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Introduction

EARLY IN the fall of 1910, six-year-old Jessie and eight-year-old Emerson Thorpe of Staten Island, New York, were sent off to school with a note from their father, Herbert A. Thorpe, a local Customs House clerk. In the note, as newspapers reported, “Mr. Thorpe casually threatened to shoot anyone who vaccinated his children.”¹ Thorpe was aware that the law required that his children be vaccinated in order to attend Public School No. 3 in Prince Bay and intended to force the hand of the school principal—who promptly sent the children home. With the stunt gaining the desired attention of the press, Thorpe stood by his threat. He “promised the present of a buckshot” to anyone who vaccinated his children against his wishes, adding, “Vaccination never did anyone any good, but a buckshot might.”² Thorpe’s goal was to contest what he perceived to be an unconstitutional and unjustifiable conflict in laws that abridged his parental rights: he was required by law to send his children to school and required by law to vaccinate his children in order for them to be admitted to school. As he intended, Thorpe was soon charged with violating the state’s compulsory education law. Defiantly, he refused to pay the \$5 fine and welcomed his day in court.³

By the time the matter came before the Richmond County Court, Thorpe had secured the legal services of Harry Weinberger. The son of Hungarian immigrants to New York, the newly minted twenty-five-year-old attorney was beginning what would prove to be an indomitable career defending civil liberties—representing artists, anarchists, and illegal aliens, including, most famously, anarchists Emma Goldman and Alexander Berkman.⁴ Weinberger’s representation of Thorpe in his anti-vaccination suit, however, would prove to be, at best, a very modest start to his career. The magistrate dismissed the charge that Thorpe had violated the compulsory school law because he had attempted to send his children to school. But he refused to rule on whether

the vaccination requirement was valid and declined to order that Thorpe's children be readmitted to school.⁵ Nonetheless, Weinberger waxed lyrical about what the judge's limited ruling meant for the cause of liberty. At a meeting of the Brooklyn Philosophical Association months later, he evocatively described the cause:

It is a question of individual freedom, a question of the freedom of the children. Shall we submit or have we a right to resist if a health doctor and a policeman come to our house while the men folk are away and try to bulldoze us into forcibly being vaccinated?⁶

Weinberger's rhetoric bore little resemblance to the dry, technical arguments he had advanced inside the courtroom on questions of administrative law. But it captured the gendered thrust of the liberty claim evident in his client's original stunt.

Indeed, Weinberger's dramatic warning that agents of the state would invade the home to vaccinate children captured a common gendered anti-statist argument that coursed through local, state, and federal conflicts over state power between the Civil War and the New Deal. A wide array of Americans railed against laws that set minimum standards for the health, labor, and education of children on the grounds that they usurped the "natural rights" of fathers and the liberty of men. It was a political discourse that built over decades as the state expanded its powers over children. By the 1920s, anti-statist arguments about fundamental "parental rights" had worked to unite broad conservative coalitions of immigrants and religious minorities, antifeminists and Gilded Age industrialists, anti-vaccinationists and farmers, and lawyers and lobbyists. The expansion of state powers over children, they argued, represented a fundamental threat to the paternal rights of independent white men, the very first—and perhaps the last—liberty free white men possessed.

This book recovers a profound and recurrent conflict over paternal power. Two competing conceptions of paternal power were pitted against one another: the paternal powers of the state and the paternal powers of white men. It argues that the roots of modern conservatism can be traced back to the opposition engendered by the expansion of the state's paternal powers over children and their fathers in the long Progressive Era.⁷ Between 1867 and 1933, every municipality and state legislature in the nation passed laws that set minimum standards for the education, labor, and health of children. Between 1867 and 1900, thirty-two states introduced compulsory school attendance laws; by 1918, every state in the union had done so.⁸ By 1904, seventeen states had

legislated to prevent children under fourteen from working in factories, climbing to all forty-eight states by 1929.⁹ By 1923, 1,100 cities and thirty-nine states had made school medical inspections compulsory, either in specific towns or statewide.¹⁰ In the 1910s and 1920s, reformers proposed extending those powers to the federal government. Congress debated the establishment of federal departments of education and health before the federal Child Labor Amendment to the US Constitution was submitted to the states for ratification.

