
Roundtable Editor: Thomas Maddux
Reviewers: Jerald A. Combs, Seth Cotlar, Matthew Rainbow Hale, Matt J. Schumann, William Earl Weeks


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“Damn John Jay! Damn every one who won’t damn John Jay. Damn every one who won’t put lights in the windows and sit all night damning John Jay!” As Todd Estes notes, this message, chalked on a wall in New York as the debate over the Jay Treaty with Great Britain erupted in July 1795, captures the angry depth American reactions to the results of negotiations by President George Washington’s special envoy, Chief Justice John Jay. (104) In The Jay Treaty Debate, Public Opinion, and the Evolution of Early American Political Culture, Estes moves far beyond the intense political invective and the effigies of Jay consumed in bonfires at anti-treaty rallies to explore the debate carried out in town meetings, pamphlets, and petitions to Washington and Congress and the more significant changes emerging in the political culture of the United States.

As Jerald Combs notes in his review, Estes does not explore in depth either the American or British backgrounds for the treaty negotiations or Jay’s actual talks with the British Foreign Secretary, Lord Grenville. Estes relies, however, on very good sources on the negotiations, most notably Combs’ The Jay Treaty: Political Background of the Founding Fathers (1970) and Samuel Flagg Bemis’ classic Jay’s Treaty: A Study in Commerce and Diplomacy (1923). Instead of examining how America’s emergent political culture influenced the diplomacy of Washington and relations with the major European powers, Great Britain and France, Estes closely explores how the foreign policy crisis precipitated by the European war, which shaped the Jay Treaty and the ensuing conflict with France, affected the emerging changes in American political culture. Estes explores how the disagreements that emerged in the American Revolution, most significantly in the debate over ratification of the constitution, and which continued in the reactions to Secretary of the Treasury, Alexander Hamilton’s economic program, were reinforced by the public debate over the Jay Treaty, and how in their competition with each other over ratification of the treaty, the Federalists led by Hamilton and the Republicans, more loosely directed by James Madison and Thomas Jefferson, tended to promote a more democratic as opposed to deferential political culture.

The reviewers welcome Estes’ study and its focus, particularly the close attention to the public debate, although they do raise some questions about some of Estes’ conclusions, most notably

1.) Estes suggests that the Federalists were not as elitist and dismissive of public opinion as previously depicted. Instead, Estes indicates that in order to win the battle for ratification of the treaty in the Senate in June 1795 and approval for funding in the House of Representatives in April 1796, Federalists acted vigorously to shape public opinion in town meetings, in petition writing campaigns, in pamphlets, and in Hamilton’s and others essays widely printed in newspapers around the country. Seth Cotlar, however, questions whether the Federalists had really changed very much since the ratification of the constitution and whether they had really discarded much of their elitist views and dismissal of the public. The Federalists, Cotlar admits, “did not try very seriously to stop the process of democratization. They complained about it and often mocked it publicly, but at least they did not try to physically silence or imprison democratic activists. Well, at least
they waited until 1798 to try that.” (4) William Weeks suggests that the Federalists stayed ahead of the Republicans in their democratic methods and endorses Estes’ suggestion that “while the Federalists were often ideologically elitist, they were also operationally democratic.” (9)

2.) Were there significant differences between the Federalists and the Republicans on how town meetings were conducted, who attended the meetings, and what political ideals were advanced? When Federalists organized a meeting of merchants to petition in favor of the treaty, there were probably importance differences from a meeting in a Southern state expressing strong opposition against the treaty.

3.) William Weeks suggests that Estes’ analysis demonstrates that President Washington exhibited significant skills in managing the treaty ratification process. By delaying on signing the treaty, Washington allowed time for the initial wave of criticism to crest and for Hamilton and his allies to marshal public support for the treaty. Washington then delayed submitting a request to the House of Representatives for funding to implement the treaty which again provided time for Federalists to shift the public debate and reverse the “no” votes.

4.) Did Hamilton and other Federalist writers clearly defeat the Republicans in the public debate? Estes gives the impression that Hamilton trounced the second-level Republicans that attended to contest his “Camulus” essays and the writings of other leading Federalists. Furthermore, Estes depicts Jefferson in semi-retirement at Monticello as being unwilling to take on Hamilton and unable to persuade Madison to take up his pen against his collaborator in the ratification contest. Matthew Hale and Cotlar, however, raise the possibility that, as Hale notes, “Jefferson and Madison stayed out of the rough-and-tumble of political combat in part because they knew Federalists held the upper hand in the mid-1790s?” (4) However, the absence of Jefferson and Madison discussing this strategy in their correspondence, the significant shift of votes in favor of the treaty in one month, including Frederick Muhlenberg of Pennsylvania whose desertion from the Republican position prompted his stabbing by his brother-in-law, and the closeness of the final votes from one to three in favor of the treaty suggest that the outcome was anything but predetermined. (181-188)

5.) The question of “which side are you on,” according to Cotlar, “has long dogged studies of the 1790s. With varying degrees of intensity and self-awareness, historians of that decade have tended to line up on one side or the other of the partisan divide.” (3) Bemis and Coombs were not uncritical of Jay’s negotiations and the terms of the treaty but they and others such as Bradford Perkins in The First Rapprochement: England and the United States, 1795-1805 approved Washington’s diplomacy to settle what issues he could with England, such as British occupation of forts on the American side of the northern border, and avoid armed conflict. Cotlar finds Estes’ depiction of the Republicans as writing harangues, as rushing to a negative judgment on the treaty, and as taking out their frustration by denouncing the elitism of the Federalists to be misleading. Cotlar notes that the Republicans had developed over the previous five years an increasing distrust of the
Federalists and disagreement with their economic policies, noting similarities between British and Federalist criticism of democratic groups.

