of New Deal Theory

The New Deal was tentative, cautious, bold enough to shake the pillars of the system but not to replace them.[878]

Thus far this project has been a work of synthesis, crafting a unified theory of the New Deal from its disparate parts. Now that we have that theory in front of us, it is time to turn a critical eye towards it. A critique of New Deal theory is in large measure a critique of 70 years of welfare state liberalism as practiced in the United States, and there has been no shortage of works across almost every theoretical tradition participating in the critique. As such this section does not propose to be comprehensive, as it would be impossible in a work like this to cover every critique, or even exhaust the discussion of any particular problem. Instead this section offers a preliminary examination of some of the more significant potential weaknesses of New Deal theory, as well as the ability (or inability) of the theory to respond.

There are a few standard arguments from the right and left that I am going to ignore, as they are either almost entirely disingenuous or they have already been addressed in previous chapters. Hiram Canton provides a useful overview of five standard conservative critiques of the New Deal (and progressive politics in general).[879]

1. That the New Deal's goal of social equality is not achievable except through despotic means: This line of argument involves either a blind or ideologically willful misreading of how the New Deal understood equality, what the New Deal was attempting to do, and essentially sees the specter of communism in child labor laws. It is a powerful political critique insofar as it has a lot of public traction and falls squarely within the folklore of capitalism, but it is substantively empty.

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[878] Zinn, Howard. "Beyond the New Deal." *The Nation*. 7 April. 2008. < http://www.thenation.com/doc/20080407/zinn >.
[879] Canton. Eden. 179-181.

2. The government consumes but does not produce wealth so whenever it spends money it is spending 'the people's' money[880]: Both the acontextual individualism present in this critique (we see individuals removed from any discussion of the institutional structures that impose limits and obligations or create opportunities) as well as Arnold's effective rejoinders in chapter two effectively negate it. As with the first argument there is a tactical need to respond, but it poses few theoretical difficulties as such.

3. Wealth created by deficits leads to inflation, the collapse of credit, etc: The economic viability of deficit spending may in fact be an argument worth addressing, but it needs to go hand in hand with a discussion of national priorities (defense versus welfare security versus corporate welfare) that rarely accompanies the critique.

4. The New Deal exhibits contempt for the separation of powers and concentrated too much power in the hands of the executive: The key to making this argument responsibly, which New Deal critics from the right and Jeffersonian left rarely seem to do, is to simultaneously address the obligations of society to provide its citizens with security, not only from external threats of violence, but from economic coercion at home. Is there another viable set of institutional arrangements that can manage this without expanding executive (or state) power?

5. The very idea of welfare is offensive: This is an ideological and aesthetic critique grounded in laissez faire dogmatism rarely attached to intelligent discussions of the structural location of capital in our society, the realities of economic power as a form of tyranny, and the like. One can make a very compelling case that welfare is in fact offensive, but it would have to be done from the standpoint of Eleanor Roosevelt—that it is offensive because it is a clear indictment of the failure of our civilization to provide for the basic needs of its members. But that is not what happens here.

These arguments are not worth visiting largely because this entire project is meant as a refutation of them. Similarly, there are critiques from the left that also fail to engage the New Deal on its own terms. Howard Zinn's introduction to his New Deal reader is typical of this. He attacks Roosevelt and the New Deal for not utilizing Marxism, for not putting nationalization on the table, and for not replacing liberty with equality in our hierarchy of values. For a historian normally so cognizant of the presence of power in political life he is surprisingly generous in his assessment of the agency available to the

[880] The logic behind Bush's 2001 tax rebates—his noble attempt to return the 'people's money' to them.

New Deal, and seemingly assumes that FDR could have affected an even more radical sea change in American political culture by negating its folklore through an act of political will. Zinn laments that "The New Dealers moved in an atmosphere thick with suggestions, but they accepted only enough of these to get the traditional social mechanisms moving again, plus just enough more to give a taste of what a truly-far reaching reconstruction might be."[881] The implicit assumption is that if FDR had embraced the Marxism "in the air all around him"[882] the United States would have transitioned into a full-fledged social democracy during the depression. Bracketing whether or not this would have been an improvement, it certainly was not likely to happen.[883] There was no mass base for socialism, and the fates of programs like TVA expansion and the Federal Theater, and the extent to which even their comparatively modest aims were radical in the American tradition, speaks to that.

Still, from the perspective of the left Zinn's broad assessment is still accurate.

> when it was over, the fundamental problem remained—and still remains—unsolved: how to bring the blessings of immense natural wealth and staggering productive potential to every person in the land. Also unsolved was the political corollary of that problem; how to organize ordinary people to convey to national leadership something more subtle than the wail of crisis (which speaks for itself); how to communicate the day to day pains felt between emergencies, in garbage – strewn slums, crowded schools, grimy bus stations, inadequate hospital wards,

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[881] Zinn. XVI. Zinn himself has come to look more favorable upon the New Deal in the intervening years. While still cognizant of its limitations, he argued recently "in today's climate of endless war and uncontrolled greed, drawing upon the heritage of the 1930s would be a huge step forward." Zinn. "Beyond the New Deal." *The Nation.* 7 April. 2008. http://www.thenation.com/doc/20080407/zinn

[882] Zinn. XXVIII.

[883] See Seymour Marin Lipset and Gary Marks. It Didn't Happen Here, 205-235. Michael Harrington concluded that had the Socialists abandoned electoral politics and focused on unions the movement would have had far more staying power. The communists were more influential than the socialists by largely avoiding the sectarianism that kept the Socialists out of the Democratic Party, and embracing the Popular Front organizational principle, but again their efforts were primarily successful to the extent to which they acted as a reformist organization, a left wing constituency within the Democratic Party. At their peek they claimed only 100,000 members. The fact that the turnover rate was as high as 30% indicated a high degree of dissatisfaction amongst new members as well.

> Negro ghettos, and rural shacks—the environment of millions of American clawing for subsistence in the richest country in the world.[884]

The test of New Deal welfare state theory is whether or not it can in practice address this fundamental problem within an American context better than any other alternative. The experience of the 1960s and the Great Society (a much briefer moment of progressive ascension than the New Deal) is instructive here. As Morton Keller notes, "The Great Society legislation of the 1960s was the fulfillment of much that was implicit in the New Deal: it was an extension of its predecessor rather than a distinctively different political movement."[885] At the same time, its failures highlight important deviations from the New Deal's theoretical frame, failures New Deal theory addresses.

It did not take long for the American people to turn against the Great Society. By September 1966 Gallup polls reported that over half of the people surveyed thought integration was being pushed too fast, a number that had almost doubled from the pervious year. Support for the war on poverty had dropped over the same period from 60% to 40%. 46% of the people identified 'big government' as the "biggest threat to the country in the future," twice as many as selected labor and four times as many as had selected big business. Perhaps most telling was the loss of support of working class whites, as almost two thirds felt that liberals had been running the country for too long.[886]

Why was the country so hostile to the continued expansion of the Great Society? Clearly the Vietnam War was divisive and drained important resources but this does not tell the entire story. We must also look towards where the Great Society differed from the New Deal. Alonzo Hamby highlights the shift from economic issues (income,

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[884] Zinn. XVI.
[885] Morton Keller. "The New Deal and Progressivism: A Fresh Look." Milkis and Mileur. 317
[886] Jerome Mileur. "The Great Society and the Demise of New Deal Liberalsim." Milkis and Mileur. 441.

corporate power, social welfare) to cultural issues, as well as the sense of disillusionment that followed from promising more than could be delivered. He believes that there was too great an emphasis placed on equality of outcomes rather than opportunity, a result difficult to achieve that cuts against American folklore.[887] This is a fairly standard interpretation and not too controversial in and of itself. What Hamby does not adequately spell out is the way in which the Great Society, at least in practice, lost track of the need to articulate a broader vision of the common good in which disparate groups could press legitimate claims (simply denying the urgency of the cultural reforms pushed in the 60s is not an option) in conjunction with one another—as part of a framework that highlighted the essential interdependence of working class whites, women, and blacks. Instead these groups were treated as discrete interests competing with one another for scare resources, and built interest groups instead of coalitions, advancing individual rights claims without situating them in an inclusive overarching vision that can ground the attendant obligations and sense of reciprocity that rights require.[888] Legitimate cultural concerns were not persuasively unified with questions of economic interest and a broader sense of shared community and inclusive justice. Easier said than done perhaps, but figures like Martin Luther King and coalitions like the Poor People's Movement demonstrated that it was possible. Part of the problem was that the New Left, with its emphasis on participation, localism, and a suspicion of New Deal liberalism ironically shared with conservatives, meant that movements were also denying themselves the tools they needed to build both the organizational, coalitional, and administrative infrastructure needed to

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[887] Alonzo Hamby. "Progressivism: A Century of Change and Rebirth." Milkis and Mileur. 70.

[888] Some of these splits reflect failures within the primary movements to not make space for new groups within the movement. Stokely Carmichael's response to the question 'what is the proper place for women in the civil rights movement' (his answer—on their backs) makes the desire to separate understandable, even if it was ultimately harmful.

achieve their broader ends and sustain a long-term integrated movement, mistakes the New Deal (and the labor movements of the 30s) did not make.

While there were important shortcomings to the liberalism of the New Left, in particular its alienation of mainstream American society, this chapter's focus needs to remain on the New Deal. So lets begin our examination of what I had previously identified as five particularly troubling moments of tension within New Deal Theory.

The Consumer and the Common Good

The measure of the health of our society, perhaps our only measure, is general prosperity….If the publicly shared ideal is private acquisition, then there is no public.[889]

Prior to the New Deal, our right to property enjoyed an unmatched dominance in our hierarchy of political goods, and property itself was in practice narrowly defined as the opportunity for the individual to earn as much money for himself as he was capable, independent of any larger social considerations. It was an atomistic, isolating understanding of rights. Social Darwinism and laissez faire liberal economic theory provided what can only be seen as a profoundly, almost pathologically anti-social framework both a moral and pseudo-scientific legitimacy. The courts blessed it with constitutional sanction. Any theory wishing to challenge this position needs to offer a larger collective vision—a common good that trumps (while not negating) individual rights claims in the name of both rights expansion and a broader exercise of the rights we possess. Without this standpoint the welfare state is vulnerable to charges that redistributive policies, even a basic safety net, are a form of theft. In William Graham Sumner's formulation, the nature of government is "A+B telling C what to do for D."

[889] Abbot. 34.

There is no collectivity, nor a justification for redistribution beyond arbitrary coercion. In order to grant social legislation legitimacy there needs to be some larger system that all four letters are obligated to, some vision of a common good in which the redistribution of resources from C to D serves a larger moral and social purpose all (or at least most) citizens can agree to. As the New Deal understood, without this vision Sumner's formulation holds, as the welfare state becomes legalized theft against with individual citizens have no recourse.