Direct regulation of children constituted one of the most active exercises of the states' police powers between the end of the Civil War and the New Deal. As the work of historians has thoroughly shown, this was not, as earlier thought, an era of *laissez-faire* governance. Instead, it was a period in which the purpose and reach of the American state was transformed from below, fueled by municipal and state regulations. The explosion of regulatory activity was enacted under the "police powers" of the states, an expansive sweep of jurisdiction reserved to the states under the Tenth Amendment to the US Constitution that gave state legislatures broad powers to enact and enforce laws to protect and promote the "welfare, safety, and health of the public."¹¹ Reformers, legislators, and jurists proposed, promulgated, and approved broad statutory enactments designed to promote, as historian William J. Novak has put it, a "positive public policy-making agenda" with the police powers relied upon to justify a wide array of state interventions ranging from sanitation to segregation laws.¹² Taken together, the raft of laws enacted by municipal and state governments to promote the education of children, protect their bodies from industrial labor, and promote the health of the community at large by stopping the spread of infectious diseases in schools was a quintessential example of this shift in governance.

There was good reason for paternal state laws to focus so strongly on children. The nascent movement to recognize the "rights of the child"—a banner that united a diverse range of reformers in education, health, and labor campaigns—called for new forms of protective state action.¹³ As historian Susan Pearson has shown, the recognition of the rights of defenseless children was critical to the redefinition of liberalism itself, as the once-oxymoronic concept of rights-bearing dependents became emblematic of a new liberal creed that called in the strong arm of the state to protect the weak.¹⁴ But while the dependence of children was a justification for new forms of state protection, the "rights of the child" were more often trumpeted by reformers and political actors as a direct proxy for the "needs of the state." Indeed, the two concepts became so tightly entwined and braided that they became virtually

synonymous in this era. After the Civil War nearly tore apart the American experiment in self-government, for example, reformers and Republicans advocated the adoption of compulsory schooling laws to simultaneously promote the “rights of the child” and to secure the “self-defense of the state.”¹⁵

Finally, the regulation of children’s lives constituted one of the most active fields of state-building in this era for the simple reason that courts consistently held that the states possessed their most expansive powers over children. The dependency of children worked to define and justify the boundless remit of the state as the “ultimate parent” of all children. In the case of *State v. Shorey* in 1906, the Oregon Supreme Court pointed to the state’s unique powers over children to distinguish child labor laws from general protective labor laws affecting adults.¹⁶ In the words of the court, children were the “wards of the state” and, therefore, subject to its “unlimited” supervisory powers.¹⁷ While labor activists and public health officials often harbored more expansive reform ambitions for the population at large, they began with children because of the broad cultural and legal consensus that the state had a unique right and responsibility to enforce children’s rights. Until the 1920s, at least, there were seemingly no limits on how far the police powers extended over children.¹⁸

The expansion of the state’s paternal powers over children, however, also represented the expansion of the state’s paternal powers over their fathers. This was a point that *laissez-faire* constitutional scholar Christopher Tiedeman made plain in his 1900 treatise on the police powers. Because “minors were wards of the nation,” he declared, it followed that “control of them by the parent is subject to the unlimited supervisory control of the state.”¹⁹ The turn of the twentieth century was a time when the American state aggrandized its power based on the assumption of paternal grants of power. Imperialists justified the annexation and colonization of new territory for the United States government on the basis that nonwhite men, be they Puerto Ricans, Filipinos, or Native Americans, were not yet “fit for self-government.”²⁰ As historians have well documented, it was an era in which the state stepped in to reinscribe the dependence of female-headed households, to establish patriarchal relations in Black and mixed-race families, and—often to devastating effect—to permanently sever familial ties between children and parents in Native American nations and among the orphan and wayward children of immigrant classes.²¹ The regulation of parenthood that child-centric legislation represented was an—albeit far milder—iteration of this same pattern.²²

But on the other hand, this was state intervention of an entirely different ilk. The assertion of the state’s paternal powers over colonized subjects, Native

Americans, Black Americans, the poor and destitute classes, and women of all races reinscribed the dependency of populations that had long been denied the full rights of independent citizens. In contrast, universal laws that set minimum standards for children extended the state's paternal powers over all households, including the households of legitimate white men, the "rights-bearing" individual of American democracy whose independence had long been measured by the number of dependents he governed.²³ It was this very fact that was often singled out by the broad range of Americans who opposed compulsory school attendance laws or school vaccination requirements: The state had gone beyond intervening in the cases of "criminally negligent" or "unfit" parents, they argued, and instead compulsory school attendance laws, school vaccination requirements, and child labor regulations targeted and even criminalized independent, respectable, tax-paying white citizens.²⁴ Accordingly, the direct state regulation of children met with a fierce and persistent resistance rooted in the presumed right of white men to govern their homes.