Participants:

**Todd Estes** is Associate Professor of History at Oakland University in Rochester, Michigan where he has taught since 1995 when he received his Ph.D. from the University of Kentucky. A specialist in early American political history, Estes has published, in addition to *The Jay Treaty Debate, Public Opinion, and the Evolution of Early American Political Culture*, a variety of articles in scholarly journals such as *Journal of the Early Republic, Virginia Magazine of History and Biography, The Historian, The Register of the Kentucky Historical Society,* and *The History Teacher*. He has presented his work at leading academic conferences such as the meetings of the American Historical Association, the Organization of American Historians, the Society for Historians of the Early American Republic, the Society for Historians of American Foreign Relations, the New England Historical Association, and the Newberry Library Seminar in Early American History. The recipient of many research grants and author of numerous book reviews, Estes has also won a couple of teaching prizes including the 2001 Teaching Excellence Award from Oakland in 2001. He is currently at work on a book manuscript, tentatively titled *The Campaign for the Constitution: Political Culture and the Ratification Contest* which explores the Federalist/Anti-Federalist newspaper debate over ratification in 1787-88 and is also working on several articles on various aspects of early U.S. political culture.


**Seth Cotlar** is an associate professor of History at Willamette University in Salem, Oregon. He received his Ph.D. in American History from Northwestern University in 2000. His articles on popular politics in the 1790s have appeared in *Beyond the Founders* and *Periodical Literature in Eighteenth Century America*, and he is finishing a book manuscript on that topic for the University of Virginia Press. His next project will be a cultural history of nostalgia in the years between the American Revolution and the Civil War.

**Matthew Rainbow Hale** is an assistant professor of history at Goucher College and the 2007-2008 Robert H. Smith International Center for Jefferson Studies Gilder Lehrman Junior Research Fellow. He did his graduate work at Brandeis University, where he earned his Ph.D. under the direction of David Hackett Fischer, Jane Kamensky, and James Kloppenberg. He is currently working on a book about the French Revolution’s impact on the United States. Part of that work will appear as an article, “On Their Tiptoes: Political

Matt J. Schumann is a lecturer in the Department of History and Philosophy at Eastern Michigan University, having received his Ph.D. in History from the University of Exeter in 2005. A student of Jeremy Black, he specializes in international relations in the mid-eighteenth century Atlantic world. He has written articles on diplomatic history from the Pennsylvania backcountry to the Baltic Sea, and has recently published his first book, The Seven Years War: A Transatlantic History (Routledge, 2008), co-authored with Karl W. Schweizer.

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. 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


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.

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

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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.4

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 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.
So as to avoid repeating what my fellow forum participants have said, I will not summarize Todd Estes’s argument here. Rather I will identify and assess what I see as the most important arguments in the book and suggest some alternative interpretations that might be worth considering. I come to this review as a historian of popular political thought who has conducted most of my research in the newspapers and pamphlets of the 1790s. Hence, most of my comments will focus less on the diplomatic aspects of the Jay Treaty than on the arguments that Estes makes about the popular politics surrounding the debate over its ratification.

This book’s most important contribution is the way in which it complicates the standard interpretation of the Federalists as implacable elitists who were disdainful of public opinion. While Republicans certainly engaged in popular politics with far less ambivalence and with much greater success in the long run, Estes demonstrates that they did not have a monopoly on political strategies that involved cultivating public opinion and then using that popular support to legitimize their policy initiatives. This is a very useful corrective, but there are a few questions that remained unresolved for me that prevent me from consenting to this argument in its strongest form. Much of the evidence for Estes’s argument about the Federalists’ respect for public opinion, for example, took the form of newspaper pieces and public meetings in which Federalists flattered “the people” for their rationality and ability to see through the supposed demagoguery of the anti-treaty spokespeople. This practice of flattering “the people” on having the good sense to concur with their leaders, however, had been a feature of Anglo-American deferential politics for decades. One of Hamilton’s intellectual inspirations, David Hume, had noted before the American Revolution that public opinion constrained what political leaders could do, and in trying to shape the public’s take on the Jay Treaty Hamilton was in many ways merely following this Humean dictate. Though Estes does not explore this contrast, it would be interesting to know how Hamilton’s efforts during the Jay Treaty controversy differed from his politicking during the ratification debate. In both cases he and his compatriots sought to seed and shape public opinion in order to gain assent to an already-made political decision.

There were certainly many people in the 1790s who were conceptualizing a more substantive role for public opinion in the political process, but they were in the Republican, not the Federalist, camp. As opposed to the experimental practices and theories of public opinion embraced by groups like the Democratic Republican Societies (which were in part inspired by similar practices embraced by the emerging democratic movements in Britain, Ireland, and France), the Federalists never viewed public opinion as something to be
meaningfully consulted, rather it was always something to be suffered and, when necessary, shaped.

I don’t think Estes would disagree with this assessment, but if this is the case then I wonder if 1795-6 is really a historically significant moment when the nation’s Federalist ruling class developed a newfound appreciation for the political power of public opinion, or whether their actions were merely a continuation of existing practices with a few rhetorical updates? Perhaps it is simply the case that in the hiatus between the ratification of the Constitution and the emergence of a coherent and powerful opposition, Hamilton and his fellow Federalists were so assured of their control over the government that they felt no need to pay much attention to public opinion. If this is correct, then the most historically significant innovators of 1795 were the Republicans, and the Federalists come off looking more like the reactionary figures the older literature had told us they were, only we may now be willing to grant them a degree of improvisational creativity that we had not previously acknowledged.