The pronounced streak of anti-statism running throughout the American mind means that, other than in brief periods of national unity brought on most frequently by war (language Roosevelt was quick to make use of in the early stages of the New Deal), we cannot use the idea of the state as a proxy for the common good. Nor, as thinkers like Randolph Bourne have made clear, is that kind of sublimation of individuality to the state something to be encouraged. War is the health of the state, but that health is a source of sickness within civil society. Similarly our long-standing national hostility to class as a category[890] eliminates it as a possibility. Americans, as Tocqueville makes so clear, have long thought of themselves as a middle class (which is to say, largely classless) nation, where disparities in wealth are not commonly seen as reflecting any kind of meaningful inequality, and where inequality is felt more in terms of exclusion than privation.[891] The New Deal settled ultimately on the category of consumer, using it as a substitute for class or state when theorizing the common good. This section looks at the consequences of that 'choice.'

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[890] In theory, if not in practice. In fact the wealthy display a great deal of class consciousness (in terms of voting for and supporting politicians and policies that support their class interest) in practice, even if it is not necessarily recognized for what it is.

[891] Remember that the great reform movements in the past were about reintegrating Americans into this middle class order. The serious challenges to its fundamental structure were always found at the margins.

I argued earlier that there was not really any other choice available to the New Deal. Whether through choice, coercion, or simply due to the closing of other options,[892] Americans identified themselves as consumers first and citizens second long before the New Deal openly embraced that formulation. The image of the frontier and its promise of abundance and economic opportunity defined Americans as a people from the very beginning. Tocqueville observed, "In democracies nothing is greater or more brilliant than commerce. It attracts the eyes of the public and fills the imagination of the crowd,"[893] and this orientation towards commerce and materialism was the source of his fear for the future of American democracy. As the small independent producer became increasingly anachronistic in a corporate industrial economy, Americans challenged that decline only periodically and imperfectly. Instead of splitting with their old folklore they, following the Arnold logic lays out, celebrated the ceremonial process of consumption as a way to resolve the tension between ideals and reality. We became a nation of consumers rather than producers. Thinkers like Thorstien Veblen were highly critical of this new emphasis on consumption, but his was never a voice that held sway over popular imagination. As Alan Brinkley notes:

> [T]he idea and reality of mass consumption were gradually supplanting production as the principal focus of popular hopes and commitment. In an economy driven by consumer spending, and in a culture increasingly dominated by dreams of consumption, it is not surprising that political thought began to reflect consumer-oriented assumptions as well.[894]

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[892] The central point here is that this is how Americans identified themselves. Why they chose that formulation is less important politically (at least in the short term) then the fact that the New Deal (or progressives today) was forced to confront the reality of that choice. Of course the presence of coercion in that choice may indicate that we will be receptive to other options if they become available, but that is a question for the future.
[893] Tocqueville. 643.
[894] Brinkley. 4.

The New Deal embraced this new orientation, seeking only to reign in its worst excesses rather than replace it with something new. Any open challenge to that consensus would have been politically unsuccessful. Even during the worst of the depression the vast majority of Americans sought restoration, not revolution, and our post war economic boom was driven by sixteen years of consumer impulses (perhaps artificial) checked by depression and war. We were prepared to tweak our fundamental assumptions, but unwilling to abandon them. So while the New Deal could not easily have avoided privileging the consumer in its political order, there were still consequences to its acquiescence.

First of all, the New Deal was ultimately unsuccessful in achieving the goal it set for itself. The New Deal hoped to instill a collective consumer consciousness within the nation, using the consumer as a universal category that could occupy a political position normally belonging to class in the thought of the left. In the formulation of the NRA, the consumer was theoretically given a voice in the construction of industrial codes equal to that of both capital and labor. If anything, their position occupied a moral high ground as it was the only universal perspective in that triumvirate. But consumption remained an individual, rather than a collective process, private and divorced of public implications. The consumer movement that Arnold was still arguing for into the 1940s never actually materialized. It never found a constituency, and therefore never found a voice.[895] And unlike with farmers and unions, the New Deal failed to organize Americans as consumers.[896] Consumption remained, and still remains, a fundamentally private act, the

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[895] Bernard Sternsher. Rexford Tugwell and the New Deal. New Brunswick: Rutgers University Press, 1964. 161.

[896] Ralph Nader led a rising consumer consciousness movement, but it was crushed by a rising business consciousness that opposed it through the courts, through political contributions, and all the usual methods.

groups that speak for consumers acting as reflections of particular private interests rather than a common good. It is not known whether the New Deal could have been successful had it made more strenuous efforts on this score, but it is clearly a failure in practice, if not in theory.

As a result, the interests of capital (and occasionally labor) would come to set the boundaries for policy discussions. As Bronner argues in Imagining the Possible, "Where the collective capitalist concern will define the general or 'national' interest, all other interests will necessarily appear as subordinate or 'special.'"[897] We see this reflected not only in the oft quoted GM CEO who claimed "what was good for the country was good for General Motors"[898] but even earlier in a remarkable 1919 Supreme Court case *Dodge v. Ford Motor Co.* where it was ruled that Henry Ford could not choose to reinvest his profits in his workers rather than pay out dividends to his shareholders. The court ruled that

> A business corporation is organized and carried on primarily for the profit of stockholders. The powers of the directors are to be employed for that end. The discretion of directors is to be exercised in the choice of means to attain that end, and does not extend to a change in the end itself, to reduction of profits, or to the nondistribution of profits among stockholders in order to devote them to other purposes.[899]

The public acceptance of the right of a business to pass along increased costs to consumers, rather than have them eat into profits, similarly reflects the weakness of consumer consciousness in the United States.

Any emerging group is more likely to succeed when the government protects its ability to organize, and unlike with labor in the 30s, that failed to happen here. Nace. 142-143.

[897] Bronner. Imagining the Possible: Radical Politics for Conservative Times. 155.

[898] The rest of the quote, 'and vice versa' is usually left out, but this only further demonstrates the way in which national and corporate priorities were one and the same.

[899] Nace, 222.

But there are deeper, more theoretically troubling concerns. The emphasis on consumption feeds the worst excesses of our individualism, as we came increasingly to define ourselves, our freedom, and our happiness through our possessions, rather than through our work, our personal development, or our relationships to a larger community. Likewise we equated the act of consumption with the celebration of autonomy again removing the public component of consumption (the economic, environmental, and social consequences) from our thinking and discourse. The New Deal was aware of and hoped to mitigate these tendencies as best it could. Following Tocqueville and Mill, it emphasized the need for a richer conception of citizenship, and a higher understanding of individualism grounded in self-development, of satisfying the soul as well as the body, as necessary checks on an enervating individualism. So there was clearly an awareness of the drawbacks of the consumption oriented focus, recognition that the idea of consumption has coupled with it no natural sense of obligation—it would have to come from outside our commercial instincts. No viable theory of the common good is possible without some recognition that we owe something to the social system and its members that provide us with our individual benefits.

For all its imperfections, the New Deal believed that we were stuck with this consumption framework, and that we must aim at damage control, rather than look for alternatives. Even critics like De Jouvenel conceded that at best we can struggle to remember that "our wealth-mindedness brings us into conflict with many values which deserve respect."[900] Carey McWilliams agreed with that assessment, arguing that the New Deal sought to have it both ways, to demonstrate that "Americans need not choose

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[900] Daniel Mahoney. Bertrand de Jouvenel: The Conservative Liberal and the Illusion of Modernity. Wilmington: ISI Books, 2005. 130.

between the relations of men as citizens and the affluence of men as private individuals."[901] However, the New Deal did not seem to appreciate exactly how destructive the emphasis on consumption could be to citizenship. Wallace spoke eloquently and at length about the need for a quarter turn of the human heart, but there was a simultaneous conviction, shared by almost all prominent New Dealers, that the narrowness of consumption oriented individualism was a reflection of a fear of privation, that upon the achievement of abundance and security our natural inclination would be to soften this acquisitive edge. It Tocqueville's insight about the perpetual nature of the desire for consumption, what Strauss called the joyless pursuit of joy, a wonderful phrase regardless of one's personal affinity for its author. Indeed the nature of capitalism is such that it depends on planned obsolesce and the creation of new desires to maintain itself, as much as if not more than the existence of scarcity, so that the point of equilibrium where we can call ourselves satisfied and begin to look towards others is never reached.

If we cannot reach this stopping point naturally, then a much greater effort needs to be made to highlight the social side of consumption, both the ways in which it is a collective act and the fact that we have a moral obligation to extend the ability to participate in it to those excluded. Here I think there is potential to develop this kind of consumer-oriented consciousness, even if the Roosevelt Administration failed to do so. We have seen the role that economic boycotts have played in attacking Jim Crow at home and apartheid abroad, as well as ending sweat shop labor, challenging destructive environmental practices, and at least trying to get people to 'buy American.' Perhaps the most promising arena for fostering this kind of consciousness is found in the food industry with newfound concerns over organic food, the health content of the fast food

[901] McWilliams. 551.

industry, and the like. There is no reason the impulses that are made manifest in these isolated instances cannot be fostered into a general movement that insists the government enforce public concerns over quality of life over the profit motive. Without permanent organizational pressure in this regard at best we can count on the state to react to crisis, to impose retroactive standards in response to outrage.

We have a right to healthy food, clean air, and reasonable working conditions. The New Deal framed the welfare state as a question of rights, and given the absolute nature of a rights claim and our historical affinity to them, this was probably the right way to go. But, as Jerome Mileur argues, FDR frequently downplayed the collectivist implications of rights, the fact that the public good (understood here as the greater expansion of individual rights) will sometimes trump individual rights claims. The implications were there, and at times, especially when responding to the overblown attacks of the Liberty League and their exaltation of property, the New Deal could be quite clear. But it never embraced that line of argument with consistent emphasis. A people oriented towards individualism require a constant reminder of the public foundation of their individual rights, of the fact that the Declaration of Independence argues that rights are held collectively by a people. Their individuation came later. This reminder needs to come from the government when possible, and from progressives constantly (especially as their work will provide the mandate the government needs to institutionalize regulatory standards that look beyond the search for profits).

Without a public orientation our evaluation of social, political, and economic institutions is based not on whether or not they met the needs of everyone, but whether or not it met my individual needs. It is difficult from such a perspective to make space for

the regulation of markets or the redistribution of wealth outside of moments of market failures, when enough individuals feel shortchanged that they manage to respond as an accidental collectivity. Given that one of the aims of the New Deal was to make the national state proactive, rather than reactive, this has to be accounted a failure.