What was at stake in these battles, then, was not only the governance of children's lives but the standing of white men in both the family and the state. And for many anti-statists and conservatives in this era, that meant nothing less than the fate of the republic was at stake. In their view, family government represented the most local station of "self-government" for white men; it was both the crux and crucible of republican government.²⁵ In the 1880s, Zachariah Montgomery, a Californian Democrat and a member of President Grover Cleveland's first administration, led a crusade against the "anti-parental" public school system. By violating the authority of the head of the household, he warned, the expansion of public schooling would not only lead to the downfall of "family government"; it would therefore inevitably result in "the downfall and ruin of all civil government and the social order itself."²⁶ More than three decades on, William Dameron Guthrie, a conservative constitutional lawyer, offered a similarly solemn warning to the United States Supreme Court. Advancing a novel argument that parental rights constituted a fundamental liberty that ought to be protected by the Fourteenth Amendment in *Pierce v. Society of Sisters* (1925), Guthrie put it to the court: "What right could be more truly or completely the essence of liberty?" If the Court failed to recognize parental rights as a fundamental right, Guthrie forecast that free government in the United States would fall, "for we shall no longer be free men or worthy to enjoy liberty."²⁷

Between the 1860s and the 1930s, the independent standing of white men was shaken by several tectonic shifts.²⁸ The shift to industrial wage work

undercut white men's economic independence and challenged domestic hierarchies as they competed with their wives and children in the marketplace for below-subsistence wages.²⁹ The expansion of suffrage—both the enfranchisement of Black men during Reconstruction and the long struggle for women's suffrage—challenged the presumption that white men were the sole rights-bearing individuals in American liberal democracy.³⁰ And the increasing influence of the professional classes in the United States—in which the first generation of college-educated American women played no small part—led to new forms of progressive, even maternal, governance.³¹ This was an era in which a single prize-winning punch by the African American heavyweight boxer Jack Johnson against the white Tommy Burns could provoke widespread panic and censorship as a means of shoring up the illusion of white supremacy, and it was a time in which President Theodore Roosevelt argued that nothing short of war was necessary to save the vigor of white American manhood from degeneracy.³²

Put in this context, the often hyperbolic and, at times, hysterical rhetoric of anti-statists regarding parental rights becomes more legible. Time and again, anti-statists dramatized state policies about children, raising the specter of state and federal agents “invading the home.” Laws that did little but set a minimum requirement—a minimum number of months that a child must attend school or the maximum hours a child could work—provoked a common and surprisingly vivid leap between the proposed action and the consequence. Instead of imagining truancy officers walking the streets or factory inspectors requesting an affidavit of age, opponents instead projected—as Harry Weinberger did—that these laws would lead state agents to “bulldoze” their way into the home, “while the menfolk are away.”³³

Clearly, these laws struck a nerve. State regulations of children did not solely abridge the paternal rights of white men, but a wide array of conservatives viewed these reforms as a fundamental threat to the liberty of independent white men for which the republic stood. The widespread conflicts over the state's powers over children that played out over the half century between the end of the Civil War and the New Deal proved ripe terrain for the development of an anti-statist politics that spoke the language of “parental rights” and appealed to the common investment of white men in their sovereign rights. Indeed, by the early twentieth century, a broad range of actors, from anti-vaccination activists in Kentucky to Catholic priests in Oregon and Southern Democrats in Congress, reprised an old Anglo-American common law maxim to reject the state's powers over children: “every man's home is his castle.” The

phrase, first articulated by Sir Edward Coke in 1604, had been a rousing call during the American Revolution as colonists rejected British troops raiding their homes as a quintessential example of how British colonial rule trampled on the fundamental liberties of all men.³⁴ Nearly 150 years on, anti-statists would again insist that every man's home was his castle—a sovereign zone of self-government where the state could not intrude—as a unifying rallying call that championed the common and fundamental rights of all men as a limit on the powers of the modern liberal state.³⁵