Alongside this question of just how significantly Federalist political practices departed from what had preceded them, I also wondered whether the two parties engaged in the politics of public opinion in 1795-6 in ways that were more divergent than Estes lets on. Estes argues that Federalists engaged in the same forms of political culture as those developed by Republican organizers like John Beckley or Abraham Bishop. While this is true to some extent, I would argue that this surface similarity masks many key partisan differences that get short shrift in this book. Estes rightly points out that both parties organized public meetings and assiduously inserted their resolutions in newspapers across the country, yet he does not explore the significant differences in how Republican as opposed to Federalist meetings were conducted, who attended, or what political ideals were espoused. In Chapter 4, for example, Estes points out that both Federalists and Republicans used humor as an effective communicative tool, yet he draws no distinctions between the mocking elitism (and occasional sneering xenophobia) of Federalist humor and the righteous populism of Republican humor. Behind the shared use of humor as a cultural form, in other words, lay significant differences in political content.

Devoting more time to the significant political differences between Republicans and Federalists may have complicated some of Estes’s arguments about the Federalists’ role in constructing a more democratic politics of public opinion. At several moments, for example, Estes includes examples of Federalist rhetoric that distinguished their gatherings of “respectable” supporters from the “contemptible” rabble who comprised the Republican rank and file. Estes did not pause to unpack this class-coded language, giving the impression that the Federalists were addressing a public that really was more rational and deliberative than the public to which the Republicans spoke. The implication this reader drew was that the Federalists deserve closer attention because of their emphasis on the role of deliberative reason in the process of opinion formation—thus placing the Federalists’ political practices in a genealogy that connects them to Habermas’s conception of the ideal public sphere. I’m not convinced, however, that the Federalists endorsed anything like rational-critical citizenship. They used the term “rational” in a rhetorical, not a philosophical manner. Those that agreed with them were rational, and those supposedly
less rational people who disagreed with them were dismissed as Jacobins, atheists, or anarchists. But as we see in the practices of the Democratic Republican Societies and in the writings of William Manning (who Estes mentions but does not discuss at great length), opponents of the Jay Treaty and the Washington Administration more broadly embraced a vision of popular politics that was not anarchistic, but simply more radically participatory than the Federalists could stomach.¹ This is not to say that the Republican opposition was comprised of Habermas’s ideal rational-critical subjects or engaged in less name-calling than the Federalists, but if a vision of a significantly democratized and inclusive public sphere emerged in the 1790s, the Federalists were generally not its champions but its critics. And they resisted it in a language that every anti-democratic movement since the 1790s has also adopted—a language that framed critics of the established authorities as cynically ambitious, proto-totalitarian, foreign, anarchistic, and generally disreputable. As far as most Federalists were concerned, the Republicans were illegitimate members of the public. If we take this Federalist rhetoric to be a true depiction of the 1790s political reality, then we could perhaps grant that they were speaking to and for something we could identify without scare quotes as American public opinion. It may just be a matter of personal (or political) preference, but I’m less willing to grant more objectivity to the Federalist view than to the Republicans.

This question of “which side are you on” has long dogged studies of the 1790s. With varying degrees of intensity and self-awareness, historians of that decade have tended to line up on one side or the other of the partisan divide. There were numerous moments in this book where this reader felt like the story was being told too uncritically through the eyes of the Federalists. There is nothing inherently wrong with this, but it did lead to some mischaracterizations of the Federalists’ opponents. Sometimes this was just a matter of language—Republicans wrote “harangues” (120) and “rants” (105) while Federalists achieved a “high standard” of argumentation. At other moments this Federalist orientation shaped the book’s substantive interpretations. Estes seems to endorse, for example, the Federalist claim that the Republicans rushed to judgment about the Jay Treaty and hence failed to consider it rationally. When Federalists claimed that they waited three weeks to venture into print to defend the treaty they said this was because they were taking time to consider it soberly, and Estes does not contest this self-characterization. Yet in the next paragraph we find that the Federalists in their private correspondence admitting that they supported it from the beginning. So why are the Republicans the only ones we see characterized as acting rashly and without rational deliberation? Likewise, after several pages of excellent examples showing democratic critics sarcastically skewering the elitism of the Federalists and their anti-democratic approach to public opinion, Estes interprets these texts as “expressions of Republican frustration at the success [treaty] supporters were enjoying.” (122) Such pieces, however, were nothing new in 1796, they were a well-established feature of trans-Atlantic, Painite political discourse. They could just as easily be

¹ For a fuller development of this claim, see Seth Cotlar, “Reading the Foreign News, Imagining an American Public Sphere: The Democratic-Republican Societies in Trans-Atlantic Context, 1793-1798,” in Sharon Harris and Mark Kamrath, eds., Periodical Literature in Eighteenth Century America (Knoxville, Tn.: University of Tennessee Press, 2004), 307-338.
interpreted as forceful pieces that spoke to a large community of confident democrats who used humor and sarcasm to criticize the way in which a small group of elite leaders were professing to speak for an entire nation while branding as dangerous Jacobins a significant group of citizens who dared to disagree with them.

The people who opposed the treaty had, over the previous five years, developed a broad-based critique of the Washington Administration’s anti-populist economic policies and elitist approach to politics, but by focusing so intently on 1795-6 Estes gives the impression that opponents of the treaty had few substantive reasons for taking that position other than the uncharitable ones that the Federalists imputed to them. As the recent work of Terry Bouton and Woody Holton suggests, however, there was a long history behind the instinctive mistrust that many ordinary Americans felt for Alexander Hamilton, John Jay, and their fellow Federalists. Thus, when Federalists tried to disrupt public meetings held by anti-treaty activists and were shouted down or threatened with violence, there was more to these Republican actions than a Jacobinical desire to foment anarchy or a close-minded unwillingness to engage in rational debate about public matters. From the perspective of many Republicans, it was the Federalists who were part of an international anti-democratic conspiracy to squelch an open and rational discussion of political matters. In 1795 democratic printers rushed into press several British pamphlets (most of them in multiple editions suggesting a considerable readership) detailing the persecution of British democrats who had been subjected to the same criticisms as the Federalists were hurling at their Republican opponents. These stories gave some credence to the democrats’ fears that Federalists were part of a building, international counter-revolution. Considering that only two years later the Federalists implemented the Alien and Sedition Acts (modeled in part on the British acts that had led to the persecution discussed in those pamphlets), it is perhaps understandable why Republicans felt this way.

