“Democratization and the Continuum of Political Development in the New Nation: The Author Responds to the Debate over The Jay Treaty Debate”

When I wrote my book prospectus for the University of Massachusetts Press, I stressed that I wanted to write “the book about the Jay Treaty debate, not the book about the Jay Treaty.” I had no need to write a book on the Treaty itself because Samuel Flagg Bemis and Jerald Combs had already written them. For that reason I am especially gratified that Professor Combs thought so well of the book because mine depended on his. Mine could only have been written in the way it was because his already existed, allowing me to build on his work (which deals with both the diplomacy and the politics of the Jay Treaty).

Professor Combs nicely tracks the historiographical evolution of writing on the Jay Treaty. He notes that Samuel Bemis’s classic was almost entirely about the diplomacy of the treaty, his own book added the political dimension to the

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diplomatic story, and mine—doing nearly a 180-degree turn from Bemis—focuses almost wholly on the political context of the treaty. But Combs also notes that the major contribution of my book was to flesh out not just the politics of the treaty debate but the political culture surrounding it, primarily by investigating the working of public opinion—how it was shaped or “seeded” and then “collected” and to what meanings and roles it was assigned in early national politics. And he appreciates that what I tried to do in the book was to use the varied concepts of public opinion to deepen our analysis of the debates and the political culture in which they took place. The context of the treaty debate was as much about domestic political concerns—when, how, and whether citizens can petition legislators, whether those legislators are beholden to instructions, what properly constitutes public opinion, who belongs (and does not belong) in public discussions of national significance, and many other such questions—as it was about foreign policy issues. Professor Combs notes with approval that these discussions—which I call the “debate within the debate”—constitute to him perhaps the book’s greatest contribution to the literature, the most important and valuable deepening of our analysis of the debate that I add.

It is true, as Matt J. Schumann notes, that my book might have done more to provide a broad view of international relations in the Atlantic world of the 1790s and of literary and intellectual culture in the later Enlightenment period. Such a book would have been interesting, but it also would have been very different from the one I intended to write. While I certainly take Professor Schumann’s points about the value of tracking the political discourse in London at the time of treaty negotiations, my study never pretends to be “a true international history,” nor was it ever conceived as such. Of all the reviews, this is the one whose observations I will be least able to assuage since it is the one seemingly most troubled by the lack of an international, diplomatic, or foreign policy focus. To this, I can only say that such was never my intent for two reasons: one, such a wealth of literature already exists on such topics, much of it cited in my notes; and more importantly, my book was always designed to look at the domestic political dispute over a major foreign policy issue in the early republic. Necessarily, the actual diplomacy and the international context were secondary to my purposes in developing my argument.

William Earl Weeks likewise notes my book’s primary focus on political culture and the debate over the treaty itself. But where Professor Schumann sees this as a somewhat misplaced focus, Professor Weeks observes that “students of foreign policy cannot afford to ignore the internal dynamic of American foreign policy.” Weeks sees very clearly—as does Schumann—that my work deals with the domestic political battle over a foreign policy issue. But Weeks seems to approve of this focus and discerns a discussion of the successes and failures of the two sides in that debate. Weeks then extrapolates three “lessons” that he says contemporary political operatives can use to win, “even when faced with massive initial opposition.” The three lessons Weeks takes from the Federalists’ successful campaign on the Jay Treaty are, one, to be ever aware of the timing of decisions—when to announce, sign, reject, and provide or withhold information based on the drift of public opinion and the ways it might change with time; two, to be shameless in the use of tactics, even if it means adopting those same ones you criticized opponents for using earlier; three,
to make your case clearly, loudly, insistently, and repetitively and to refuse to let opponents’ charges go unanswered.

While it was never my intention to think about the implications of the treaty debate for present-day politics, I believe Weeks is correct in identifying the tactics Federalists used in the Jay Treaty campaign and in noting their effectiveness. Although the campaign to win approval took place in a specific historical context, there were parts of the Federalists’ political strategy that have a timeless quality to them and that might translate to different historical eras. And his comments underscore what I see as one of the most original contributions of my work: to remind us that the Federalists, who we often think of as politically maladroit, were at times very skillful politically and knew how to triumph over their opponents.