Overview of the Book

The question of where the authority of the family ended and the power of the state began drew in Americans from all walks of life. It was a politicizing question for many parents. Schools were a space in which Americans encountered state power daily—for most, more often than in any other environment. From working-class and immigrant parents contesting the detainment of their children in reform schools in the mid-nineteenth century to the many middle-class parents who engaged in acts of civil disobedience and populist uprisings to refuse school vaccination requirements and medical exams in the early twentieth century, the expansion of the state's powers over the children swept ordinary people into conflicts over the reach of state power.

But as a question that concerned the very boundaries of state power, it was also a question that consumed and animated a wide range of political actors far beyond the parents themselves. It drew in socialists, settlement house workers, laissez-faire constitutionalists, and Gilded Age industrialists as well as politicians of every party: Democrats, Republicans, and Progressives. In particular, the ideology of parental rights appealed to a broad range of conservatives from farmers to antifeminists. It was adopted by prominent political actors such as Nicholas Murray Butler, the outspoken president of Columbia University who flirted with fascism, the fundamentalist leader J. Gresham Machen, the conservative Catholic constitutional lawyer Guthrie, and the staunch segregationist Thomas Cadwalader, a Maryland Democrat. These varied actors form the cast of characters in the story told here.

Every Man's Home a Castle explores why “parental rights” emerged as an anti-statist ideology in the late nineteenth century and then traces how parental rights became a banner for emergent conservative coalitions in the early twentieth century. To do so, it excavates a political debate that ricocheted around every corner of the country. By placing the campaigns of different

reformers who marshaled the rights of the child in the late nineteenth and early twentieth centuries side by side—topics normally treated separately in histories of labor, education, and health—distinct patterns come into view: namely, the persistence with which reformers ran up against arguments about “parental rights” as a common thread in disparate legal and political conflicts from the 1860s through to the 1930s.³⁶ Then, as now, the political cry of “parental rights” was shorthand for a set of political positions and assumptions. Plumbing the language, ideology, and imagery invoked by a wide range of Americans who touted their “individual and parental rights” in disparate conflicts over the states’ powers over children, the first half of the book recovers a widely held worldview that the white male-headed family was its own form of government that ought to be beyond the reach of the state.³⁷

The idea that white men had the right to govern their children had some basis in the common law. In the wake of the American Revolution, paternal rights became one of the central pillars of the rights of “self-governing” men—the vote-wielding, property-owning white men who governed their wives, children, and the enslaved and purportedly represented them in the world.³⁸ William Blackstone, the leading authority on English common law, had inscribed this principle into the common law in the third of his four volumes on *Commentaries on the Law of England* (1765–69), the text that formed the basis of American common law after the Revolution.³⁹ Blackstone vested fathers with rights of dominion over their legitimate children, which he evocatively dubbed the “empire of the father.”⁴⁰ A father had the legal right to the “control, custody, and labor” of his children. In his entry, Blackstone made the presumption that parental rights were paternal rights explicit, noting in an aside that mothers were entitled to “no legal powers, only reverence and respect.”⁴¹ It was a presumption that persisted well into the twentieth century when parental rights were asserted against the state, despite the rising status of mothers within the household.⁴² Indeed, before the 1920s, Americans used “parental rights,” “individual rights,” and “liberty” interchangeably as shorthand for the rights of governance that fathers held over their children. The rhetorical slippage revealed an assumption—and conflation—deeply ingrained in popular thought, all the more foundational for being unstated: Parental rights belonged to the rights-bearing “individual,” politically imagined and legally constituted to be the white, male head of the household.⁴³