Bringing the Alien and Sedition Acts into the picture also raises questions about just how far we can take Estes’s argument about the Federalists’ contribution to the democratization of American politics. For the most part, democratization operates in this book like a disembodied and inevitable force to which the Federalists were responding and, to some small extent, unwittingly contributing through their actions. Had the democrats themselves received the same sympathetic treatment as the Federalists, then the story here about democratization might look different. We could say that in 1795-6 the Federalists did not try very seriously to stop the process of democratization. They complained about it and often mocked it publicly, but at least they did not try to physically silence or imprison democratic activists. Well, at least they waited until 1798 to try that. In sum, I’m not sure that I’m convinced that the Federalists’ political culture of 1795-6 was such a departure from the deferential practices of the previous decades, and if that’s the case then their role in the story of democratization still seems fairly minimal.

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The final argument of Estes’s that I would like to raise some questions about is that the Republicans failed to block appropriations for the Jay Treaty in 1796 because the Federalists had won the battle for public opinion in the preceding months. This claim rests upon two assumptions—that the Federalists’ perception of public opinion was essentially correct and that it was public support for the treaty that determined the Congressional vote in 1796. Estes’s evidence for the shift in public opinion is comprised mostly of letters in which Federalists congratulate each other on the change in the public’s mood and the significant number of pro-treaty meetings that Federalists organized in the run up to the Congressional vote in 1796. I wonder, however, just how many actual minds were changed in 1795-6. As Estes notes, at the height of pro-treaty mania there were 64 pro-treaty petitions (with 10,200 signatures) and 40 anti-treaty petitions (with 7,200 signatures) submitted to Congress. This shows that Federalists were able to mobilize a sizable number of supporters, though if we conservatively estimate the population of voting age white males to be one million that means that 1% of them went on record to support the treaty and 0.7% went on record to oppose it while the opinion of the other 98.3% is a matter of speculation. Meanwhile, between 1795 and 1797 the number of Republican (and hence anti-treaty) newspapers doubled and, if we can trust the word of their editors, the subscription lists of the three leading democratic newspapers grew by the hundreds. In those same years a French traveler (and critic of the French Revolution) lamented that everywhere he went he encountered “Good wishes for the success of the French…and decided hatred against the English.” The only exception was “in the immediate vicinity of great towns and places absorbed in mercantile speculations.” In light of such apparent popular support for a pro-French (and hence, anti-treaty) stance, couldn’t we conclude that the Federalists succeeded in “bringing out their base” (especially the most socially and economically powerful portion of it) in 1796 in order to create the impression of a popular groundswell? Was a change in public opinion, in other words, responsible for the political fate of the Jay Treaty, or was that merely a self-affirming story that the Federalists told themselves? As evidenced by their gross miscalculation with the Alien and Sedition Acts of 1798, the Federalists did not always have the clearest understanding of what the American people were thinking.

If the Federalists didn’t change that many minds with their public opinion offensive of 1795-6, then how else could we explain their political triumph in 1796 when the Republicans’ last-ditch attempt to nullify the treaty was defeated? Estes shows that it essentially boiled down to the votes of a handful of representatives from four states—Maryland, Pennsylvania, New Jersey, and New York. Southerners almost universally rejected the treaty, many of them because Jay had failed to push hard enough to secure compensation for slaves who had fled with the British during the Revolution (an issue that is unfortunately not discussed in this book). In large measure it was the representatives from the commercial areas of the middle states who changed their minds on the treaty, undoubtedly influenced by the pressure put on them by the “leading men” from their

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districts. The vote that broke the 49-49 tie was cast by Frederick Muhlenberg, a Republican who had been blackmailed by a Federalist who threatened to call off the wedding between his daughter and Muhlenberg’s son if Muhlenberg did not vote to authorize appropriations for the Jay Treaty. Many Republicans chalked their political defeat up to Federalist “corruption” and pressure tactics employed by the nation’s economic elite. They found unconvincing the Federalists’ claim to have won over the public to their side of the treaty debate. Based on the points I’ve raised in this paragraph and the previous one, my sense is that this interpretation (shorn of the partisan animus) may not be entirely off base.

In closing, though I’ve raised many questions here about Estes’s central arguments in this book, there is no doubt that he has written an important and lasting study of the domestic politics surrounding the Jay Treaty. His fine-grained analysis of Federalist political culture contributes to an important, ongoing re-examination of the much-maligned Federalists that reminds us that it is not sufficient to take Thomas Jefferson, James Madison, or Benjamin Franklin Bache’s word on the political struggles of the 1790s. Thanks to the work of Estes, Catherine Kaplan, Joseph Ellis, David McCullough, Ron Chernow, Bryan Waterman, and others, the Federalists can no longer be dismissed as one-dimensional reactionaries. The relationship between Federalism and democratization, however, still remains a matter of debate, at least for this reader.