Similarly, a consumerist orientation removes from the individual the burden of thinking about the broader implications of our habits of production and consumption. How are goods produced? What sacrifices do others have to make to facilitate Wal-Mart's low prices? What does the convenience of fast food do to the agricultural priorities of the country? What does it do to the structure of our family life? Do workers in service industries make enough to sustain themselves as consumers and citizens? A consumer perspective may be, as the New Deal hoped, universal in that we are all consumers,[902] but its perspective is not complete. A true vision of the common good needs to be more totalizing than this—not totalitarian insofar as it needs to provide answers to every question, but it does require a perspective that enables it to view the totality—to see the impact of policy not only on our lives as consumers, but to measure the effect it has on the environment, on our social institutions, on our fellow citizens at worst, and fellow human beings at best. Justice and a vision of the common good requires that we make space for the idea of reciprocity, that we recognize ourselves as individuals situated in a larger context where every action affects others, and so we must make space for them in our own choices. This is a theme progressives need to advance at every opportunity if they want to make it possible to build a movement capable of electing (and holding accountable) leaders who will advance these aims.

[902] Of course certain groups (blacks for instance) were excluded for a long time from participating in consumption, and people mired in poverty still are, but as the New Deal makes clear, those excluded have a right to demand inclusion.

Nothing said here contradicts the theory of the New Deal per se. Its universalism, its willingness to expand, however imperfectly, the rights of citizenship to previously marginalized groups, and the space made in the theory for the recognition of interdependence and 'higher' articulations of individualism point the way towards addressing these concerns. The problem as previously claimed, is that these aspects of the theory need to be given much greater emphasis in public framing. The New Deal's approach centered on the idea of human decency, that in the end the just society is one in which people were able to live a dignified life. Such a life requires a basic level of security and an expanded realm of personal choice. The focus on consumption makes sense in this larger framework, as material comfort offers the security needed to pursue self-development, and is not a terrible final destination in its own right. The restless nature of capitalism certainly militates against the kind of equilibrium (personal and social) needed to advance beyond a basic materialism. But capitalism is the dominant governing institution in the United States and the New Deal had no opportunity to replace it with something fundamentally different, regardless of how desirable such an outcome may have been.

A *political* rather than strictly normative theory will have to accept these institutional circumstances. The focus instead should be on mitigating its worst excesses. The New Deal was right to recognize that at the time the only symbol capable of unifying Americans was the ideal of consumption. Space was made in the theory to dull its enervating qualities. The NRA's Blue Eagle linked the act of consumption to patriotism and the development of the common good by identifying what businesses were supporting the New Deal's recovery efforts. More importantly, the New Deal reminded

Americans that material security was the place where our development as citizens and individuals begins, rather than ends. Where it failed was in not appreciating just how overwhelming the appeal of consumption within an institutional structure that naturally privileges it, would be. It was emphasized, but not nearly enough to meaningfully challenge the institutions that foster consumption. Perhaps this was a reflection of the Depression and the administrations' desire to get the economy moving again, but appeals to citizenship and self-development, to replace consumption with leisure and time, were never at the forefront of New Deal discourse.

For the New Deal consumption was invariably linked with indicators of economic growth. We still look at stock prices and GDP as absolute indicators of the nation's economic health, even though it is clear that the generation of wealth does not necessarily have any relationship to its distribution. Challenging perceptions like these makes it easier to call for Americans to move beyond a narrow focus on consumption and the simple generation of goods. As Arnold argued, we have no way of quantifying value outside of monetary terms. We have difficulty placing a value on public parks, leisure time, clean water, healthy food, and the like. But in the intervening seventy years economists have begun developing ways to measure what we could broadly term quality of life, such as the recent construct of the Redefining Progress think tank—the Genuine Progress Indicator.[903] GPI incorporates personal consumption but accounts for income distribution and factors in the value (positive and negative) of community service, leisure time, hours spent commuting, pollution, crime, and the like. The GPI indicates that our overall well-being has remained stagnant (or fallen) ever since the mid 70s. A focus on

[903] Robert Costanza "Our Three Decade Recession." *LA Times*. 10 March. 2008. <http://www.latimes.com/news/opinion/la-oe-costanza10mar10,0,5656929.story>

GDP tells citizens that the country is wealthier than before, that their experience of discontent or privation is isolated, an exception to an otherwise prosperous rule. A focus on GPI gives progressives a chance to reframe our well-being in ways that could have far reaching policy implications. At the very least it gives progressives the opportunity to introduce standards of well-being into our normal definition of consumption as quantity.

This is an encouraging development because it does not ask Americans to abandon their self-interest. In that it probably reflects a more promising way forward than the emphasis on citizenship and sacrifice. ER was the New Deal's principle advocate of the obligations of citizenship, but her democratic theory is exhausting, her vision of citizenship one few will be able to achieve. While she acknowledges that it is an ideal to be worked toward, she is a bit too comfortable holding up the life of Jesus (the embodiment of a life given in service to others) as the model for democratic citizenship. The exchange between ER and Harry Truman upon learning of FDR's death is illuminating. Hours after news of Roosevelt's passing, Truman asked "Is there anything I can do for you?" She responded, "Is there anything *we* can do for *you*? For you are the one in trouble now."[904] It is a remarkable response, one that illustrates both ER's deep commitment and the near impossibility of matching it. Any political theory that requires this much self-sacrifice may simply be too demanding to serve as a practical guide. ER's personal tastes ran towards the ascetic side. She wore nice clothes (the way she saw it, the First Lady was something of a public monument and had to be dressed that way) but beyond that her needs were simple and the sacrifices she demanded of people in the name of democracy were comparatively easy for her to make. For her politics was truly a vocation, but this is the exception rather than the rule. She never explores what happens

[904] Lash. Eleanor and Franklin. 721.

to her theory if the rest of America cannot match the example of Jesus (or Eleanor Roosevelt).

The way our individualism narrows our social focus has been a problem in the United States long before the New Deal, and Tocqueville saw the ways in which industrialization and consumption would exacerbate these tendencies before a society predicated on mass consumption was possible. This problem is exacerbated by the fact that a large administrative state discourages the kinds of deeper attachments and opportunities for participation required to move people past a narrow, consumer oriented self-interest. But the fact that the deck is stacked against reintroducing a public component into our private lives only underscores the necessity of working to bring that about. It will not happen on its own.

Bloodless Liberalism

We all begin in a world of particulars, from which the human spirit ascends, on any account only slowly and with difficulty.[905]

The New Deal was able to institutionalize an abstract concern for its citizens, but legitimacy requires more meaningful connections between members. The problem becomes whether or not it is possible to truly think of the nation, as Dewey would have us, as a 'great community.' It is difficult to form the necessary attachments needed to grant the welfare state legitimacy when the vast majority of a person's fellow citizens remain an abstraction. McWilliams argues that this was one of the great failures of the New Deal, its inability to make the idea of a great community something personal. "Almost universally inclusive, the good will of the New Deal was radically impersonal, comprehending masses and not men. It was distant, outside the lives of most Americans,

[905] McWilliams. 26.

a condescending sentiment which, while it felt for the suffering of others, only rarely felt it with then in their travails."[906] The state was useful, but useful in the way that going to the dentist is useful. We are glad to have the cavity treated but resent the entire process. There was enormous gratitude towards the person of FDR (here he serves a ceremonial role), with the resentment towards the state transferred to the impersonal bureaucracy. We were unable, as a public to see the state as the embodiment of a great community, even if the president could embody a people.

The New Deal recognized the need for these attachments within its theory, arguing beyond the fact of interdependence and asking instead that its citizens open themselves up to one another, allowing affection to ultimately replace interest as the bond that unites us as a people. But, as McWilliams notes, love and attachment are intimate and personal feelings. The more impersonal the object of love, the less strongly it will be felt. The New Deal's theory is universal, but love is local and provincial, and often defines itself in opposition to an 'other' that universalism demands we include. Love is always felt most powerfully at home, and frequently the politics of the small community are reactionary. It prioritizes the needs of those in proximity, and is frequently prepared to sacrifice those farther away for their benefit. It privileges the familiar against the alien. It defines itself in the name of tradition, and these traditions frequently embody racism, sexism, xenophobia, and hostility to change. It certainly blunted the impact of New Deal reforms. As Suzanne Mettler notes, the states frequently softened the universal implications of the New Deal, creating in the end two tiers of citizenship. "National government incorporated citizens within a liberal realm of rights, where they were regarded as free and equal citizens, States made social provision conditional upon

[906] Ibid. 547.

meeting obligations that pertained to hierarchical, status-bound definitions of gender norms and other societal roles."[907] The more political autonomy and power given to local government, the more that power may buttress the forces of reaction.[908]

This is a real problem, and the New Deal's primary response was education. Meaningful attachment can only really begin in the home, so we must focus our efforts on enlarging our understanding of what defines the home. But there is also a sense in which the emphasis on education is a dodge. It makes it too easy, and here the New Deal may be asking it to lift too heavy a burden. A true liberal arts education can make people more cosmopolitan and generate broader (if still impersonal) attachments, but such an education is notoriously expensive, the cost increasing far more rapidly than the ability to pay. The New Deal looked to our public schools to make citizens, but our educational system was modeled (and largely still is) to service the needs of the factory. Children are educated to become workers, and the citizenship training we get (our exposure to history, civics, literature) remains focused on indoctrination rather than critical self-reflection or political engagement. Outside of formal education thinkers like ER placed a premium on travel and new experiences (since we cannot love what we cannot understand), and while this is a great way to learn, our culture's emphasis on work and material markers of success ensure that enormous cultural and structural forces conspire against this kind of continuing education. A true cosmopolitan education may not possible without moving leisure and time up our hierarchy of values.

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[907] Mettler, Suzanne. "Social Citizens and Separate Sovereignties: Governance in the New Deal Welfare State." Milkis and Mileur. 233.

[908] Of course when reactionaries have taken control of the national political machinery, the local may be the only place where progressive politics are possible, and their experiences in New York convinced both Roosevelts that the states could serve as useful laboratories for reform.

New Deal theory assumes that progressive change will come incrementally as a result of education, and that with the right education there are few limits to what we can eventually persuade the public to desire. The hope is that we can educate into the national consciousness cosmopolitan conceptions of love and use it as the basis for the just and equitable state, but it seems doubtful that the kind of education necessary will ever be open to more than an elite few. However, this may be less a critique of the New Deal, and more a recognition of how difficult progressive change really is. As McWilliams concedes, "under modern conditions, general political fraternity is impossible," an assessment I agree with.[909] The universalism of the New Deal will remain bloodless and make it difficult to form meaningful attachments. But this reflects a larger concern with modernity and alienation. "The defect lies in the philosophy of the liberal Enlightenment itself, and the New Deal may be the best and most humane of all the reflections of that philosophy. Modern society, indeed, may not be able to do better."[910] And even within these limitations the New Deal still recognizes that affection is not only desirable, but also politically necessary to establish the sense of obligation and limits that grant a legitimacy and loyalty to the welfare state beyond a vague respect for the law or the power of self-interest. It may never be fully achievable, the protestations of Henry Wallace to the contrary, but it still marks the place where we need to begin (aided of course, by the happy coincidence that our interdependence links our interests to the welfare and well being of others).