But in the Early Republic, the sovereign rights of fathers were never imagined to be absolute, nor were they envisioned as the right of *all* white men. As chapter 1 details, the democratization of white manhood rights in the

antebellum United States tested the limits of the republican commitment to the “empire of the father.”⁴⁴ The expansion of the right of suffrage to all unpropertied white men in the Jacksonian Era, coupled with the fact that the Naturalization Act of 1790 created a pathway for all men of European descent to wield the democratic rights of white manhood, led many native-born white reformers to conclude that the state needed to step in when men were deficient in their paternal duties to secure the fitness of the next generation of self-governing men.⁴⁵ Surveying landmark legal cases, legal treatises, and the intellectual developments that drove the reconfiguration of the legal relationship between the father, the child, and the state, chapter 1 explores how parental powers over children were granted to the state in two phases. First, in the mid-nineteenth century, courts came to approve of the power of the state to supersede parental rights on a case-by-case basis under the doctrine of *parens patriae* (father of the nation). Then, after the Civil War, as statutory law came to supplant common law principles, courts, reformers, and jurists all came to agree that under the police powers, states held broad supervisory powers over all parents.⁴⁶

In the late nineteenth and early twentieth centuries, local skirmishes erupted all around the country as states exercised their powers in regulating the schooling, labor, and health of children. Chapters 2 and 3 use legal cases, legislative debates, and the records of reformers to reconstruct local conflicts that arose over compulsory schooling and mandatory vaccination requirements. After the Civil War, Republicans and educational reformers began to assert the state’s interest in the child as the future citizen, introducing compulsory attendance laws in the Northeast, Midwest, and West. During Reconstruction, Republicans attempted to use the powers of the federal government to insist upon the establishment of systems of public education in the former slaveholding South as well. From the legal challenges mounted by Urban Catholic immigrants, ringing through the political resistance of elite white supremacist Protestant clergy in the matter of public schooling in Virginia, to the populist uprising against school vaccination laws in the Mormon enclaves of Utah, a common cry emerged at the local and state levels—that the state had usurped the “natural rights” of fathers and “invaded the home.” Though divided by region, ethnicity, and religion, these groups all touted parental rights as a natural limit on state power. Parental rights did more than paper over sectarian and sectional differences; it pointed to the common interests of otherwise disparate groups in the sovereign and domestic rights of white men. In the 1892 election, the Democratic Party—the party of white male

mastery—first previewed the capacity of “parental rights” to unite the opposition of white men to the state at the national level when it added parental rights to its federal party.⁴⁷

On the face of it, statutory laws that set minimum standards for children were universal in construction, notionally reaching all children. But the uneven enactment and enforcement of laws at the state level—and the primary interest of Progressive reformers in white children, or children of European descent—helped shape the racial contours of the emerging political discourse about parental rights.⁴⁸ In the former slaveholding South, the opposition of white supremacists to the education and enfranchisement of African Americans was so vehement that it forestalled the introduction of compulsory schooling in the South well into the twentieth century. Instead, the targets of compulsory schooling laws in the nineteenth century were primarily the children of poor European immigrants, who would one day wield the vote, especially Irish and German Catholics, in urban cities in the Northeastern, Midwestern, and Western states.⁴⁹ At the turn of the century, health reformers embraced the state’s mandatory powers over education with zeal, proposing wide-reaching public health interventions in schools to “improve the race,” by which they especially meant the “racial stock” of Southern and Eastern European immigrants.⁵⁰ And when reformers did take up the cause of industrial child labor in the New South in the early twentieth century, they were concerned with the poor native-born white children spinning the cotton mills, not the agricultural labor of African American children in the fields.⁵¹

These battles were primarily battles, then, over white children—the future of the “race”—and, accordingly, white men’s rights. This is not to suggest that whiteness was a stable category. Quite the opposite; the very classes of men that reformers targeted with child labor regulations, compulsory schooling laws, and public health interventions for the betterment of the “race” had a decidedly more tenuous claim both to whiteness and the rights of manhood at this moment.⁵² When conservative politicians and anti-statist activists made a claim to defend these men—and their paternal rights—against the state, they were vesting them with the rights of independent men or, put another way, the rights of white manhood.⁵³ In the face of the expanding purview of the state over children, in the late nineteenth and early twentieth centuries, anti-statists came to argue with increasing force that paternal rights were the rights of *all* men (of European descent) regardless of their class, ethnic, or religious background. The universal construction of statutory laws affecting children also expanded the social classes to which state power extended. The

requirement that all children be vaccinated as a condition of entry to public schools brought many different types of Americans into conflict with the state, including African Americans and many immigrant communities. It also brought white middle-class parents, marshaling their credentials as respectable taxpayers, into conflict with the state. Disparate moments of resistance began to build into anti-statist movements through the establishment of anti-vaccination societies and alternative health networks by middle- and upper-class Americans who positioned their struggle within the long tradition of Anglo-American liberty.