The last decade has witnessed a spate of compelling scholarly books that in some way address the first decade of American life under the Constitution. From David Waldstreicher’s seminal treatment of American nationalism to Simon Newman’s elegant examination of festive culture, from Rosemarie Zagarri’s cogent study of the ‘Rights of Women’ to Jeffrey Pasley’s incisive exploration of printers, and from Susan Branson’s illuminating survey of Philadelphia women to Albrecht Koschnik’s rigorous review of civic associations, scholars have been drawn to a period that for too long was overshadowed by works on the American Revolution and the Critical Period. So rich and exciting are these studies that they soon spawned a categorizing moniker, the “newest political history,” as well as important essay collections. The American 1790s, in short, are hot.

With The Jay Treaty Debate, Public Opinion, and the Evolution of Early American Political Culture, Todd Estes, associate professor of history at Oakland University in Michigan, makes a significant and most welcome contribution to this burgeoning field. As the title indicates, the subject of the book is the controversy surrounding the Anglo-American diplomatic pact of 1795. But on a deeper level, Estes takes up the exact same theme—political culture—explored by each of the aforementioned authors. Whereas earlier historians of this era tended to focus on the founders, practitioners of the “newest political history” seek to examine the dynamic relationship between ordinary people and their

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leaders.\(^3\) Even more important, recent students of political culture in the 1790s tend to examine even the most well-known political affairs and individuals through the prism of language, symbolic ritual, and identity formation. Instead of assuming that the meaning of partisanship is straightforward, scholars associated with the “newest political history” seek to pull back overlapping layers of cultural tradition and innovation in an attempt to contextualize more fully historical actors’ choices and deeds. In that respect, claim the editors of one anthology, the “‘newest’ political history has synthetic potential, and begins to answer the call . . . for a more integrated understanding of the early republic.”\(^4\)

While Estes’s book meshes nicely with work produced by recent scholars of political culture, it stands apart in two important respects. First, it deals with one particular event and a rather concentrated period of time. Chapters one and two provide important background, but the last five focus almost entirely on the public tumult that erupted in 1795-1796 as a result of Jay’s Treaty. The unity of focus and brief temporal span under scrutiny enable Estes to unearth an abundance of fresh evidence, and he presents it with a rarely seen mastery of how it all fits together. The author knows this material intimately, and the argument assumes a distinctly authoritative aspect as a result. Estes’s book also differs from recent works on the 1790s in that it returns attention to the very stuff of politics—petition drives, Congressional votes, and town meetings—rather than simply the intersection of politics and culture.\(^5\) Although this book remains, at its core, a treatment of political culture, Estes implicitly highlights, more than other recent scholars of the 1790s, the first part of that term.

Perhaps the most outstanding feature of this well-written text is the way in which it transforms our understanding of Federalists. David Hackett Fischer demonstrated long ago that young Federalists in the two decades after 1800 embraced political campaigning, but Estes makes clear, with a keen eye for lively quotes and telling anecdotes, that something remarkable occurred even earlier.\(^6\) In particular, he shows beyond a shadow of a doubt that Federalists between 1793 and 1796 engaged in a wide variety of partisan activities—petition drives, town meetings, public rallies, newspaper writing, and even door-to-door solicitation—in an attempt to counteract the Republican movement. These are not your grandmother’s Federalists, in other words, and in numerous instances, supporters of Washington actually lamented the fact that they did not act sooner or with sufficient

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\(^3\) This statement is a broad generalization, of course, and it is important to recognize that various scholars helped pioneer the study of “political culture.” See, for example, Jean Baker, *Affairs of Party: The Political Culture of the Northern Democrats in the Mid-Nineteenth Century* (New York: Fordham University Press, 1998; orig. published, 1983).


\(^5\) Another exception is Pasley, *The Tyranny of the Printers,* which treats elections and campaigning extensively.

energy. While “Federalists were often ideologically elitist,” Estes astutely writes, “they were also operationally democratic.” (9)

What is more, the author convincingly suggests that Federalists were not dogmatically hierarchical in their notions of social order. Some textbook depictions of the 1790s still assert that Jeffersonians were the party of the people in opposition to the neo-aristocratic followers of Washington, but anyone who reads this book will recognize just how facile that formulation is. In particular, Estes shows that Federalists placed great “faith and confidence in the people’s judgment,” (39) so much so that the renowned Massachusetts partisan Fisher Ames wrote that the “people must be very fully and repeatedly informed of their concerns” precisely because their “shrewd and penetrating sagacity” led them to support proper policy and leaders. (55) This does not mean Federalists were egalitarians in the modern sense. As the author makes clear, individuals like Noah Webster and Rufus King expressed a deep ambivalence about mobilizing the people to thwart the Republican insurgency. Even so, the deft portrait of partisanship developed in The Jay Treaty Debate illuminates the degree to which Federalists harbored a peculiar attachment to popular sovereignty and the people’s wisdom.

Republicans also look somewhat different as a result of this penetrating book. For one thing, while scholars like Linda Kerber have documented Federalist irritation with Jeffersonians’ pie-in-the-sky “philosophy,” Estes shows that Jeffersonians accused their counterparts of something similar—namely, “sophistry,” a specious reasoning embellished by “flowery diction.” (95, 107-08, 119-20; quotation on 107) In addition, Estes illustrates that Republicans sometimes “seemed more doubtful of the wisdom and propriety of carrying on a debate in the public papers than did Hamilton and the Federalists.” (42) To be sure, Madison, Jefferson, and like-minded elites kept their fingers on the pulse of current affairs at all times. (92-93) But in important ways, they apparently felt more comfortable leaving the leadership of actual opposition activities to mid-level partisans like “Blair McClenachan, Benjamin Franklin Bache, [and] John Beckley.” (106) Elitism could be found on both sides of the political aisle, in this sense, and Estes does a service to those who lived in the 1790s by implicitly calling on historians to recognize and more fully analyze this fact.