If Professor Schumann seeks a book more broadly international in scope, if Professor Weeks is receptive to my focus on the domestic political content of the treaty debate and sees present-day applications, and if Professor Combs discerns that my real focus is on the shaping of public opinion within the treaty debate, Seth Cotlar and Matthew Rainbow Hale both focus their commentaries of my book squarely at its interpretive heart: my analysis of the cultivation of that public opinion within a fluid, evolving political culture in the 1790s. As am I, both Professors Cotlar and Hale are primarily scholars of early American political culture. Their own extant work, presented at conferences and in published form, has already sketched out important new points of departure for scholars. Their forthcoming books, joined with their previous bodies of work, will further establish each of them as valuable contributors to the discussion of early American politics, political culture, and the nexus between domestic political culture and transatlantic influence and foreign policy. In short, both Professors Hale and Cotlar work squarely in the area I do; thus, their comments engage the crux of my book while offering both an appreciative grasp of what I tried to accomplish as well as different perspectives that challenge, extend, or deepen my interpretations. The following paragraphs speak to and build on their detailed and thoughtful assessments at some length.

Seth Cotlar seems willing to follow my interpretations—up to a point. He appreciates my points correcting misconceptions about the Federalists and popular politics in the 1790s and seems to accept part of my argument. But beyond that point he is not willing to travel. His reasons, I suspect, have mostly to do with his different perceptions of what constituted democratization and popular politics in the 1790s and with the question of whether or not those terms can be applied to Federalists and the Jay Treaty debate more generally as I do. I concede Professor Cotlar’s point about how I might have deepened my analysis of differences between Federalists and Republicans in, for example, their use of humor, the organization of their meetings, the cultural assumptions each side held, and their sense of who constituted their public(s). If I were to revise the book at all, I would pay more attention to fleshing out these matters since I believe that more can be done with them beyond the uses to which I put them. Nor would I disagree that what Federalists did in 1795-96 to flatter the people was not new. I never claimed that it was, or, for that matter, that anything the Federalists did in the debate was wholly new. But it seems to me that
Federalists were doing much more than simply flattering the public; they were also trying to persuade it.

The question of “which side are you on?” that Professor Cotlar raises was certainly on my mind while writing. The readers’ reports on the initial version of this book detected a clear Federalist bias in my draft and urged a correction. I agreed with that assessment, and in making revisions, I worked consciously to excise that bias and to write a book that I hope was not skewed toward one side or the other. I thought that signs of a pro-Federalist slant were gone from the book although I can understand why fair-minded readers might perceive one. Since the book emphasizes a counterintuitive point about the Federalists and popular politics that revises much of the existing scholarship, I can understand why some readers may find my focus on establishing that argument to be an example of latter-day partisanship on behalf of the Federalists. As I was making that point and telling their story, perhaps the book still reads a bit too much like a brief for the Federalist cause. I hope that I have written an account of an early political struggle that avoids bias in any direction, at least as much as such a thing is possible. To the extent that I could retroactively “vote,” I would have supported the Jeffersonians in the 1790s just as today I am a member of the political party that is their lineal descendant. I note, further, that Professor Cotlar seems troubled by the very same tactics of Federalist success that Professor Weeks highlights. An appreciation for Federalist arguments and efforts at popular politics in the 1790s and an acknowledgement of their successes—which is what I tried to do and what Weeks sees as a signal achievement—is different from an uncritical analysis of their positions, but I will leave it to readers to judge how well I fared on that score.

The heart of Professor Cotlar’s criticisms turns on my characterization of the Federalists as practicing popular politics and the degree to which the party could be called truly democratic. I argue that while the Federalists were, as I put it in the book’s introduction, “often ideologically elitist, they were also operationally democratic” (p. 9). That is to say despite the very real and sometimes anti-democratic sentiments of their leaders, the Federalists practiced popular politics quite effectively and did so repeatedly up to and during the Jay Treaty debate. I do not argue that the Federalists were all strong democrats; only that they could and did engage in popular politics even as Noah Webster (about whom more later) and others had grave reservations about such activity.

