Review by Jerald A. Combs, Emeritus, San Francisco State University

Reviewing this book was like attending my college reunion a few years ago. It combined the warm nostalgia of renewing old acquaintances with the startling reminder of how things had changed. When Samuel Flagg Bemis wrote his classic work on the Jay Treaty in the 1920s, it was all about the diplomacy. He pioneered the emphasis on multi-archival research that is now the basic premise of our field of American foreign relations, but he worked primarily in the government documents. He said rather little about the broader domestic political context in which the diplomacy of the Jay Treaty took place and ignored completely the battle over ratification and funding that followed the diplomacy.¹

When I researched my own book on the topic in the 1960s, I tried to add the domestic political dimension on both the British and American sides.² I did so by expanding my research in private papers as well as the government archives and by examining the Congressional and newspaper debates that surrounded not only the negotiation but also the ratification and funding of the Treaty.

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And now in the twenty first century, with the linguistic and cultural turn in our field, we have a book on the Jay Treaty that concentrates entirely on the political debates and not at all on the diplomacy.

Well, not quite. This book only partially reflects the cultural turn in the history of American foreign relations because it is not really a book about American foreign relations. Todd Estes does not seek to describe how cultural developments affected foreign policy. Instead, he studies how an event in American foreign relations affected domestic American political culture. Thus, he uses rather than replaces the diplomatic histories by Bemis and myself and concentrates his revisionism on works that deal with the political and party fall-out from the treaty, the older works by Joseph Charles, Noble Cunningham, and Stephen Kurtz of which I made use in the latter part of my book, and the later works by people like his mentor, Lance Banning, Stanley Elkins, Eric McKitrick, and the contributors to the volume on the Federalists edited by Doron Ben-Atar, and Barbara Oberg.  

Estes certainly goes beyond those books, including my own, by searching out and quoting from more of the newspapers, petitions, speeches, and letters that debated the treaty, analyzing the rhetoric employed in those debates, and describing the means of organizing and extracting public opinion employed by the leaders of the nascent Federalist and Republican parties. This is as definitive an account of the debates as we are ever likely to see.

Estes, however, seeks not only to broaden but also deepen and revise the analysis of the debates. I think he is more successful at deepening the conversation than in revising previous conclusions about the ratification and funding of the Treaty.

Estes makes two arguments that are at least by implication revisions of previous knowledge about the debates. First, he states that the Jay Treaty debate was a contest to shape public opinion, and that by examining the public debate rather than the Congressional or intra-governmental debates, he shows how important popular opinion was becoming in the developing American democracy. I believe that the older studies made that point quite clearly. Second, he argues that contrary to the image of the Federalists as contemptuous of public opinion, especially in the Jeffersonian Era, the Federalists reluctantly but vigorously joined the contest to control and mobilize public opinion during the Jay Treaty crisis. Again I think the older studies made this case convincingly.

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But these are minor quibbles. Estes’s primary goal is to deepen the analysis of the debates, and in this he is very successful. While older studies, including my own, might have accurately described the domestic politics surrounding the Jay Treaty, Estes pushes beyond mere politics to describe a more profound political culture. Rather than taking the concept of public opinion and the process of shaping such opinion as a given, as I must admit I did, Estes steps back into the mind-set of the Federalist Era when the concept of public opinion was more amorphous than it is today. Neither party was willing to accept the idea that there was a spontaneous and real public opinion by which they and American’s governmental representative ought to be guided. Instead, they believed that public opinion had to be “seeded,” guided, and then “collected” in the mediated and refined form of petitions, town meetings, and resolutions. If public opinion then did not accord with what the leaders thought it should, that had to be because public opinion was uneducated or corrupted by bad information offered by the opposition. In an age when, as described by Richard Hofstadter, the concept of a loyal opposition was still not clearly developed, neither side could quite believe that the opposition was legitimate or that “real” public opinion could be divided.

This concept of public opinion lends greater significance to Estes’s descriptions of how the Federalists and Republicans organized meetings to support or oppose the treaty, the addresses and pamphlets with which they informed those meetings, the way they shaped the resolutions that emerged, the votes they took on those resolutions, and the way they distributed those results to collect further signatures, inspire more meetings, and influence those who would be ratifying, consenting to, or funding the Treaty.

All of this also leads Estes to investigate the public sphere within which the mobilizing of public opinion took place. Who properly belonged in the public sphere and therefore represented true public opinion? It is fascinating to read the different descriptions of various meetings offered by the opposing parties. The Federalists gloried in the fact that their meetings brought together leading merchants, insurance brokers, prosperous artisans, and others of the “better sort” while the Republican meetings were attended by ne’er-do-wells and people of no distinction and therefore of little judgment. The Republicans, on the other hand, broadened and democratized their concept of the public sphere, insisting that their meetings were attended by large numbers of ordinary people whose judgment was far more to be trusted than the narrow groups of self-interested economic parasites who supported the Federalists and attended their meetings.

Estes also brilliantly describes the subtle differences between Federalists and Republicans in their concepts of public opinion and their tendencies toward a more democratic public sphere. Republicans all believed in the right of people to petition their representatives and at least some felt themselves obligated to vote according to those instructions, although many like James Madison rejected that obligation. The Federalists, on the other hand, were divided about the right of people to petition their government and none at all believed that they were obligated to follow the instructions of their constituents. Federalists also

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believed that they should respect only “sober” public opinion. The Republicans were more willing to recognize (and stir) passionate emotions among their constituents. Finally, the Federalists and Republicans both understood how much the prestige of George Washington meant to the ability of the Federalists to capture public opinion for their program. The fact that Washington would not always be president contributed much to the Federalists’ reluctance to empower public opinion and to the Republicans’ willingness to do so even though they lost that battle during the Jay Treaty crisis.

I am not a big fan of much of the impenetrable jargon-laded work that goes under the rubric of “cultural studies,” but the more modest empirical studies of culture such as this one are extremely valuable. When applied not only to the United States but also to other nations and cultures, they help us understand the context of national foreign policies and constitute the biggest advance in the History of American Foreign Relations of the past couple of decades.