If the persistence of hierarchical habits of mind is one of the central themes of The Jay Treaty Debate, the larger story nonetheless buttresses the democratization thesis of Gordon Wood and other scholars. As Estes writes, the controversy over the Anglo-American pact of 1795 was not “a simple prelude to the elections of 1795,” but “the launching ground for a new means of practicing politics.” (212) Grounded in print culture and its interaction with public gatherings and petition drives, this “new means” helped
crystallize political parties. Even more importantly, the “newer methods of practicing politics took on a life of their own” and thus “altered the entire political system within which the nascent parties operated.” (212, 213)

That type of conclusion may seem too pat, too overdetermined, and perhaps even too whiggish for some historians. But Estes is well aware of the “gradual, uneven, evolutionary” nature of political change, and close examination of his book reveals that he cares a great deal about historical ironies. (212) To begin with, he shows, more forcefully than any other scholar, I believe, the way in which Federalists’ “victory in the Jay Treaty debate was a Pyrrhic one, a classic case of winning a tactical victory at the expense of a larger strategic setback.” (212) Equally important, Estes shrewdly articulates the dialectical dynamic of the political disputes leading to and surrounding the Jay Treaty clash. In direct counterpoint to Republicans’ over-the-top enthusiasm for Citizen Genet and the Democratic-Republican Societies, Federalists successfully positioned themselves as the party of reason and the ongoing partisan struggle as a direct choice between Washington and Genet or Washington and the Democratic-Republican Societies. Conversely, Republican leaders showed an ability to retreat from dangerous political ground in order to fight another day.

Scholars of the 1790s will also be interested in Estes’s careful articulation of the various stages and unexpected consequences of the Jay Treaty debate, which by implication reveals the unpredictability of historical development, even in such a relatively compressed period of time. As the author observes in a passage about Virginian John Page’s evolving opinion regarding the right of the people to instruct their representatives—Page supported that right in 1789 but pulled back from it in 1796—“shifting context and particular, concrete issues led participants to clarify and sometimes modify their positions in the political debates.” (147) Never disregarding or devaluing the advantages of hindsight, Estes nonetheless appreciates the fact that his subjects lived in a complicated world that necessitated new approaches to new situations. In essence, The Jay Treaty Debate is too smart of a work to let the democratization theme overwhelm the contingencies of history.

None of this is meant to suggest, of course, that this is a book without errors. The index is meager and contains at least one mistake.9 There are passages and examples that are a bit underdeveloped.10 There are instances of repetition.11 And trenchant works by Andrew W.

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9 On page 265, the index’s reference to John Beckley’s “Calm Observer” writings instructs the reader to go to page 252, note 20, but in fact the passage in question is on page 254.

10 In my mind, the following passages, examples, and/or themes do not receive the analysis they deserve: the hollowed-out “watermelon” incident cited on page 75; Federalists’ insistence on the different ways in which urban and rural residents responded to political strife (80, 99-100, and 102); the metaphorical reference to the boat and captain on page 93; and exactly what is new in the “newer interpretation of citizens’ rights and duties” (135).

11 See the repetition of ideas and/or quotes on the following page pairings: 17 and 37 (Proclamation of Neutrality); 95 and 117 (Jefferson’s quote about Hamilton as a “colossus”); and 128 and 145 (Newberry County, South Carolina petitioners’ quote about Robert Goodloe Harper being a “brave hero”). See also the first and last sentences of the last full paragraph on page 29.
Robertson and Marcus Leonard Daniel are noticeably absent from the footnotes; the former’s book on political rhetoric would have facilitated an even more insightful discussion of “The Words of Tongue and Pen,” while the latter’s treatment of political printers contains illuminating discussions of two individuals to whom Estes frequently refers, Noah Webster and Benjamin Franklin Bache.12 (104-26)

On matters of interpretation, a few of the author’s particular conclusions raise questions. To begin with, were the aforementioned McClenachan, Bache, and Beckley in fact overmatched by Hamilton’s forensic abilities, as Estes asserts? (106) Or did they find themselves in a more difficult rhetorical position—something the author at times suggests—and do the best they could with a losing hand? Is it possible, along those lines, that Jefferson and Madison stayed out of the rough-and-tumble of political combat in part because they knew Federalists held the upper hand in the mid-1790s? From their point of view, was it not better to wait for auspicious circumstances than risk embarrassment, discrediting, and marginalization, outcomes to which Republican printers frequently exposed themselves.

In addition, while Estes privileges Jefferson and the way in which his sense of “critical distance” from the worst political turmoil in urban areas enabled him to see the big picture and realize that the mobilization of the populace would ultimately benefit Republicans, did not Madison prove equally prescient when he observed that the fight over Jay’s Treaty “left” Federalist opponents “in a very crippled condition,” one in which only “auspicious contingencies abroad or at home” could change? (209, 197) The “contingencies” Madison longed for materialized (unexpectedly) as the XYZ Affair, the Alien and Sedition Acts, and the popular backlash against John Adams’s presidential administration. Barring those events, it is highly unlikely the popular political maneuvering surrounding the Anglo-American pact of 1795 would have enabled Republicans to win the election of 1800. In that sense, Madison proved just as much of a prophet as Jefferson.

As this series of friendly inquiries and comments hopefully demonstrates, this is one of those books that propels the field forward by raising many more questions than it answers. Indeed, this book is a triumph of historical argumentation, evidence-gathering, and graceful writing. Tackling a familiar topic with a fresh angle of vision, Estes paints a compelling portrait of how a particular series of interrelated foreign and domestic events wrought transformative change among a group of people who did not know where history was headed. All historians of the American 1790s should therefore read this discerning monograph. Even more, The Jay Treaty Debate merits a wide readership among anyone interested in American political culture.