But there was one indispensable element to Federalist politicking—the presence of George Washington as president. As long as Federalists could ultimately point to him, they could always frame contests for public opinion as being about whether the public would stand with Washington or with some various “other” (Citizen Genet, the Whiskey rebels, treaty opponents). Federalists could and did gin up meetings, rallies, petition drives, newspaper publications and the like, all designed either to convert public opinion or demonstrate its presence on the Federalist side of issues. This practice of linking Federalist policies to Washington’s undeniable popularity, then constructing an “other” as a foil and contrasting it to Washington, and then taking a forceful campaign to the public to persuade them to choose what Washington supported represented a shrewd awareness of their party’s greatest asset, and a very effective way to appeal to popular audiences during the transitional 1790s, a decade which saw a movement away from older deferential politics
toward a newer, more democratic politics. But in this transitional period, Federalist use of Washington’s unequaled stature represented simultaneously an effort to bridge the gap between the older style (urging deference to Washington and the “constituted authorities”) and the newer approach (recognizing the limits of simple deference and the need to cultivate public support for Federalist policies by building on Washington’s popularity).

Significantly, things only went awry for the Federalists in 1798 when they foolishly overreached with the Alien and Sedition Acts and when two vital factors from the 1793-96 period were changed: Washington was no longer president and Alexander Hamilton was no longer devising and driving administration policy and politics. Not only was the policy flawed, the Federalists’ trusty old stand-bys from their previous efforts to shape public opinion and build support for policies were no longer in place. I am also convinced that the Federalists overreached in 1798 in part due to sheer hubris. They had gone to the well so many times in the previous decade following the usual formula of rallying the public behind initially unpopular or controversial measures and had succeeded time and time again that they surely expected that they could win one last time.

The other great political problem for the Federalists with the Alien and Sedition Acts was, of course, their motivation. Federalists could plausibly stand on the firm ground of national interest when they favored Neutrality, opposed the Democratic Societies and the Whiskey Rebels, and supported the Jay Treaty. These could be acknowledged—either by their critics in the day or by historians since—as being, at the very least, serious and legitimate public policy choices which were entirely defensible even if objectionable. But the 1798 laws differed in that they failed the test of national interest and were defensible solely on partisan grounds: the Alien and Sedition Acts were designed to destroy the Republican party by crushing its newspapers and silencing its leaders. This was, undeniably, a clear rejection of the basic premises of democratic government. But just as undeniably, these laws were considerably different from legislation and policies the Federalists had been preparing earlier in the 1790s and with the Jay Treaty in particular.

This is why it is crucial to see the evolution of 1790s politics and political culture as taking place in stages, as a work-in-progress, and to understand that one-size-fits-all labels (Federalists are undemocratic, Republicans champion democracy) are of little use in understanding the nuances of that decade’s politics. The Federalists of 1798 were not the Federalists of 1795 or of 1793. The overlap between the degree of democratization Federalists accepted and the degree to which democratization was evolving in the broader political culture was greater in 1795-96 than was that overlap in 1798 or 1800. For a time—and this is a major contention of my book—the gap between the Federalists’ preferences for the older, deferential style of politics accompanied by at least some degree of acceptance and adoption of popular politics and the rising democratization of politics and society was narrow enough that it could be managed, however uncomfortably. But by the end of the decade—and in large part because of the previous acceptance of, and efforts at, democratic politics by both parties—what had once passed for democratic activity no longer sufficed. Popular politics, that is to say democratic politics, did not mean the same thing in 1798 as it had in 1793 or 1795. Only by understanding this sliding scale of democratizing political culture can we understand how the Federalists could play the game
of popular politics so successfully for a time as in the treaty debate. Only by grasping these succeeding stages of politics can we then also understand why Federalists failed so spectacularly in 1798 and afterward, doing nearly irreparable harm to their political chances at the time and their historical reputations ever since.

That Federalists failed terribly in 1798 shows both how little they recognized just how crucial George Washington had been to their earlier success and the degree to which the public was moving even further ahead on the political continuum from deference to democracy. It is the recognition of this fluid continuum that also marks a difference in the views of Professor Cotlar and Professor Hale. Where Seth Cotlar sees my treatment of democratization in the book as a “disembodied, inevitable force,” Matthew Hale notes that my treatment of the subject is flexible and emphasizes—as I tried to—the fluidity, contingencies, and stages of political development in the 1790s. Professor Cotlar’s reading seems to me to discount that fluidity and the stages of development and comes close to seeing the Federalists as monolithic when it came to politics throughout the decade. He disputes my calling Federalist politicking “democratic.” Perhaps they were not—but by later definitions of the term—but they provide an example of a midway point on the continuum between the older politics of deference and the coming politics of democracy. Federalists provided, as I see it, a bridge that was rooted in deferential politics but that also reached part way into the territory of popular politics. And the Jeffersonian Republicans then extended that bridge from where the Federalists left off in a way that was grounded much more in democratic politics but was not entirely free of elitism (witness Thomas Jefferson’s arms-length treatment of his political operative John Beckley as recounted in Jeffrey Pasley’s work).