The Problem of Democratic Citizenship

[909] McWilliams. 622.
[910] Ibid. 555-556.

From a humanitarian point of view the best government is that which we find in an insane asylum…Their aim is to make the inmates of the asylum as comfortable as possible, regardless of their respective moral deserts.[911]

The New Deal made space within its theory for both democratic participation and the sort of Jeffersonian localism celebrated by Tocqueville and his followers, but in both cases there were secondary concerns, designed to serve as partial correctives to the excess of the main theory. The New Deal privileged administration over participation, universalism over particularism. Its commitment was to justice over democracy (as participation), even if democracy was a component of justice. This section will examine some of the consequences of the New Deal's focus on centralized administration, notably the alienation of people from politics, and the soft despotism of the state. While both are to be regretted, neither one, I conclude, poses an irresolvable problem

Eileen McDonough measures democratic reform along a participatory and institutional axis, and the New Deal was clearly more successful along the institutional axis.[912] It democratized the state in terms of the interests it served, expanding the possibilities of average citizens to exercise meaningful choices and provide security from the vagaries of chance and market. However, in doing so it moved far from a local, participatory understanding of citizenship towards something much more akin to Arnold's facetious vision of the ideal government as an insane asylum, where we judge the government primarily on its ability to care for its charges, not for their participation in their treatment. Of course Arnold's formulation leaves little space for the fact that patient participation in some capacity is the only way to ensure the asylum keeps their interests in mind. The moment of accountability that comes from participation and organization is

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[911] Arnold. Symbols. 232-233.
[912] McDonagh, Eileen. "Race, Class, and Gender in the Progressive Era: Restructuring State and Society." Milkis and Mileur. 262.

understated in his work, although figures like Eleanor Roosevelt gave it due consideration in her writing. The tension between administration and participation is not easily reconcilable, and Jim Morone frames it well in The Democratic Wish, when he wonders how Americans can "reconcile their expanded bureaucracy with their notions of democracy,"[913] what he calls their 'democratic wish.'

This is an old problem, one eloquently addressed by Tocqueville and his concern over the soft 'democratic despotism' engendered by commercial democracies that will "debase men without tormenting them."[914] As it remains one of the most compelling articulations of this fear to date, it is worth quoting at length.

> I wish to imagine under what new features despotism might appear in the world: I see an innumerable crowd of men, all alike and equal, turned in upon themselves in a restless search for those petty, vulgar pleasures with which they fill their souls. Each of them, living apart, is almost unaware of the destiny of all the rest. His children and personal friends are for him the whole of the human race; as for the remainder of his fellow citizens, he stands alongside them but does not see them; he touches them without feeling them; he exists only in himself and for himself; if he still retains his family circle at any rate he may be said to have lost his country.
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> Above these men stands an immense and protective power which alone is responsible for looking after their enjoyments and watching over their destiny. It is absolute, meticulous, ordered, provident, and kindly disposed. It would be like a fatherly authority, if, father like, its aim were to prepare men for manhood but it seeks only to keep them in perpetual childhood; it prefers its citizens to enjoy themselves provide they have only enjoyment in mind It works readily for their happiness but it wishes to be the only provider and judge of it. It provides their security, anticipates and guarantees their needs, supplies their pleasures, directs their principle concerns, manages their industry, regulates their estates, divides their inheritances. Why can it not remove from them entirely the bother of thinking and the troubles of life?[915]

Tocqueville's prescient fear was that our desire for material comfort would lead us to privilege equality (although a better way to think about this might be security) over

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[913] Morone. Democratic Wish, (New Haven: Yale University Press, 1998). 130.
[914] Tocqueville. 804.
[915] Ibid. 805-806.

liberty—that our comfort was more important than our participation in political life. In fact, as we saw, the need to participate at all became less troubling as we came to identify freedom with consumption, folding both liberty and equality into our identities as consumers. Tocqueville anticipated a state in which its members spent their times in private cocoons, emerging periodically not to metamorphose into citizens but simply to choose new masters, the election serving as the ceremony addressing the tension between democratic theory and practice. The ceremony is not entirely empty, as Tocqueville concedes. "Creating a national representative system in a very centralized country is thus to lessen the damage extreme centralization can produce but it does not entirely destroy it."[916] But, of course, the more vacuous the electoral process becomes, the less effective a bulwark against democratic despotism it is.

Tocqueville's concern is that the rule of the petty bureaucrat saps us of our political will, our love of liberty. No doubt he is correct, as the enduring power of the bureaucrat as a negative symbol attests to. But without realizing it, elsewhere in Democracy in America he points to the necessity of the governmental bureaucrat, as the threat posed by an 'aristocracy of manufacturers' is surely the cause of as much, if not greater, indignity and alienation, with fewer possibilities for the exercise of liberty. Capitalism, if left to its own devices in a culture that places consumption at the top of its hierarchy of values, will result in a social arrangement where in the name of efficiency work becomes specialized to the point that it interferes with our self-development. Liberty becomes identified with consumption—we end up celebrating our freedom by shopping because our working lives are constrained and confined. At the same time, increasingly reified workers become utterly dependent for their livelihood in a system

[916] Ibid. 807.

that has no vested interest in whether or not the worker lives or dies, let alone thrives. "As "the industrialist only asks the worker for his labor and the latter only expects his wages the one is not committed to protect, nor the other to defend; they are not linked in any permanent way, either by habit or duty."[917]

If the decentralized semi-agrarian localism of a Jefferson and Tocqueville is lost to us (and if it was in 1932 it certainly is in 2008) the state represents what is likely the most effective response to the petty tyranny of the manager, the landlord, and the reification of both worker and consumer. The state may be in the thrall of capital, and we may surrender to a soft despotism, but that despotism is still superior and likely more humane than the freedom to starve, and as long as our system remains nominally democratic there is always the possibility of change and the redress of grievances. There is potential for direct accountability in the state that is simply not available in the corporation. As Wallace argued,

> I am well aware of the sings of bureaucracy, its occasional pettiness and red tape. The bureaucracy of any country cannot be much better than the human beings of that country. But I am convinced that governmental bureaucracy, from the standpoint of honesty, efficiency and fairness compares very favorably with corporation bureaucracy….This is not because human beings in government bureaus are so much finer as individuals than human beings in corporation bureaucracies, but because continuous public scrutiny requires a higher standard.[918]

In fact, using the state to oppose our industrial aristocracy likely represents the most promising way forward towards a newer, more meaningful form of citizenship, since it is capable of restoring a sense of agency that is frequently overwhelmed by the political power of capital. And this is what Tocqueville seems to miss in his own critique of

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[917] Ibid. 648.
[918] Wallace. "The Hard Choice." Democracy. 172.

democratic despotism. The welfare, regulatory state is paternalistic only if we think of it as the place where liberty ends, rather than the point at which it begins.

The tradition of Jeffersonian localism is largely anachronistic. As problems become national (or even global) larger aggregations of authority are necessary to address them. Of course local civic engagement can play an important role in this, but it is vital that it reflect an awareness of the scope of the problem in play, and local solutions need to be plugged into larger strategic visions, almost all of which will involve surrendering local autonomy to an increasingly power and expansive state. Can we hold onto "an active and competent citizenry"[919] without surrendering those protections? In some ways this question misses the point. Global problems do not go away simply by refusing to create institutional structures that respond to them. These institutions become a necessary component of any kind of political agency. But the desire to be more than a comfortably administered patient in an asylum is a legitimate one, and the concern about increasing the democratic control citizens have over regulatory structures certainly needs to be addressed.

Despite the genuine efforts of New Dealers to promote an active and energetic conception of citizenship, the New Deal governing ideal was always the technical administrator (although not the sole ideal, as he was always checked by the organization and there were efforts to incorporate local decision making whenever possible). The individual citizen, through the election of their representatives and especially the president, sets long term goals and establishes a broad 'throw the bums out' kind of accountability, and through organizations they could wield considerable more power and

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[919] Sidney Milkis and Jerome Mileur. "Introduction: The New Deal, Then and Now." Milkis and Mileur. 21.

influence, helping to set agendas and write laws, but the day to day process of administration was to be depoliticized, based on expertise and sheltered from political infighting as much as possible. It was believed that only the president could shield administrators from ineffectual congressional meddling, and that the role of congress would increasingly focus on budgetary oversight and investigation rather than active policy construction. Ideally these administrators would be politically neutral, but of course this was never the case in reality. Progressives with impeccable credentials like Wallace and Ickes were consistently at one another's throats, and Wallace's experiences with the AAA demonstrated that even technical administration could not escape the all too political questions about what constituency particular programs should serve.

Nevertheless, an institutional arrangement that concentrated decision-making authority in the bureaucracy was deemed necessary by the New Deal. While Roosevelt may have lacked some of Lincoln's humility and trepidation about an expansive state, he took great pains to ensure that his bureaucracy remained in contact with the people, interjecting as much democracy into the system as was feasible. However, the executive centered infrastructure outlasted his tenure in the officer, and as Miroff notes,

> Unelected power brokers and zealous loyalists would from the glamorous vantage point of the White House, exercise vast influence in the president's name. Constructing an institutionalized presidency to make democratic government more efficient, Roosevelt may in the long run have made democratic leadership from the White House more difficult[920]

And even Roosevelt's efforts at keeping the process democratic were necessarily limited. As the people's true representative FDR inadvertently encouraged a sort of passivity amongst his supporters, as it is far more difficult to interact and influence a president the way one could influence a representative or a party. "A president in the Roosevelt mold

[920] Miroff. 253.

might make occasional gestures of sponsorship for citizen participation, but his underlying message was that he was the people's surrogate, the practical embodiment of their theoretical sovereignty."[921] This tendency was only to become more pronounced as modern media encouraged a presidency grounded in spectacle, where citizens were expected to be passive observers, participating primarily through their applause and financial generosity. Too much participation would interfere with the act of administration, and as McWilliams argues, there was "a general willingness of the New Deal to sacrifice human participation for technical efficiency where ever the two seemed to be in conflict, to prefer production of goods to the development of men."[922]