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For the early American Republic, discussions of foreign policy often concerned the strained relations with Great Britain and an ambiguous relationship with Revolutionary France. Meanwhile, following the War of Independence and the Constitutional Convention, newly enfranchised citizens had a sense of political potency that differed remarkably from their colonial forebears. Todd Estes brings the reader into this political world with detailed discussions of propaganda and debate for nearly the first half of his book on the Jay Treaty controversy, before more directly addressing the Jay Treaty debate and its impact on American political culture. For the student of politics, rhetoric and propaganda in the early Republic, he provides a fairly solid background to discussions of United States foreign policy, both in government circles and among the press and its readership. However, for anyone seeking a broader view either of literary and intellectual culture in the later Enlightenment, or of international relations in the Atlantic world of the 1790s, he offers rather less.

Throughout his work, Estes concentrates on the productions of a few prominent authors, notably Alexander Hamilton, James Madison, Thomas Jefferson and Benjamin Franklin Bache. Several other political writers make cameo appearances, but none with the regularity of these four, including President Washington himself. Rather, most of the analysis focuses on discussion of issues leading up to the Jay Treaty and the associated debate, and on the public reception of that discussion, so far as letters and minutes of town meetings would allow. Estes offers a fair bit of evidence for shifting public opinion in one direction or another, and certainly offers the reader a feel for the dynamic and often rancorous culture of political debate. If one is left wanting for more letters between voters and the specific minutes of town meetings, there are plenty of references to newspapers across the former colonies, and of informed correspondence between major political leaders. Estes clearly has a command of American print culture in the mid-1790s, yet the reader is left to sift through his copious notes for advice on further reading.

Further reading may also have been of use to Estes himself, when it came to politics beyond the water’s edge. The terms England and Great Britain and their cognates are used interchangeably throughout, though Scotsmen were no more English for having been joined to the British crown and parliament by the Act of Union in 1707. While Estes appears familiar with the British orders in council that trumped the principle of “Free Ships, Free Goods” (pp.23-24), he seems not to have been aware of the Rule of the War of 1756, by which countries not trading with Britain’s enemies in a time of peace remained...
disallowed from entering that trade in a time of war. At the time, this rule was intended to
deter Dutch and Danish traders, and may have applied equally well to them in the 1790s,
when the threat of confrontation with the Royal Navy again compelled the French
government to seek alternative methods for bringing in its Atlantic trade.\textsuperscript{1} Moreover,
despite the ongoing American commerce with Great Britain—either legitimate or forced—
Estes also appears unaware of political discourse in London, and provides little clue as to
how Jay himself knew about the climate of public opinion back in the United States (e.g.
p.101).

These criticisms may stray wide of the mark for a work on American political discourse, yet
foreign terminologies and engagement with Europe’s enlightenment culture were clearly
present in the discourse of the day. For example, Estes mentions the use of the term
Jacobin, usually in the context of one acting contrary to the interest of the United States
(pp.81, 114). It remains unclear, however, why Americans may have understood the
French radicals in this light, particularly given their shared antipathy toward British abuses
at sea. It is also never clear how much Americans knew about the “dreadful war in Europe”
(p.84 and passim.), though it clearly influenced the terms under which the Jay Treaty was
signed. Finally, while the dichotomy between passion and reason appears throughout the
work, analysis of the continuing influence of the Enlightenment often remains implicit, and
the same holds for discussions of emerging nationalism and Romanticism.

In sum, The Jay Treaty Debate offers a fine sample of American political discourse in the
middle years of the 1790s, but falls short of a true international history. Estes offers an
admirable tour de force of the early Republic’s popular and print culture, as well as of its
dynamic political climate. For the reader seeking engagement with literary culture and
international relations in the broader Atlantic world, however, it is to be hoped that Estes
will continue his research and offer an expanded edition or companion volume sometime
in the near future.

\textsuperscript{1} “Free Ships, Free Goods” stems from Anglo-Dutch treaties of 1667 and 1678; the Dutch abused the
principle by carrying French West Indies trade in 1756-59 and 1778-80. See Alice Clare Carter, The Dutch
Republic in Europe in the Seven Years War (London, 1971).
Todd Estes has produced a valuable study of the Jay Treaty debate that shines a light on the importance of public opinion (or, more precisely, its manipulation) in the making of American foreign policy in the 1790s. Dealing as it does with a very early example of how things get done in the American political system, The Jay Treaty Debate deserves the attention of political historians at least as much if not more so than the attention of diplomatic historians. Estes establishes the context for his argument by quoting Joanne B. Freeman that by the 1790s, American politics required “the proper seeding of public opinion and the reaping of the desired response. . . . To national politicians, public opinion represented the response to strategic conversations orchestrated by political leaders.” (7)

Estes argues that the Federalists were more active in shaping the political debates of the 1790s than is sometimes thought. He sees the Jay Treaty debate has having much in common with the ratification debates over the Constitution of 1787-88, which of course constituted the Federalists first successful manipulation of public opinion. Estes observes that the Federalists’ well-known hostility to the idea of a truly democratic system did not prevent them from employing democratic methods to secure adoption of the crucially important Jay Treaty. If Federalists were “often ideologically elitist, they were also operationally democratic.” (9) This is the basis of Estes’ argument.

The book is worth one’s time if only to remind that the alleged bitter partisanship of our own era is not only not new, it is likely not as vituperative as it was during the 1790s, the era premised on the idea of a one-party state. The intensity of the debate led to Representative Frederick Muhlenberg of Pennsylvania being stabbed and later beaten (by his brother-in law!) for changing his vote in favor of funding the treaty. Many scholars have observed that the contentious 1790s were a precursor to later factional strife, but the point needs to be reiterated ad infinitum/ ad nauseum so as to slay the historical fiction that some coherent “original intent” guided the creation and implementation of the Federal authority. Estes properly observes that parties did not emerge for the sake of partisanship but rather that they were a reflection of very real differences that emerged “largely in reaction to the Alexander Hamilton’s ambitious plans for centralizing authority in the executive branch, creating a strong centralized system of banking and finance, and encouraging manufacturing and industrialization.” (4) This formed the basis of what Estes terms “arguably” the “most intense level of political combat” in the nation’s history, made
even more significant by the precedent-setting quality of early conflicts such as the Jay Treaty debate.