In short, if we see the development of politics and political culture moving along a continuum from deferential colonial-era politics on one end and democratic Jacksonian-era politics on the other, I would argue that the Federalists (building on the work that their 1787-88 pro-ratification of the Constitution namesakes started) represent a serious foray into democratized politics as the practice of it existed in the early to mid-1790s. Pushing even harder and faster in the democratic direction were their rivals, the Jeffersonian Republicans, who further developed the art of democratic politics and advanced it along the continuum in ways Federalists could no longer embrace and ultimately tried to circumvent in 1798. The Jeffersonian triumph in 1800-1801 formalized and solidified the momentum towards more democratized politics of the sort that emerged full-blown by the Jacksonian period. But as I see it, neither the Federalists nor even the Republicans were that fully democratized as parties in the 1790s simply because the course of democratization was still in flux, and still developing, and both parties were grappling with the implications of a rapidly democratizing political culture for both their nascent parties and the new nation.

If my reading is correct—and on this point, Professor Hale seems to concur with me—this means that the Federalists and Republicans together, to go back to my metaphor, represented the emerging links of a bridge being constructed that spanned the gulf between deferential and democratic politics. It means that the Federalists were not undemocratic but subscribed to and practiced a conception of democratic politics that was
not as advanced and developed as that favored by the Republicans. Again, this does not make them undemocratic any more than it makes the Republicans fully democratic. Rather, this formulation situates both parties in the context of the fluid 1790s political culture when a certain degree of (Federalist) deference and a more rudimentary concept of democracy could still succeed for a time in the face of the growing (Republican) democratic pressure on the political system that would soon transform it. The Jay Treaty debate, as I have argued, occurred at a precise moment of historical time existing between the end of the old ways and the birth of the new. Older Federalist models of deference and a limited democratic politics could still work. Newer Republican models of more robust democratic politics were not yet guaranteed of success. To be sure, the passage of a few years more, replete with Federalist efforts at overreach and Republican growth of party organization and activities, would tilt that balance—first gradually, then decisively—in the direction of greater democracy and the Republican party. But even then, as Andrew Shankman’s recent work has shown, the Jeffersonians in Pennsylvania at least were badly divided between moderates and radicals over the question of how much democratic involvement was desirable or healthy. These were exactly the terms of the debate between Federalists and Republicans at the time of the treaty debate. But note how, in a few short years, that debate would be taking place between and among Republicans with the Federalists long since fading into irrelevance. This development shows as clearly as anything can, just how far and how fast along that continuum of democratic politics the nation was moving from the mid-1790s to the late-1790s to the early 1800s.

Public opinion—what constituted it, how it was identified, how it could be measured—was one of the central points of my book and of these reviews. It is no easier for historians to gauge now than it was for participants in the debate at the time. No polling data, surveys, or exit polls exist to give historians any greater insight into percentages and trends than politicians had then. In a relatively small political universe (relative to later times), the sheer numbers of people involved as a share of overall population may not matter much. The part of the public whose opinion needed to be shaped (“seeded”) and then mobilized (“collected”) might have been rather small and narrow. Does this make that opinion any less relevant or important? Not to my mind. I never claimed—because I do not believe it can be claimed for the early republic—that public opinion was mass public opinion. James Madison himself suggested the rather narrow, targeted nature of the public in his May 1796 letter to Thomas Jefferson when he noted: “An appeal to the people on any pending measure, can never be more than an appeal to those in the neighborhood of the Govt. & to the Banks, the Merchts. & the dependents & expectants of the Govt. at a distance.” This was undoubtedly a very small part of the larger public but they were the ones targeted successfully by Federalists and they were, to Madison’s mind, very influential in carrying their views to other citizens as he bitterly noted.

But just because the public that both sides tried to reach may have been small does not mean that public opinion, as seeded and collected by both pro- and anti-treaty activists, did not have impact. No matter how the signatures on the petitions were collected or to whom those signatures belonged, they played a major role in explaining why congressman after congressman decided to vote for appropriations in the climactic House vote. Public opinion—however narrow it may have been, however lacking in real breadth and diversity
it may seem to us—did have an impact, and both parties recognized and cultivated that opinion. Professor Cotlar notes dismissively that on the House vote representatives from the commercial areas were “undoubtedly influenced by the pressure put on them by the ‘leading men’ from their districts.” But such “leading men” were both constituents and represented a slice of public opinion. What is undemocratic about this influence? It might not meet standards for democratic politics in the 1830s or the 1930s or today, but it certainly did reflect the early, unsteady, and fluid state of democratizing politics in the 1790s.