In these local battles, however, not everyone was equally invested in the idea that parental rights constituted the cornerstone of white men's liberty—or at least in every part of that claim. On the ground, many factors were at play. Anguish and emotion underlay the legal challenges of working-class and immigrant parents seeking to regain custody of their children from state institutions, and grief frequently fueled the campaigns of committed anti-vaccination activists. In conflicts over schooling and vaccination laws, many immigrant communities voted for political candidates who promised to uphold their parental rights primarily to blunt the force of nativist policies and state overreach, without necessarily reflecting on whether they held those rights as a privilege of whiteness or as part of a storied tradition of Anglo-American liberty. Anti-vaccination activists, in particular, drew on a range of radical political traditions.⁵⁴ Some women, as exemplified by Lora Little, a leading anti-vaccination activist, embraced parental rights as a limit on state power but explicitly rejected a patriarchal conception of the home. The power of parental rights as a political platform lay in its protean capacity to capture the interests of diverse religious and immigrant communities. The discourse of parental rights was sufficiently malleable to encompass both maternal and paternal claims against the state, especially as women's political power expanded. From the 1910s onward, conservative activists seized on both these dynamics, using "parental rights" as a banner to rally broad opposition to the state in political campaigns.

What ultimately arose out of these frequent conflicts at the local and state levels was a rich and pervasive anti-statist political discourse about parental rights that conservatives could tap into in marshaling anti-statist and anti-regulatory campaigns deep into the twentieth century. This is where the axis between parental rights as anti-statist ideology and conservative politics met up.⁵⁵ The second half of *Every Man's Home a Castle* examines how the paternal rights of white men became a core and constitutive cause for conservatives

fighting against the modern liberal state. Drawing on the records of anti-statist lobby groups, the papers of conservative activists, and the *Congressional Record* and Supreme Court cases, it maps the formation of conservative coalitions that mobilized “parental rights” into the New Deal era, made up predominantly of conservative lawyers and religious leaders, disaffected Democrats and Republicans, antifeminists, and industrialists.⁵⁶ As this small, elite group of committed conservatives embraced the cause of “parental rights,” it became entwined with the economic liberty of men, the cause of states’ rights, religious conservatism, and a broader anti-regulatory agenda.

The gendered politics and racial assumptions long implicit in “parental rights” became explicit as well. Conservatives, men and women alike, who championed parental rights as an anti-statist rallying call had opposed women’s suffrage and reviled the prominent role women played in the Progressive Era in advancing a more paternal—or indeed maternal—role for the state. Their commitment to a patriarchal view of the family did not hinder them from foreseeing the political power of a conservative maternalism—quite the opposite—and they called on women to defend the home from the encroachments of the state.⁵⁷ By the 1910s and 1920s, the implied whiteness of the “individual” was literally etched into the black-and-white caricatures of “the right-bearing citizen” in the anti-statist propaganda bankrolled by these groups. It was the white, upstanding, respectable “American citizen,” if not “Uncle Sam” himself, whose parental rights were at stake.

In the 1910s and 1920s, the cry of parental rights found national political purchase in conservative movements and in constitutional challenges to the exercise of the states’ police power. Between 1911 and 1916, the National League for Medical Freedom (NLMF) made parental rights, liberty, and the home the central watchwords of its campaign against establishing a federal department of health. As chapter 3 concludes, in doing so the NLMF built directly upon arguments and networks that anti-vaccination activists had developed in opposition to school medical programs at the local and state levels in the decades prior—revealing the intimate connections anti-statists saw between the police powers and the expansion of federal power. In the Midwest and West during the 1920s, as chapter 4 explores, Catholic and Lutheran churches joined forces to mount political and legal challenges to state education laws that arose out of a virulent wave of nativist politics during the First Red Scare. After Oregon adopted a law that would have made attendance at public schools compulsory, the National Catholic Welfare Council (NCWC) sought to establish the limits of the states’ powers over education, appointing Guthrie to challenge the law

in the Supreme Court. The novel constitutional challenge Guthrie crafted in *Pierce v. Society of Sisters* (1925) arguing that parental rights constituted a “fundamental liberty” protected by the Fourteenth Amendment represented the capstone of his thirty-year career seeking to arrest Progressive Era reforms as an unconstitutional encroachment on “individual rights” and “states’ rights,” two interlocking sovereign realms that structured the decentralized republic consecrated to “liberty.”⁵⁸