Here sympathetic critics like Milkis worry about FDR's devaluation of political parties, seeing them as an important vehicle for developing citizenship beyond voting. Certainly the presence of ideological parties would make it easier for people to exercise a more coherent voice, and the New Deal aimed for the ideological realignment Reagan ultimately achieved, but the conversation need not and should not stop at parties. The larger concern here is with citizen passivity, and others, like Piven and Cloward, argue persuasively for the importance of citizen movements existing outside of parties to provide pressure and direction to our governing institutions. The New Deal recognized the importance of external organization as a vehicle for the mobilization of interest and opinion—as a liberal check and a source of democratic legitimacy. Probably party and movement are needed in conjunction with each other, as it is far easier to think of a social movement as a 'special interest' than it is a political party, which by its nature represents a wide range of interests and people. Without outside pressure parties will gravitate

[921] Ibid. 253.
[922] McWilliams. 550.

towards the maintenance of the status quo. Without the existence of the broad coalitions engendered by parties[923] the welfare state is vulnerable to the charge that its programs represent special interests rather than the public good. The existence of parties gives the welfare state a potentially broad popular mandate. One of the factors leading to the New Deal coalition unraveling was, as Eden notes, its increased use of the courts rather than the process of coalition building and majority consensus. Doing so turned the welfare state built by the New Deal and expanded by its followers into a program without a party, without representation beyond the interests involved in lawsuits.[924]

Again, simply making the state more democratic in the manner of Tocqueville, Jefferson, and the anti-federalists, or even in the vein of a New Freedom style progressivism is no longer an option. The New Deal recognized that modern capitalism creates a state of permanent crisis, and the role of government is to manage that crisis to prevent collapse and protect citizens from its worst tendencies. And for the most part the American people have a grumbling, incoherent acceptance of this fact most of the time that comes into sharp relief in the face of a Hurricane Katrina or mortgage crisis. The New Deal also argued that the primary source of direction has to come from a centralized executive—and that even if one concedes greater decision making power to congress the administrative work involved is still centered in the bureaucracy. Clearly the risk of centralization under these circumstances is very real. Mileur captures what is at stake.

> For a public schooled in the idea of democracy as majority rule, the expansion of rights and entitlements diminishes popular control of government, erodes the idea

[923] Clearly social movements can bring together disparate organizations in a manner similar to parties, although it is not clear they would ever enjoy the same legitimacy.

[924] It is not my purpose here to dispute the tactics of using the courts to effect social change, especially when the courts often represent a last resort response to the failure of the democratic process to bring about justice, but this approach certainly marked a change in the tactics and perhaps even the nature of social movements and interests.

> of popular sovereignty, and encourage a sense of powerlessness in the public as well. In a regime that defines politics and democracy in terms of power, understood as the successful exercise of individual will, nothing is more debilitating for citizens and public alike than the sense of powerlessness as the present cynicism of Americans about their government and politics would seem to attest.[925]

Arnold argued that we need ceremonial intervention to address tensions between theory and practice, and for a variety of reasons many Americans no longer feel that their government actually represents them. The old ceremonies have failed. It is hard for many of us to believe that this is in fact a democracy if any part of the definition involves the people both ruling and being ruled. And cynicism about the state of our democracy is not healthy, especially if, as the New Deal believed, a sense of public-spirited citizenship is necessary to mitigate the excesses of consumerist individualism.

It is true the New Deal created the institutional structures that have abetted this cynicism but it also points the way out with its emphasis on organization and an inclusive common good. It is necessary for the people to cede power to the state to address the complications of modern capitalism. But the fact that this is necessary does not mean we have to like it. It is equally important for people to demand that the power given be used responsibly, that our administrators are held accountable. Modern democracy in an administrative state requires a dynamic tension between the people and the state, where we constantly threaten to take away what is given if not used appropriately. The mark of democracy therefore becomes not participation, but accountability. And it becomes the obligation of the state, according to the New Deal, to empower the groups and organizations needed to police it (and of course for the people to demand it). Doing so requires a great commitment to the ideal of democracy, to realizing that the

[925] Jerome Mileur. "The Legacy of Reform: Progressive Government, Regressive Politics." Milkis and Mileur. 278.

administrative state is a response to necessity, but that there is still room to determine how necessity plays out. The New Deal has this commitment in theory, and to a considerable degree exhibited it in practice, organizing farmers and labor as well as laying some of the institutional and social groundwork for the civil rights movement.

In the end we are forced to choose between democracy (narrowly defined) and social justice. Both are desirable, but we must privilege one. The New Deal privileged social justice, arguing that it marks the place where a more substantive form of democracy begins. And this in turn requires that we accept a large, organized state. If we accept that there needs to be some form of safety net and public controls over capital this can only happen via the federal government, however aesthetically displeasing this may be. Government is not the problem. The problem, as Morone argues, is that we do not have enough government—that the yearning for more checks, more direct participation, "create their own mischief—inept administration, thin democracy, and the enmity of the people."[926] Any discussion focused on getting rid of government, especially by someone ostensibly progressive, misses the point entirely. "The issue," Bronner reminds us "is not the concentration of power, but its accountability."[927] Can we figure out ways to make institutions accountable to citizens—figuring out how to provide direction from below to the necessary centralized administration above? The answer, for New Deal theory, is found in organization and mobilization, relocating the act of citizenship away from administration and towards a type of extra-governmental agenda setting. State and citizen enter into a symbiotic relationship where they each take responsibility for the other's flourishing and failures.

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[926] Morone. Democratic Wish. 336.
[927] Stephen Bronner. Socialism Unbound. 2nd ed. (Boulder: Westview Press, 2001). 168.

Interest Group Liberalism

By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.[928]

Central to the New Deal's theory of practice is its insistence that democracy is safeguarded by organization. Given the necessity of an administrative state, in which active citizen participation is neither desirable nor even possible, the ability of citizens to organize, to influence the direction of the administrative state, becomes the primary moment of participation, accountability and through those factors a source of its legitimacy. New Deal theory differs from the interest group liberal pluralism that replaced it, as the New Deal reflects something closer to the Madisonian ideal. A common good exists, and we can use it as a standard to evaluate whether or not an organization represents a narrow, factional interest, or reflects a larger public purpose. There are obviously many practical limitations on organization serving as our primary mode of participation. There is the possibility of institutional capture by stronger groups, as well as a pressing need to empower weaker ones—especially those that can claim to speak on behalf of the common good. There is the tendency of organized interests to ossify and lose their democratic character. Some of these concerns can be addressed institutionally; others are dependent on the vigilance of the citizens themselves. However, the fact that interest group liberalism carries with it a high probability of abuse reflects the limits of democracy in a modern administrative state, something to be mitigated, rather than overcome.

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[928] James Madison. "Federalist 10" The Federalist Papers. ed. (George Carey and James McClellan. Dubuque: Kendall/Hunt Publishing Company,1990). 43-44.

What has come to be known as pluralism or interest group liberalism is commonly traced back to the New Deal. As McWilliams notes, the reliance on these kinds of organizational structures reflects a failure of elite mastery, the inability of the administrative state to successfully plan. It defaults instead to a faith in interest groups somehow balancing each other out, which is to say a hope that it all works out all right in the end. "Redefined in terms of "groups," the market mechanism became once again the master concept of political thought."[929] But here McWilliams overestimates the importance of planning in New Deal thought.[930] It found a positive good in the presence of organization as both a form of countervailing power and democratic accountability. Although not a New Dealer by any means, De Jouvenel highlights that "[t]his spontaneous formation of society into syndicates of interests, secret or professed, has been denounced and damned, but in vain. It is a natural phenomena, acting as a corrective to the false totalitarian conception of the general interest."[931] He goes further than the New Deal while at the same time reflecting its liberal modesty. The New Deal had a theory of the general interest, but an open political process offered a check against it—a way for society to intervene if it disagreed. While I argued earlier that the New Deal was more concerned with social justice than democracy, it was a liberal movement before either, and this liberalism, the belief that the state cannot categorically insist on coercively defining the good for its citizens, demands a check even on the New Deal's best intentions.

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[929] McWilliams. 558.
[930] It was central to the thinking of figures like Arnold and Tugwell, but the New Deal is greater than the sum of its parts.
[931] De Jouvenel. 291.

Interest group liberalism was inevitable in a commercial democratic society, as Federalist 10 makes clear. As the government expands its operations it is only natural that self-interested citizens would try to capture that neutral machinery for their own ends. The obligation of the government, the New Deal argues (following Madison), is to ensure that we empower the disparate groups in society to check themselves by fighting one another. The hope is that a policy approximating the common good emerges (for Madison) or so that a preexisting vision can be ratified or rejected (New Deal). In particular we need to focus on the groups whose exclusion undermines the common good, a need that injects politics into what is otherwise an apolitical system. But of course it is more complicated in practice. Groups lose track of the larger picture, identifying their own narrow interests with the interests of the whole, and with this newfound sense of legitimacy, justify the extraction of as many public resources as they can as quickly as they can (or, alternately, they can abandon any claim to speak for the public and approach common resources from a position of power in a state of nature). As E Pendelton Herring notes, "The voice of the people sometimes suggests the squeal of pigs at a trough."[932] Democracy, left to its own devices, is no different than any other system of organization. The powerful (organized) will exercise greater influence, or capture the machinery outright, and there is not really any space for citizens who cannot aggregate themselves.

This happened in the early stages of the New Deal. The NRA was supposed to accord an equal voice to labor and consumer in the writing of its codes. But as Clarence Darrow's National Recovery Review Board discovered:

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[932] Quoted in Morone. Democratic Wish. 132.

> In virtually all the codes we have examined one condition has been persistent, undeniable and apparent to any impartial observation…The code has offered an opportunity for the more powerful and more profitable interests to seize control of an industry or to augment and extend a control always obtained.[933]

In fact, in a few key industries like cotton and sugar, the codes themselves were actually written during the Hoover Administration and tenant farmers were written out of the AAA entirely. George Peek's reflections on the AAA make abundantly clear the nature of the problem.

> I learned that Americans think of their government as something above and beyond the people of the United States, as something which can control groups at its will. The truth is that no democratic government can be very different from the country it governs. If some groups are dominant in the country, they will be dominant in any plan the government undertakes.[934]

There is an inevitability to Peek's speculations that the New Deal both challenges and accepts. A democratic government, organized around a theory of the common good, is capable of empowering new groups, of challenging the face of dominance. It is difficult, short of repression, to eliminate the power of the powerful, but it can give new groups the tools to resist it in their own right. If it cannot cast down, it can at least elevate.

This is the key to the success of liberal democracy in an administrative state that will likely adopt the interest group form. It needs to ensure that worthwhile interests (those whose empowerment will expand the possibilities of security, happiness, and self development to more citizens) are given the institutional support they need to influence policy—to push the government in the direction it wants to go (when liberal commitments will not allow it to push ahead alone). Here the New Deal enjoyed only partial success. Hence Zinn is right to argue that

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[933] Goldman. 347.
[934] Godlman. 351.