None of this is to say that I think the Federalists were operating in a perfect Habermasian rational-critical public sphere of pure persuasion (as Professor Cotlar reads my book to say) or that they were only high-minded idealists who shunned harder-edged political tactics. The Federalists were classic ends-justify-the-means types. They pursued whatever approaches or tactics seemed likely to work best. They were clearly not above warmongering and raising fears of Indian uprisings as they did during the treaty debate. They willingly engaged in hard-ball politics—in “kneecapping” opponents one might say—if it produced the desired result: shaming Genet and the Republicans in the Neutrality controversy or securing the petitions and pressuring congressmen in the run-up to the House vote. In the treaty debate Federalists competed on multiple levels using a variety of high and low tactics to gain their objectives: persuasion when it worked, pressure when it did not. Again, I do not believe this bifurcated approach makes the Federalists undemocratic in their politicking. After all, Federalists entered the public arena to compete for support. They recognized the need to gain public approval for their political and policy endeavors, and that seems to me to be the key point; the means they utilized were secondary to the fact that they acknowledged the need to seek approval from the public (however defined) and, when necessary, to cultivate that support and harness it to their policies. They recognized, albeit uncomfortably, that the people (through their representatives) had the authority to say yes or no, to approve or disapprove; that public opinion, in short, mattered in politics and was a force that had to be taken seriously and ultimately heeded. This is one of my book’s most important arguments about the emerging dynamics of 1790s political culture.

This is not to say, either, that Federalists liked the fact that public opinion mattered or that they liked the necessity of making public appeals. Democratic politics did not come easily to them nor did they take to it with alacrity. But they did take to it. In fact, one of the crucial points I make in the book is the great ambivalence Federalists had about democratization and democratic politics. Troubled by this emerging political reality, often both uncomfortable yet remarkably successful in its practice, Federalists struggled mightily with the implications of democratization. They did not always like or approve of popular politics. But they played the game as they found it and often, as I note, quite skillfully and successfully. This ambivalence—disliking something they willingly engaged in—also produced ironic results: Federalists could be very good at a process that deeply troubled them. This quality is nowhere better captured than in the dilemma of Noah Webster who led the efforts to persuade and mobilize the public on the treaty even as he believed it was “all improper.”
The ambivalence and irony that characterized especially the Federalists but the treaty debate as a whole is a point that Matthew Hale highlights in his review, along with my argument for seeing 1790s politics as a work-in-progress. Professor Hale reads the book much as I had hoped it would be read and he sees and largely accepts my arguments despite some differences of emphasis here or there. He notes as well some areas where the book's analysis might have been deepened and where closer study of rhetoric might have further illuminated some of my discussions. But Professor Hale has clearly grasped what I tried to do in the book and largely accepts my conclusion whereas Professor Cotlar, who has also grasped my intentions and argument, is not as convinced. I read Hale’s review as a kind of answer to Cotlar’s and since I can't find much to disagree with or to add to Hale’s essay, I think will let it stand and allow readers to judge for themselves.

I close my response with thanks to all the roundtable participants for their generosity. Just a few months before Thomas Jefferson’s death in 1826, James Madison wrote to him reflecting on their lifelong relationship as friends and political allies. Madison observed that Jefferson could not have “more affecting recollections than I do. If they are a source of pleasure to you,” Madison wrote, “what ought they to be to me?” I can assure my roundtable colleagues that their thoughtful, carefully considered and generally appreciative reviews have been a great source of pleasure to me. If I have written at too great length here it is because of the richness of these nuanced reviews that gave me the opportunity—but also the difficult if stimulating challenge—of revisiting and rethinking my own book. While there is more I could say in response to these fine reviews, it would be indecent for an author to indulge his personal predilections at the risk of tiring his patient readers. Therefore, with deep gratitude to Thomas Maddux for organizing the roundtable and all the roundtable participants who have given me (and I trust many other readers) so much food for thought, I will end with the hope that I might someday repay these intellectual gifts by doing the same favor for other scholars in one of these roundtables.