What Did Freedom and Equality Mean in the Late 19th Century?

How the New Socio-Economic Hierarchy of the Late 19th Century produced a De-Linking of the Traditionally Paired Concepts of Liberty and Equality and a New Linking of Liberty and Inequality
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Central Analytical Questions

• How has the concept of Freedom been contested in US 19th century history?
• How did Equality come to occupy a central place in the language of liberty?
• How was the concept of liberty delinked from equality in the late 19th century?
• Does governmental power endanger or enhance freedom?
Themes and Topics

- **Cultural Change**
  - The different meanings of Freedom in the 19th Century

- **Private Enterprise**
  - Agrarian basis of American equality
  - Industrial Capitalism’s impact on Agrarian society

- **Role of Government**
  - Land Policy, 1790 to 1866
  - Populist interventionism, 1892-1896
  - Triumph of Laissez Faire

- **Social and Cultural Outsiders**
  - Americans consider the alternatives
Freedom: A Very American Word

- Americans are devoted to freedom
  - Abstract theories about freedom
    - Ancient World: Greek Democracy
    - England: John Locke’s mythical Natural Rights Man in the State of Nature; Government as a protector of property
    - Founding Fathers: Declaration (Equality) and Constitution (Authority—created a structure to preserve liberty by a system of checks and balances; and extend liberty by expansion)
  - Take an historical, not a theoretical approach
    - Show freedom is an ambiguous term—many meanings produce a continuous debate among social groups
    - Examine the preconditions of freedom in the 19th century
    - Show how economic change affected meanings of freedom and equality
The American Revolution

- An Independence Movement
- Freedom *From* British Tyranny
- A war for **home rule** and to decide **who should rule at home**
  - Who was entitled to enjoy freedom? Who wasn’t? Answer: Only male property owners
Liberty after Revolution

American society divided into two political factions
- Aristocratic Republicans
- Democratic Republicans

What divided them?
- Political leadership: who should rule?
- Role of Government: What should government do to promote the interests of political-social factions?

Delacroix’s Cheeky: Liberty and Revolution
Federalists Era: 1776-1799

- The people at the very top of colonial society led the American Revolution.
- With Independence they expected to continue to control government.
- They formed the Federal Party under the leadership of George Washington, Alexander Hamilton, and John Adams.
- The Federalists governed the nation from 1789-1800.

Where do women fit in? They don’t!
The Revolution of 1800

- A peaceful transfer of power from the Aristocratic Republicans to the Democratic Republicans
- Democratic Republicans redefined the role of government in favor of ordinary or lesser white males

Liberty Icon: Liberty Bell
Jefferson and Natural Rights

• Jefferson: The Founding Father who promoted Natural Rights
• Natural Rights and the role of government

Jefferson Memorial, Washington D.C.
Jefferson, “Dependence begets subservience and venality, suffocates the germs of virtue, and prepares fit tools for the reigns of ambition.”

Jefferson, “Whenever there is in any country uncultivated lands and unemployed poor, it is clear that the laws of property have been so far extended as to violate natural right.”
Jefferson: Land and Liberty

- Jefferson’s Vision of America: an **Agrarian Republic**
  - Independent Farmers
    - Virtuous
    - Patriotic
    - Strength of the Republic
  - Freedom meant
    - Economic independence
    - Frontier mobility
    - Popular self-government
    - Widely diffused ownership of productive property
  - Land Policy, 1801-1809
Jacksonian Democracy

- Further extension of liberty and equality as paired concepts
- Evolution of Land Policy toward greater opportunity
- Alexis De Tocqueville
  Democracy in America
  - 1835 visit to America
  - America is Unlike Europe because Liberty and Equality are compatible
Lincoln Republicans

- Embrace Free soil, Free Labor, Free Men
- Further extension of land opportunity
  - Homestead Act, 1862
• The one region explicitly committed to freedom and inequality (in the form of slavery)

John C. Calhoun
During Reconstruction, African Americans became citizens with equal rights and equal protection of the law.