> Humanitarianism pure and simple can only go so far, and self-interest must carry it further. Beyond the solicitude felt by the New Dealers for the distressed, beyond the occasional bold rhetoric, there was not enough motive power to create a radically new economic equilibrium; this would have to be supplied by the groups concerned themselves.[935]

The poor, the unemployed, and tenant farmers were told of the importance of organization, but they lacked preexisting structures like Unions, and the Roosevelt Administration did sufficiently aid in creation of new organizations. Without that move, the likelihood of these groups getting adequate representation in democratic politics is slim. Of course they can organize themselves, and groups like the Southern Tenant Farmers Union represented an important step in that direction, but in the face of the resources that can be brought to bear by the opposition it is asking a great deal, perhaps too much, to insist these groups go it alone.

The relationship between the state, its governing philosophy, and the people it aims to serve is complicated. The state is a neutral piece of machinery—liberal theory[936] insists that it cannot be otherwise. But there can (and should be) be a common vision existing independent of that machinery (this vision is to be the overall subject of national elections), and its partisans must insure that the machinery is used to empower the groups that support it, giving the state a democratic legitimacy it can only have through the mass participation of citizens in the democratic process, not just as voters, but as organized groups capable of pressuring the government to do the right thing.

But the state's neutral machinery does not exist in a neutral environment. Instead it operates in an atmosphere drenched in power, and this is one of the essential complications of the liberal welfare state. The institutions designed to help those who

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[935] Zinn, XXII.
[936] Or at least the English liberal tradition.

need it are vulnerable to capture by those it is supposed to regulate, and the more power we grant the state to address social problems, the greater both the incentive to capture and abuse that machinery. There is no way around this except having a state committed to resisting that capture, and this in turn is much more likely to happen through the counter organization of those who can plausibly claim to represent the common good.[937] Given the overwhelming power of capital in the American system, this will involve first and foremost empowering workers. As Bronner argues

> Generally, however state intervention has occurred most successfully under condition in which the organizational and ideological unity of workers was strongest. Distribution of wealth is, in short, dependent not merely on productivity and economic growth but on the political power exercised by workers.[938]

But of course this need not only be understood in terms of class. To the extent gender, race, religion, sexual orientation, or any other category is a marker of privilege or exploitation those groups affected need to organize themselves and the state needs to foster that organization through moral support, legal protections, or whatever appropriate methods can be brought to bear. But the groups also need to police themselves. The burden is on the organizational to maintain internal accountability and responsiveness, and above all to be clear how their own interests reflect a greater national interest, especially when competing for scare resources like time, money, and legitimacy.

The union movement during World War II is instructive in this regard, highlighting the ultimate failures of the government to maintain this equal organizational playing field. Labor leaders agreed to a 'no-strike' pledge and wage freeze to avoid accusations they were obstructing the war effort. Tactically this may have been

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[937] Of course this in turn is a product of political calculation and manipulation, but New Deal theory assumes every moment is contestable.
[938] Bronner. Imagining the Possible. 153.

necessary, as anti-labor sentiment was high. Capital, on the other hand, was not similarly bound, and this is one of the great failures of the Roosevelt administration during World War II—the presence of dollar a year men and the general influence of laissez faire 'free enterprise' conservatives throughout the war bureaucracy ensured that business stood to make enormous profits off of the war and control production in the subsequent peace. While laws limiting wages for workers were acceptable, attempts to limit maximum salaries at $25,000 a year were defeated. Similar efforts to allow smaller businesses to reconvert to the production of civilian goods were also beaten back by big business. The public was clearly on the side of capital. Gallup Poll surveys during 1942 and 1943 found 81% of respondents favored a law forbidding strikes in war industries, and 78% favored laws requiring war industry employers to work 48 hours (instead of 40) before receiving overtime. The most common answer given as to the cause of strikes was "the unjust demands of workers, followed by labor leaders seeking personal power. Under these circumstances there was little chance for labor to maintain its position as a countervailing power. Perhaps there was little the administration could have practically done to preserve a greater parity between labor and capital. Conservatives were relentless in their critique of the welfare state, if not FDR himself, despite his efforts at unity. But it also seems like the administration offered token resistance at best to the dominance of capital within the administration, when it was not actively aiding it. Roosevelt, suspicious of the dollar a year men, still allowed their entry into the bureaucracy, assuming that capital would be more likely to take marching orders from its own than from New Dealers. And pro-business reactionaries were appointed to key positions within the

economic war bureaucracy. This ensured that the possibilities for a more just post war reorganization were not met. The consequences are still with us today.

And that is the risk of liberal democracy. Despite the best (or not so best) efforts of the parties involved there is never any guarantee that we can retain a countervailing balance among interests. Some will have more legitimacy in the public eye and through that control both discourse and policy. Once that is the case there are clear limits to what even a sympathetic state can do. This is why it is so important for progressives to focus on the question of organization in total—to highlight the need for groups to organize, to ally with one another to counter the influence of capital, to work on crafting a message capable of building bridges and framing interests. The public good in practice will always be a political construction—a reflection of the interests of the groups most effective at selling their position to the public. The common good is as susceptible to the forces of advertising as Coke or McDonalds. Having right on your side is certainly useful, but it in no way guarantees success. It is imperative that reformers control public perceptions as best they can,[939] as it is their most effective way to offset the structural advantages of capital.

The Engagement with Capitalism

There are three orders in society—those who live by rent, by labor and by profits. Employers constitute the third order…the Proposal of any new law by or regulation which comes from this order ought always to be listened to with the greatest precaution and ought never to be adopted till after having been long and carefully examined, not only with the most scrupulous but with the most suspicious attention. It comes forma n order of men whose interests I never exactly the same with that of the public, who have generally an interest to deceive and even oppress the public.[940]

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[939] The obstacles against them are still formidable, as capitalism as an overall institution enjoys a powerful legitimacy and can bring vastly superior resources to bear when it comes to marketing, agenda setting, and the like.

[940] Adam Smith. The Wealth of Nations. 310.

As we've seen manifestations of power in the form of capital has been running through much of our critical engagement with New Deal liberalism, and any evaluation of the theory has to address the place of capital within the system. There is a sense in which the conventional socialist critique is moot as political critique if it is to be considered as an alternative. There was simply not a mass base ready to abandon capitalism in favor of something more radical, and the populist pseudo-fascism of figures like Father Coughlin had more traction than any left alternative. At any rate, the administration was not prepared to advance socialist claims, nor would the electorate have accepted them. The language of Roosevelt's early speeches, or even the more militant moments of the 1936 campaign, indicate that Roosevelt (and the American people to the extent they accepted FDR's narrative) blamed the depression on short sighted corporate leadership or, less charitably if not less accurately, economic oligarchs—not the capitalist system itself, which Roosevelt was always quick to reaffirm. And even figures like Wallace, the great liberal standard bearer of the late New Deal, would argue, "There is something wooden and inhuman about the government interfering in a definite, precise way with the details of our private and business lives. It suggests a time of war with generals and captains telling every individual what he must do each day and hour."[941] In private, when railing abut the obstructionism of capital, Roosevelt's arguments (he was not alone here amongst New Dealers) showed a greater awareness of capitalism as a structure, rather than a collection of individual capitalists, but he still never fully grasped the implications of this fact.[942] While certainly more reflective and less dogmatic than most, even the most liberal of New Dealers could not fully shake off

[941] Quoted in Brinkley. 47.
[942] Burns 48. Not that there was necessarily other alternatives available to him if he had.

the power of their folklore. In this they were no different than the people they represented. Capitalism may have needed protection from its own worst excesses, but they never doubted that it was capable of salvage, if not salvation.

As such the effort was always pitched at the level of taming or humanizing capital—to draw new attention to the fact that unreconstructed capitalist government was unwilling or unable to accept its responsibilities as a governing institution. As long as that responsibility was abdicated it was the job of a democratic government to ensure that these needs were met by grafting a regulatory welfare state onto a capitalist economic structure. Early New Deal efforts aimed at making that engagement as cooperative as possible, and after a brief flowering of anti-trust activity World War II forced questions of economic reorganization to the back burner, from where they never reemerged. A new engagement with the power and influence of capital was necessary given the increasing prominence of interest group liberalism. That engagement never happened, although there is room for it within the boundaries of New Deal theory. In fact, it requires returning to the New Deal imperatives that were buried by the war and never recovered after Roosevelt's death.

The NRA phase of the New Deal was characterized by an experimental volunteerism in regards to the presence of capital's power within our governing institutions. The New Deal had hoped to unite all facets of society into a community capable of achieving social justice without class war. From Roosevelt's perspective, government was "the outward expression of the unity and leadership of all groups" and that his role as president was "to find among many discordant elements that unity of

purpose that is best for the nation as a whole."[943] Clearly that was optimistic at best, assuming both a farsightedness and uniformity amongst business that did not exist. It assumed that the business community could speak with one voice and engage the government in a discussion of grand policy, ignoring differences across region, sector, and capitalization.[944] Still, the New Deal never abandoned the hope for an eventual understanding, even as it came to believe that cooperation would only come about incrementally, through socialization out of an economy of scarcity into one of abundance, where we could treat one another as citizens rather than competitors in a Hobbesian state of nature.

The TVA, laboring under less ignorance about the structural imperatives of capital, represented a more promising way forward, demonstrating the very real possibilities of how government intervention in the economy could both protect consumers, spur competition, increase demand, and through that aid private enterprise.[945] Of course Congress later resisted attempts to expand the TVA into other areas of the country, the hostility towards one of the most unalloyed successes of the New Deal demonstrating the sharp anti-New Deal turn that followed the 1936 election.

The New Deal, frustrated with business intransigence even in the face of successful policy and responding to the pressures of new political organizations,[946] moved after the NRA to both limit the privileged position of business in policy formation and create forms of countervailing power and more equitable progressive taxation. If cooperation was not to be voluntary, the New Deal showed a willingness to engage in at

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[943] Ibid 182.
[944] Brinkley. 90.
[945] Goldman. 465.
[946] Many of which (labor in particular) owed their new strength to the support of the New Deal.

least mild coercion in the name of greater freedom, subject to the limits of the democratic process. At least for a while. In the name of national unity in wartime Roosevelt made his peace with capital, abandoned Arnold's anti-trust program, and with it the last real effort within mainstream American politics to seriously confront the power of capital. Roosevelt was skeptical about the presence of dollar a year men, but was unwilling to challenge their presence.[947] The fact that Roosevelt thought this step was necessary to maintain unity (as well as the comparative hostility of the American people towards strikes but not profiteering during the war) points to the deep roots of the folklore of capitalism. Never fully vanquished, it roared back to power on the back of New Deal reforms and wartime profits. In fact, the remarkable productive capacity of the United States during the war seemed to demonstrate to the American people that the system of corporate capitalism was not only sustainable, but could more than meet the needs and expectations of the American system. As Brinkley argues,

> The wartime experience muted liberal hostility to capitalism and the corporate world. It challenged the commitments of liberals to a powerful centralized state and turned their efforts into less direct, less confrontational channels. And it helped legitimize both Keynesian fiscal polices and the idea of expanded social welfare commitments."[948]

Given that context, the move by the New Deal towards mitigating the sting of the market, rather than openly challenging it, focusing on fiscal policy, monetary policy, and welfare reforms rather than industrial planning, makes sense politically. The red hysteria of

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[947] Miroff. 268-269. Although a hostile congress greatly limited the authority of his office, Wallace's appointment to secretary of Commerce for Roosevelt's final term indicated a willingness on the part of FDR and the New Deal to challenge the wartime dominance of the corporation, but the possibilities of that challenge died with Roosevelt. Clearly the 1944 nominating convention, where a grassroots movement failed to force Wallace's renomination only due to his opponents (who controlled the convention) ending the first day balloting before Wallace could be nominated, is one of the greatest 'what if' moments in American history.