Chapter one outlines a traditional take on the international situation of the 1790s, drawing on the classic works on the treaty by Samuel Flagg Bemis and Jerald Combs. Estes frankly allows that his book carves no new ground either on the negotiation of the treaty or of the scholarly consensus that its ratification proved crucial to the survival of the new nation. Here again, H-Diplo readers might head for the exits except for the fact that students of foreign policy cannot afford to ignore the internal dynamic of American foreign policy. Indeed, The Jay Treaty Debate implicitly makes a compelling case that the most important legacy of the treaty might be the manner in which it was eventually adopted in the face of such widespread and impassioned public opposition. In other words, contemporary political operatives can learn a great deal from this book on how to win in American politics, even when faced with massive initial opposition to their proposals.

The first lesson in this regard concerns timing. Washington’s effort to implement in secret the treaty was foiled when a dissenting senator leaked the document after the Senate had ratified it but before Washington had signed it. This leak may have been fortuitous: had the measure been signed into law before its contents were known, public reaction may have been volcanic. As it was, protestors could focus their energies on pleading with the President not to sign, the possibility of which likely forestalled the most extreme sorts of responses. Washington cagily withheld his signature, taking the initial blast of public hostility, marshalling voices in favor (most notably recently departed treasury secretary Hamilton), and then counterattacking in a variety of venues. After the signing the treaty, Washington waited seven months to submit a request to the House for funding its implementation. This delay, too, proved critical in allowing for cooler heads to prevail and for no votes to change to yes votes, at times, as in the case of Representative Muhlenberg, at great hazard to themselves and to their careers.

The second lesson The Jay Treaty Debate teaches those seeking political triumphs in the face of massive opposition is to be shameless in your tactics: do not hesitate to adopt the methods of your opponents if necessary, no matter how much you may have criticized those same methods earlier. Along these lines, Estes’ narrative details how the Federalists shifted tactics during the course of the debate. Beginning the debate by attacking the Democratic-Republican societies as “subversive” organizations that had no place in the political landscape, as the pro-Treaty numbers increased they began to create their own grassroots groups in favor of the Treaty, lamely arguing that while public criticism of the government threatened the republic, public support of those in power posed no danger to the established order and therefore were permissible. When the tide of public opinion began to run against them, Republicans found themselves in the awkward position of criticizing the very sorts of popular demonstrations they initially embraced.

Yet Estes makes clear that ratification was a battle of ideas waged chiefly in the nation’s emerging print culture. Here again, the decision to hold the treaty back from consideration and give the opposition time to expend its energies proved key. The initial widespread, vitriolic reaction was absorbed, deflected, and in time, turned around via the pen, primarily
Hamilton’s. Hamilton’s reputation for brilliance in the clash of ideas is given another boost by this text. His preponderant (author of 28 of the 38 selections) contribution to the “Defence” essays under the pseudonym “Camillus,” much like his essays in the Federalist, wore down opponents by both the cogency of their arguments as well as their sheer quantity. Hamilton was ably assisted in the defense of the treaty by, among others, Washington, Rufus King, and Noah Webster. As Estes puts it, “the debate also confirms the lingering power of written discourse, a field in which Federalists were experienced, comfortable, and largely successful.” (126) Herein is the third lesson for those seeking political victories: make your case, make it loud, make it often, and as much as possible, do not allow your opponent’s contributions to the debate to go unanswered.

It is stunning to be reminded and to contemplate that both Madison and Jefferson chose to sit out the battle of ideas that formed the core of the Treaty debate. Both men keenly understood that, as Madison wrote in the Federalist, “all government rests on opinion.” This makes their decision to sit out active participation the debate over the Jay Treaty all the more hard to understand, although it may have had something to do with the fact that Hamilton had gotten the better of the debate over neutrality in 1793. Still, even if they two men feared another verbal trouncing at the hands of Hamilton’s rapier-like pen, it is unfathomable to this historian that they refused to engage him again over an issue of such importance to the future of the nation, especially when their task was to support a majority sentiment opposed to the treaty. It contributes to my sense that Hamilton did not just have an intellectual advantage over Madison and Jefferson, but that the sheer intensity with which he supported his ideas proved daunting to the Virginians. Certainly the failure to stop the treaty was linked to the fact that its two most prestigious opponents took no active role in opposing it.

The House’s effort to forestall the treaty by refusing to fund its implementation until papers relating to its negotiation were delivered to them for scrutiny failed for much the same reasons that efforts to stop Washington from signing it failed. Credible opponents to the treaty such as Albert Gallatin had to deal both with petitions in support from his own constituents and with the impassioned oratory of an energized Federalist party speaking in defense of the treaty, in defense of Washington’s administration, and the name of the survival of the nation. Estes writes “Federalists went into overdrive with their newspaper and petition campaigns” while “Republican papers seemed spent, as if they had exhausted their store of anti-treaty energy the previous summer and now had little else in reserve.”

And so the Jay Treaty was ratified, peace with Great Britain secured at least for a while, and the principle of executive control of foreign affairs given an early and important boost. No less important, the conception of public opinion as something to be shaped and guided by elites rather than kow-towed to established a precedent in American political culture still in evidence today.
“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 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

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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—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 war-
mongering 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.

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