- Southern Homestead Act, 1866

By 1877, Land, Liberty, and Equality were synonymous in Agrarian political culture.
## Evolution of Land Policy, 1783-1866

<table>
<thead>
<tr>
<th>Period</th>
<th>Quantity</th>
<th>Cost per acre</th>
<th>Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confederation</td>
<td>640 acres</td>
<td>$1</td>
<td>$640</td>
</tr>
<tr>
<td>Federalists</td>
<td>640 acres</td>
<td>$2</td>
<td>$1,280 in 1 yr</td>
</tr>
<tr>
<td>Jeffersonians I</td>
<td>320 acres</td>
<td>$2</td>
<td>$160 down; $480 in 4 yrs</td>
</tr>
<tr>
<td>Jeffersonians II</td>
<td>160 acres</td>
<td>$1.64</td>
<td>$262 over 4 yrs</td>
</tr>
<tr>
<td>Jeffersonians III</td>
<td>80 acres</td>
<td>$1.25</td>
<td>$100</td>
</tr>
<tr>
<td>Jacksonians</td>
<td>80 acres</td>
<td>12 1/2 cents</td>
<td>Depended on quantity</td>
</tr>
<tr>
<td>Republicans I</td>
<td>160 acres</td>
<td>$10 +</td>
<td>5 year occupancy</td>
</tr>
<tr>
<td>Republicans II</td>
<td>160 acres</td>
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</table>
Land, Liberty and Equality

Agrarian equality in Indiana, 1881
Crisis of Agrarian Society

- Industrial Revolution and Agrarian Democracy
  - Family Farms—Basic Social and Economic Unit
  - Demographic Revolution—Farmers to Midwest
  - Structure of Opportunity
    - Rising land values (from government to private)
    - Need to increase rate of capital formation produced heavy mechanization
    - Heavy mechanization produced bonanza output and overproduction
      (Corn: 1866=730K Bushels; 1880=1.7M Bushels); Wheat: 1866=169K Bushels; 1880=502K Bushels)
    - Greater output means greater dependence on markets foreign and domestic; Foreign markets effected by European tariffs in 1880s
    - How to get production to market? Cost of rail transportation increased the farther west farmers settled in 1887, (.95 cents per ton mile east of Chicago; $1.32 per ton mile Chicago to Missouri River; $4.80 per ton mile west of Missouri River)
    - Role of Middlemen: Grain elevator operators; futures buyers, bankers
Crisis of Agrarian Society

Consequences of the changing structure of Opportunity

- Rates of indebtedness increase across Midwest by 1890
  - Kansas 60%
  - Nebraska 54%
  - Iowa 39%

- Tenant Farming Increased
  - Iowa: In 1880, 24% farms run by tenants; In 1910, 38% farms run by tenants—the lowest tenancy rates in Mid West and South

- Bankruptcies and Foreclosures Increase
  - South Dakota: In 1892, only 26% of farm mortgages survived from the expansion of the 1880s
  - In Kansas, 11,000 farms foreclosed between 1889 and 1893; By 1895, in 15 counties in Kansas, between 75 and 90% of land was in the hands of loan companies, which also went broke!
  - In Nebraska, 90% of farms can’t make mortgage payments
In the late 19th century a new concept would emerge, connected to the social meaning of urban industrial society, which overturned the link between land, liberty, and equality.

What happened?
Liberty of Contract

- Giant corporations, political corruption, violent strikes, polarization of wealth, a nation of employees all sharply challenged the inherited definitions of freedom.

- This required effort at legitimation by "liberal reformers"
  - E. L. Godkin
  - Horace White
  - Carl Schurz

Spokesmen for the business/professional class!
Liberty of Contract

Options

- Disenfranchise working class in name of “good government”
  - Problem: majority won’t give up right to vote
  - Only African Americans and Poor Southern Whites lose the franchise
- Develop a negative understanding of freedom
  - Freedom as the absence of restraint on autonomous individuals
  - Freedom will mean limited government and Laissez Faire
Liberty of Contract

• Central Idea of Negative Freedom
  ▪ Assume free will
  ▪ Assume voluntary actions
  ▪ Therefore, any agreements entered into, no matter how unequal the result, are legitimate
  ▪ This is Liberty of Contract a new legal doctrine
  ▪ Freedom is therefore compatible with inequality

• Implications
  ▪ Uses of political power to pass laws regulating labor relations are illegitimate violations of Freedom of Contract
Liberty of Contract

- Related Idea: Social Darwinism
  - Use new “science of inequality”
  - Use biological science to explain individual success or failure—
    a theory of abilities
    - Successful are able
    - Unsuccessful poor lack character, a moral capacity, as well as talent
  - Embrace constant social change—don’t interfere with progress
  - Reject use of governmental power to aid unsuccessful as a threat to progress
  - Therefore, inequality is natural
Supporters of Liberty of Contract: The Courts

- Courts strike down laws regulating economic enterprise as an interference with the right of free laborers to choose employment and working conditions.
- Key Justice: Stephen J. Field in the *Slaughter House Cases*, defines 14th Amendment as Liberty of Contract, not equality before the law.
- Courts invalidated state laws related to labor relations.
- Courts impede labor organizations between 1880-1931 with more than 2,000 injunctions against strikes and boycotts.