[948] Brinkley. 7-8.

Martin Dies, The House Un-American Committee, and later McCarthy only made this policy of non-engagement more attractive.

Even if there were no other viable political options available, the consequences of this position are clearly severe. In a capitalist system benefits for workers (and consumers) are dependent on growth and innovation, which in turn is dependent on the right of capital to make a profit (and as Arnold made clear, our folklore does not enable us to adequately theorize public investment and innovation). As long as this is the case the needs of business will always have priority. Arnold's reconceptualization of anti-trust activities as looking to remove checks on productivity, innovation, and competition offers a way to attack certain concentrations of power, but still sacrifices the interests of workers in the name of the consumer. We can see the economic consequences of our narrow interpretation of this consumer identity in the Wal-Martization of contemporary America. In his focus on restraints of trade Arnold moves forward from anachronistic concerns with size as size, but still fails to consider the place of capital structurally (although there was no real desire amongst the electorate or the government to engage these questions when other methods of dealing with the consequences, rather than the cause, of that power were available).[949]

Still, the New Deal was right to highlight that not even unions are necessarily entitled to a privileged place within our economic structure,[950] and that in the name of protecting their members they can stand in the way of greater prosperity and socially necessary legislations and reforms. No organization is entitled to a position of absolute

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[949] Ibid. 122.

[950] And this is not the same thing as Chief Justice Taft arguing "We have to hit [labor] hard every little while, because they are continuously violating the law and depending on threats and violence to accomplish their purposes." Nace. 130.

privilege. All public policy needs to evaluate its rights within the context of a larger utilitarian framework, although this may involve a certain degree of consideration for groups like unions that are asked to apply countervailing pressure against vastly more powerful organizations). It becomes the obligation of the state to ensure that all relevant parties are sufficiently empowered so that a Madisonian balancing can succeed where public spiritedness fails. This is by no means a perfect system, but it did demonstrate real promise during the 1930s, and may be our only realistic way forward, as the ability to comprehend the consequences of capitalism's privileged place in our social structures does not translate into a new institutional order.

Contemporary progressives should not get too discouraged about the comparative political strength of capital. While our current political climate may be hostile, by the 1930s the 14th amendment had invalidated about 200 statutes aimed at increasing the democratic accountability of the corporation.[951] The success of the New Deal, which built a regulatory state almost from scratch and lacking strong pre-existing public and constitutional legitimacy, demonstrates that while the American people may not be prepared to abandon capitalism, they are willing to give a hearing to populist critiques challenging corporate accountability and its exclusionary character. They are willing, when presented with the right message, especially in the face of institutional failure, to reengage the question of power in our economy. Americans may not be prepared to endorse substantive equality, but they are willing to challenge arbitrary privilege, and as Gardnier and Means argued, there is no more arbitrary form of organizational power than the corporation, where owners do not make decisions, decision makers are not owners,

[951] Ibid. 130. 50% of 14th amendment cases involved corporations. One half of one percent involved blacks.

and layers of legal protections obfuscate any meaningful sense of responsibility and accountability.[952]

The interest group liberalism that emerges out of World War II refused to engage these questions in a meaningful way. Brinkley provides an efficient summary of their position, which adopts the New Deal's focus on consumption without its concerns about power and access.

> It rested on the belief that protecting consumers and encouraging mass consumption,. More than protecting producers and promoting savings, were the principal responsibilities of the liberal state. In its pursuit of full employment, the government would not seek to regulate corporate institutions so much as it would try to influence the business cycle. It would not try to redistribute economic power and limit inequality so much as it would create a compensatory welfare system (what later generations would call a 'safety net') for those whom capitalism had failed. It would not reshape capitalist institutions. It would reshape the economic and social environment in which those institutions worked.[953]

The use of the word compensatory is appropriate. Rather than challenge the presence of power it seeks to compensate for its shortcomings. In the end this is a necessary move, as wholesale abandonment of our economic and social institutions is not possible short of revolution, nor even necessarily desirable, as there is never any certainty that what replaces it will mark an improvement. But without recognition of capital's superior agenda setting abilities, political influence, and arbitrary control over peoples lives, in short, its privileged position as the dominant governing institution in our lives, there is no way we can even effectively soften its impact in our lives.

FDR said as much in his Commonwealth Club Address when he argued that America's industrial plant has been built—that the great question of the age was one of distribution, of democratizing and taming capitalism. FDR was not entirely correct, as

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[952] Ibid. 171.
[953] Brinkley. 268.

we have learned since then that capitalism is always prepared to exploit new developmental opportunities. The industrial age is replaced by the information age, which no doubt will be supplanted by new environmental imperatives. There will always be room for expansion—the plant may never be finished. But there will also always be a need to democratize it, and this was the great failing of the New Deal in practice during the Second World War, mistake progressives cannot afford to keep repeating. There is space in the New Deal theory to reject the absolute connection between the 'free market' and a substantive, moral conception of democracy and freedom. The market is a tool to be used in the service of higher ends—and as long as it proves to be an effective tool it should be utilized. However, its position is to be one of service, not dominance. It is to be held accountable to the goals of the nation since its natural inclination to expand and accumulate without referent to larger questions of the common good is harmful, if not self-destructive (to say nothing of the forgotten fact that corporations are chartered by the public for the purpose of serving a public good). New Deal theory possess the counter-symbols, heroes, and folklore necessary to make that case—that even if we accept the presence of capital in our lives, it need not be the subject of that system.[954]

The Theory of Practice

When leaders seize power by a virtue of a philosophy of disillusionment, they become lost in that greatest of all illusions, the beauty and sanctity of the bold exercise of power, unhampered by humanitarian or other contradictory ideals[955]

The New Deal's theory of practice has an anti-democratic caste to it, and can perhaps best be considered a theory of manipulative, rather than deliberative democracy.

[954] Bronner. Socialism Unbound. 155.
[955] Arnold. Symbols. 250.

In this it is at odds with its more rigorous democratic ideal. It is a tricky act to balance. On the one hand, meaningful citizenship, education, and participation offer a way out of both a vacuous consumerism and the dominance of capitalism. On the other hand, while ideals need to set directions, they cannot serve as an empirical guide, especially when the reality is so far removed from the ideal. This is as true of democracy as it is anything else. And what the New Deal understood, and what progressives are forced to confront is the fact that without power progressive ideas cannot be institutionalized. Of course we must not lose sight of our ends in the pursuit of it, and it is important that there are boundaries that we do not cross. Likewise it is vital that we learn to take a long view, so that we can identify when compromise is necessary and when it will set back a goal or movement. But keeping our hands 'clean' and refusing to recognize the presence of necessity, the price politics forces us to pay, carries with it a great cost—it hands the field over to the enemy. It negates the desired policy and enables the alternative. The costs of failure are extraordinarily high, too high to justify refusing to engage.

When it comes to winning elections and acquiring power the Arnold strain in New Deal thought comes to the fore (although not exclusively, as figures like Wallace, ER, and even FDR never stopped looking at elections as an educative moment). The political debate central to a healthy democracy has less to do with discovering an objective common good, than with inspiring your own side to action. Education is a less effective electoral technique than manipulation. Citizens should be approached as irrational human beings in search of a good story, not rational calculators of objective interests. Frequently the only difference between a demagogue and statesmen is whether or not you agree with his politics. In this regard the New Deal is situated in a long

tradition running through figures like Walter Lippmann and into contemporary figures like George Lakoff.

But while the New Deal advocates a more Machiavellian conception of politics, the Machiavellian[956] attitude is at bottom a cynical one, rejecting principles and replacing them with the glorification of power. While Arnold undoubtedly overstated his case when he argued that the folklore of America makes totalitarianism impossible, it is worth remembering that the New Deal comes firmly out of the enlightenment tradition that accompanies its pursuit of mastery with a skeptical modesty and limits imposed by human rights and human decency. Skepticism about truth claims has been built into the liberal tradition[957] since at least Locke's Letter Concerning Toleration.[958] The major difference between Arnold and previous thinkers is his anthropological tone. Most of the great liberal theorists were writing works of political advocacy. Locke, Bentham, Paine, the Federalists, Jefferson, and Mill were all publishing works designed to actively influence public debate, not provide a textbook analysis of the way politics actually functioned. Principle is not given pride of place for the anthropological observer of human institutions, but it is of great consequence for the advocate. Arnold is no different here. He has been criticized for his instrumental approach to theory, but in practice the only difference between Arnold and the thinkers mentioned above is the transparency of his motives. *Political* theory is not only a diagnostic tool. It is also a form of propaganda, of advertisement. We need to have theory because it provides the romance

[956] I am using the word here as it is commonly understood. Machiavelli's own views were far more complicated than the crude stereotype presented here, and in fact Wolin's interpretation of Machiavelli is highly sympathetic to the Arnold/New Deal view.
[957] The English branch of it, anyway.
[958] While Locke never denies the ontological existence of truth (none of the great liberal thinkers do), he is wary of anyone who claims to have certain knowledge of its content.

that motivates and inspires. "Men do not fight and die except for extremes…Men cannot fight over practical things. They do not march and parade and develop their heroes in a common-sense atmosphere."[959] And if the progressive does not give him his marching orders then the reactionary will.

It is the job of the observer to strip himself of illusions, but the advocate needs to believe in symbols in order to exercise leadership. People need to be preached to, and in order to preach you need a message. The message may be the most valuable weapon available to reformers, but theory, Arnold argues, needs to be a weapon through which we accomplish practical goals—not a God to bow down before.