Between 1924 and 1935, as the final chapter explores, “parental rights” became a banner around which the Sentinels of the Republic, a conservative citizen’s lobby, mobilized a cross-faith, cross-class movement to defeat the proposed federal Child Labor Amendment. Since the early 1920s, the Sentinels had brought together a core nucleus of conservative lawyers, patrician Republicans with ties to industry, and antifeminist activists devoted to fighting against “federal paternalism.” Like Guthrie, who later joined their ranks, the Sentinels, reviling the economic and social developments of the Progressive Era, viewed the election of Franklin D. Roosevelt to the presidency as the manifestation of their greatest fears. By the 1930s, in its campaign against the federal Child Labor Amendment, the Sentinels had built a conservative coalition among disaffected Southern Democrats; Republicans; leading figures in Catholic, Lutheran, fundamentalist, and mainline Protestant churches; antifeminists; industrialists; and influential lawyers who all found common cause in defending the sovereign rights of the “individual” and the “liberty” of the home.

Every Man’s Home a Castle, therefore, recasts the origins of modern conservatism by tracing its roots back to the fundamental shift in the relationship between the family and the state, and within liberalism itself, that took root in the late nineteenth century. It suggests that the makings of modern conservatism lie in the long Progressive Era because the expansion of the state’s power over children, and dependents writ large, threatened to break the nexus between individual rights and white men’s patriarchal power.⁵⁹ In some respects, the story told here echoes an old story about liberty in the Progressive Era. Traditionally, histories of anti-regulatory critiques of the police powers have been told through the prism of conflicts over industrial labor law and associated with lambasting laissez-faire ideologues such as Christopher Tiedeman and Thomas Cooley. Infamously, their critique of the police powers was encapsulated in the US Supreme Court’s decision in *Lochner v. New York* (1905), which suggested that the right of *all men* to form contracts freely was the very basis of liberty.⁶⁰ The “right to contract” once took on an outsized role in

characterizing attitudes toward governance in the Progressive Era, and for nearly three decades historians have worked to sideline the myth of *Lochner* as the “exception that swallowed the rule” by recovering the wide array of regulatory activities undertaken in both the Gilded Age and the Progressive Era.⁶¹ The breadth and pace at which municipal and state governments sought to regulate children’s education, labor, and health confirms this revisionist take. Unwittingly, however, this necessary correction has largely occluded from view the gendered nature of the resistance to state power that coursed through anti-regulatory movements far beyond labor law.⁶²

Simply put, new forms of state regulation bred new forms of anti-statist resistance. In shifting the focus from industrial labor law to quotidian realms of government oversight, namely the public school, where countless American families encountered and navigated state power on a daily basis, *Every Man’s Home a Castle* recovers a deeper and broader conflict over state power, liberty, and “individual rights.”⁶³ In this story, the conflict over state power does not start with conflicts over federal power and states’ rights.⁶⁴ Rather, the common and recurrent conflicts over the police powers of the states and parental rights in the late nineteenth century seeded and framed the contests over federal power.⁶⁵ The exercise of the states’ police powers over children brought a wide range of Americans into conflict with the state and gave rise to anti-statist movements united by a common ideological project that connected cultural and economic critiques of the paternal powers of the state as a threat to the rights of free men. *Every Man’s Home a Castle* reveals that the conservative political movements of the 1920s and 1930s were the culmination of a mounting critique of state power that was five decades in the making. The antifeminist politics of the 1920s was not only a backlash to the Red Scare of 1919 and the adoption of the Nineteenth Amendment that formally granted women suffrage.⁶⁶ Nor did the anti-regulatory agenda of businessmen in the 1930s emerge solely in response to the New Deal.⁶⁷ Indeed, *Every Man’s Home a Castle* suggests that these are not two separate stories; rather, there was a common ideological link between pro-family and free-market conservatism that converged on the fundamental rights and independence of white men.⁶⁸

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