So much for Equality!
## Freedom-Equality vs. Freedom-Inequality: 3 Phases

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>1800-1870</th>
<th>1870-1900</th>
<th>1900-1920</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cultural Ideal</strong></td>
<td>Freedom linked to equality thru widespread land opportunity</td>
<td>Freedom delinked from equality by Liberty of Contract Doctrine</td>
<td>Individual freedom checked by democracy’s demand for minimum ethical standards in marketplace for businessmen, consumer, and some workers</td>
</tr>
<tr>
<td><strong>Political System</strong></td>
<td>Jeffersonian or Agrarian Democracy</td>
<td>Industrial Plutocracy</td>
<td>Industrial and Consumer Democracy</td>
</tr>
<tr>
<td><strong>Role of the State</strong></td>
<td>Public land offered cheaply</td>
<td>Maximize Freedom and economic autonomy of powerful through laissez faire</td>
<td>Phase I of Interventionist State</td>
</tr>
<tr>
<td><strong>Cultural Outsiders</strong></td>
<td>Wealthy Elite, African Americans, Women</td>
<td>Agrarian Majority, American workers, Socialists, Women</td>
<td>Socialists, African Americans, Women</td>
</tr>
</tbody>
</table>
## Outsiders Search for Alternatives

<table>
<thead>
<tr>
<th>Critic</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Labor Movement</td>
<td>Wage system is wage slavery, incompatible with self-government</td>
</tr>
<tr>
<td>Marxists: Daniel Deleon</td>
<td>Labor market is form of economic coercion; freedom is meaningless given</td>
</tr>
<tr>
<td></td>
<td>capitalistic economic inequality</td>
</tr>
<tr>
<td>Populist Party</td>
<td>Corporate system represents a loss of autonomy; reject laissez faire; Use</td>
</tr>
<tr>
<td></td>
<td>activist government to restore agrarian way of life</td>
</tr>
<tr>
<td>Social Thinkers: Henry George</td>
<td>Restore linkage of freedom and equality as paired ideas using individualist</td>
</tr>
<tr>
<td>and Edward Bellamy</td>
<td>versus collective solutions</td>
</tr>
</tbody>
</table>
Andrew Carnegie believed the amassing of fortunes by the few at the expense of the masses legitimate because the equal sharing of all profits divided amongst all the people would not move people forward as a nation or group.

Under its sway we shall have an ideal state, in which the surplus wealth of the few will become, in the best sense, the property of the many, because it is administered for the common good, and this wealth, passing through the hands of the few can be made a much more potent force for the elevation of our race than if it had been distributed in small sums to the people themselves, Even the poorest can be made to see this, and to agree that the great sums gathered by some of their fellow citizens and spent for public purposes, from which the masses reap the principal benefit, are more valuable to them than if scattered through the course of many years in trifling amounts.

Carnegie gave away 350 million of the 450 million fortune he accumulated to a variety of causes and institutions; If we must have economic elites, let them be generous and responsible with their wealth
Critical Thinking Exercise

• Does Governmental Power Enhance or Endanger Freedom and Equality?
American Ethnocentrism

The State of Liberty in the World: 2005
Contemporary Liberty in Crisis

Threats to Liberty Today

- Patriot Act, 2001, 2005
  - Secret Requests for information on citizens
  - Sneak and Peak Break-ins
  - Death Penalties for vaguely defined “terrorist” activities

- Military Commission Act, 2006
  - Suspension of Habeas Corpus
  - No prosecutions for acts of torture

Conclusions

• For most of 19th C. Americans supported the paired concept of liberty and equality

• In the late 19th C. Freedom of Contract Doctrine de-linked freedom and equality and linked freedom and inequality

• Thus, in Modern America, we are free to be unequal and to judge the rest of the world by our standards

But not equality