> [T]he belief that there is something peculiarly sacred about the logical content of these principles, that organizations must be molded to them, instead of the principles being molded to organizational needs, is often the very thing which prevents these principles form functioning. The greatest destroyer of ideals is he who believes in them so strongly that he cannot fit them to practical needs.[960]

Its principles must not prevent us from making intelligent political decisions. Reformers must allow compromises with the Devil (constrained by due process, which Arnold is never willing to sacrifice because of the overwhelming historical evidence that such a move invariably leads to tyrannical, arbitrary government), and it must have the courage to allow for experimentation—to try new methods and be willing to abandon old ones when they are no longer effective. "They [principles] must be supports and defenses; they cannot be guides."[961] Theory can serve as a regulatory ideal, but we must take pains to make sure it does not become reified.

Given the utterly functional nature of this view of politics what needs extra attention is learning to identify when not to compromise, when to take the principled

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[959] Arnold. Folklore. 336.
[960] Ibid.393.
[961] Arnold. Symbols. 232.

stand. In part this is a question of art—or learning to sense the long-term effects of a decision on an organization, a movement, or a constituency. People wielding political power are bound to the short term by necessity, but masterful princes will also learn how to craft a larger vision out of an immediate moment, to give direction to the necessity that controls us. Any ideology making space for comprise must have this view at heart. As Bronner reminds us, "[t]he compromises involved in bringing the welfare state into existence were less simply concessions to the existing order than part of an overriding attempt to change it."[962] This is the yardstick by which, from a progressive standpoint, FDR's regressive social security tax passes and Clinton's efforts to 'end welfare as we know it' will likely be judged a failure from a progressive standpoint. One lead to the expansion of a program that became the backbone of our welfare state, the other seems to have undermined it.

The New Deal argued that the progressive had to take the political moment seriously—that they had to recognize the constraints imposed by necessity, and the costs of ignoring those constraints. It asks them to walk a very narrow tightrope, where principled commitments inform their actions but they do not let ideological purity (especially romantic attachments to the ideal of democratic engagement and Lippmann's omnicompotent citizen) interfere with the need to win elections and institutionalize reforms. If that meant prioritizing what can be accomplished, so be it. If it requires working with political machines, greasing the wheels with patronage and pork, so be it. An overriding emphasis on purity becomes the worst kind of selfishness, as clean hands can carry with them an enormous social cost. But at the same time they must avoid being seduced by the power that they seek. They have to learn to resist making power an end,

[962] Bronner. Socialism Unbound. XV.

rather than a means to an end. They must always be aware of when the means utilized become destructive of the means pursued. But above all else they have to learn that politics has no endpoint, that any moment of rest is time in which the enemy is regrouping. While the left slept and fought amongst itself the right rearmed. The price we have paid as a nation has been severe.

Conclusion

Progressive Government, by its very terms, must be a living and a growing thing, that the battle for it is never ending and that if we let up for one single moment or one single year, not merely do we stand still but we fall back in the march of civilization.[963]

The Republican assessment of the New Deal proved to be more accurate than the more critical view of the New Left. The later saw the New Deal as a moderate, limited program—reformist and essentially conservative. This is true only insofar as we forget just how radical the founding enlightenment ideals of the nation are, and that the New Deal represented not only an attempt to conserve those values, but to actually provide the material preconditions to bring them into a fuller existence. As such, the Republican fear of the New Deal as 'inherently expansive and potentially unlimited'[964] turned out to have a clearer sense of the logic of the New Deal and its concerns for security and happiness than many of its left leaning critics.

It is true that this logic has had unforeseen consequences. As Miroff observes, "An authentic democratic leader, Roosevelt nonetheless fostered an number of developments that would plague modern American democracy, an overweening presidency, a massive bureaucratic state riddled with special interests fiefdoms, a military

[963] FDR's renomination speech for the Governorship of NY. Quoted in Burns. 119-120.
[964] Robert Eden. "Introduction: A Legacy of Questions." Eden. 4.

leviathan."[965] Without a doubt these are serious problems, and represent a practical failure on the part not only of the New Deal, but also of progressive reformers, conservative reactionaries, and the American people. They reflect a failure of our population to accept the institutional structures necessary to protect the meaningful exercise of liberty and the pursuit of happiness, a failure on the part of our leaders to articulate their necessity, and a failure of both to police them.

What was lost on the part of the progressive elite was the sense in which politics is a permanent condition, especially in a democracy where the overwhelming majority of people cannot be expected to comprehend the totality of the system, due to ability, education, distraction, or lack of time. If we cannot rely on people to have a rational understanding of their interests the elite need to recognize and accept that it is necessary to engage in a permanent war of framing, of finding and utilizing emotionally resonant symbolic language, persuasive frames, and effective storytelling capable of generating enthusiasm, emotional relevance, and existential attachment. At this point the United States possess one history but two well developed sets of interpretive folklore, and the successful reformer is engaged in a constant battle to update those categories as necessary to frame their policy preferences in a compelling way. There are many competing visions of the national interest. It can be grounded in social justice, free markets, exclusive purity or inclusive development. Any one of these is capable of capturing the national imagination, precisely because none of them have a fixed meaning. The development of a common good, of a unifying vision, is something that must be constructed, contingent on political choices and political realities, not something ontologically present within a social order waiting to be discovered.

[965] Miroff. 233.

In the aftermath of the New Deal the right learned this lesson much more effectively than the left, and their remarkable success over the last forty years has been well documented, both in terms of framing policy discussions and developing the institutional infrastructure to transmit that message. The sheer disconnect between their theory and reality speaks to their skill at framing, at utilizing their folklore to obscure the divide. The left, constantly swimming upstream in a country that consistently defines itself as conservative against its material interests, could not afford to cede that ground that it did. Part of the problem is that politics was subsumed under the moral ideal of democracy in the desire to have a 'true' politics somehow devoid of interest, pandering, and electioneering.[966] But this separation has always been an abstraction—interest and power exists whether or not space is allotted for it in theory. What the New Deal understood is that democracy as the ideal and politics as the reality are two separate concepts in permanent tension with each other, and that short of violence the ideal can only be approached through the medium of politics. We must think of political life as something to navigate, rather than rail against.

Burn's portrait of Roosevelt is clear on this. The title The Lion and the Fox was aptly chosen.

> Roosevelt was not an absolute moralist about means because, whatever his hopes or illusions about man's possible redemption and ultimate goodness and reasonableness, he had few illusions about man's nature…The practical statesmen or man of affairs encounters ambitions and passions in his daily experience that put man in a strong, harsh light…Roosevelt overcame these men because he liked and wanted power and, even more, because he wanted to defend the position of strength from which he could lead and teach the people. To seize and hold power, to defend that position, he got down into the dusty arena and grappled with rival leaders on their own terms. So sure was he of the rightness of his aims that he

[966] Mileur. "The Legacy of Reform: Progressive Government, Regressive Politics." Milkis and Mileur. 273.

> was willing to use machiavellian means;[967] and his moral certainties made him all the more effective in the struggle. To the idealists who cautioned him he responded again and again that gaining power—winning elections—was the first, indispensable task.[968]

There is, ultimately, no way around this brute fact. While there is an important place for abstraction—any movement needs ends to work for and poetry to inspire it—that theory must exist in conversation with politics. Abstraction has to always be contextualized, and the fact that this context is frequently frustrating and distasteful means the political actor has to be prepared to get his hands dirty, to lower his expectations about what is possible, without ever losing sight of the need to push the boundaries of the possible ever closer towards utopia. It asks a great deal of our political leaders, which is why great leaders are so rare.

We live in a democracy, however imperfect, which means some of the failure of the left to build a more just social order needs to be placed on the backs of the American people. The problem with democracy is that the people can always choose the regressive option. While the political structures that exist militate against progressivism, those structures themselves reflect political choices made and ratified by the American people. There is a certain degree of path dependency here. We are constrained by the decisions of the past, but no door to public action has ever been closed. That is the promise of democracy—the realization that justice is ultimately an act of collective will. And we have failed to will it. We have in important ways authored our own political alienation by refusing to hold our leaders accountable, by not challenging the presence of interest in the system, by rejecting the narratives and frames that offer a more abundant, just world.

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[967] Although of course, not all of them. Roosevelt's Machiavellianism shines through a liberal prism that tempers its excesses.
[968] Burns. 476-477.

In this respect the old progressive catch all, education, turns out to be the answer to our problems, as flawed an answer as it is. Or, more accurately, education in conjunction with a manipulative politics. True democracy will only come with education, but true democracy also cannot wait for the education to happen. Instead it will take organization, electioneering, and all the rest. Otherwise we'll be trapped on our front porch in Hyde Park chatting with our neighbors about how much better things could be if we were in charge, self righteous and impotent. It can be argued that endorsing a *political* political theory is dangerous, and of course it is. Politics is fundamentally about the distribution of power, and power is dangerous. We need to ensure that our leaders are sufficiently liberal (in the modest, limited, skeptical sense) to know the limits of their own power, skillful enough to master their environment, committed enough to do what is necessary, wise enough to be able to navigate the short term without abandoning a broader vision, and finally that collectively we are vigilant enough to hold them accountable when they fail. It is a tall order, but such is the reality of political life, and ignoring this simply cedes terrain to the enemy.

The founders argued that with good institutions politics becomes automatic, that in essence institutions negate politics by turning it from an art into a science. The Progressives privileged the need for good men and tried to craft a system capable of producing good men. They concerned themselves with 'cleaning up' politics and taking steps to make sure that the 'people' were in charge. The New Deal understood that a just society requires all this and more; good men leading good institutions checked by good organizations, alongside a definition of good elastic enough to account for political life and strong enough to not snap under the pressure. Our house has always divided against

itself, and the protestations of Lincoln to the contrary, it always will. As Madison reminds us in Federalist 10, that is the nature of a free society. Conflict is a symptom of liberty. The health of our nation and its governing theory is the ability of its foundations to hold against the strain, to embrace the political and the good at the same time, to build institutions that are stable enough to endure and dynamic enough to change.

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ACADEMIC APPOINTMENTS AND TEACHING EXPERIENCE

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- American Government (Summer 2007)
- American Political Thought (Fall 2006 and Spring 2007)
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- The Western Tradition (Summer 2004)
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Teaching Assistant in the Writing Program, Rutgers University (Fall 2005 – Spring 2007)

- Expository Writing (Taught two sections each year for two years.)

Teaching Assistant in the Political Science Department, Rutgers University (Fall 2003 – Spring 2005)

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Rutgers University Graduate Fellowship (2001 – 2003)

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- Review of Frances Fox Piven's The War at Home: The Domestic Costs of Bush's Militarism for *New Political Science* Vol. 27, Number 1, March 2005

- *The New Deal and the Remaking of American Liberalism* in the forthcoming The Encyclopedia of American Political Development, ed. by Richard Harris and Dan Tichenor

- Entries on Thurman Arnold and Jacksonian Democracy for forthcoming International Encyclopedia of Political Science by CQ Press