Rethinking the Development of Legitimate Party Opposition in the United States, 1793–1828

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Writing in 1813 to his old friend and political adversary Thomas Jefferson, John Adams vividly described the scene in Philadelphia when the French Revolutionary Wars broke out: "You certainly never felt the Terrorism excited by Genêt, in 1793, when ten thousand People in the Streets of Philadelphia, day after day threatened to drag Washington out of his House, and effect a Revolution in the Government, or compell it to declare War in favour of the French Revolution and against England."[1] Adams and Washington had witnessed firsthand this "terrorism" incited by Edmond Genêt, Foreign Minister from France, and it powerfully influenced their appraisal of the risks political parties and other extra-constitutional amalgamations posed to the young Republic. Just a few years after the Genêt Affair, President George Washington issued his often-quoted Farewell Address, in which he admonished the American people to avoid foreign entanglements and be wary of the "baneful effects of the spirit of party."[2] These two recommendations went hand-in-hand: political parties, in Washington's view, would only continue to polarize a polity divided by foreign war.[3] The first President was particularly suspicious of the Jeffersonian Republican Party, which he believed had encouraged Francophile partisans to take up arms in support of the French revolutionary struggle against Britain and other powers. With limited resources at its disposal, his administration

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[1] "Adams to Thomas Jefferson, 30 June 1813" in Lester J. Cappon, ed., *The Adams–Jefferson Letters*. 2 vols. (Chapel Hill: University of North Carolina Press, 1959), 2: 346–347.

[2] John Rhodehamel, ed., *George Washington: Writings*, *19 September 1796.* (New York: Library of America, 1997), 969.

[3] See Stanley M. Elkins and Eric L. McKitrick, *The Age of Federalism* (New York: Oxford University Press, 1993), 490–494.

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would be hard-pressed to stop such partisans from undermining the federal government's policy of neutrality and drawing the young Republic into a war that it could ill-afford to fight.

This essay shall argue that parties gained legitimacy in American public life when they were effectively organized to avoid, or better yet, actively subordinate, the most contentious political questions of the day. Parties, in other words, were embraced when they were "made safe" for republican government. As I demonstrate below, there were two necessary conditions for the legitimation of party in America: independence from the polarizing affairs of Europe and a settlement of the slavery question, which lay dormant as a national issue for much of the early national period (1789–1815). A provisional settlement of the controversy over the extension of slavery into the territories was reached with the Missouri Compromise of 1820 and 1821.

The anti-partisanship of the early national period has been well-documented by historians, most notably by Richard Hofstadter in his seminal work *The Idea of a Party System*. The Founders, according to Hofstadter, built a "Constitution against parties" because they did not believe a constitutional republic would last long if parties were responsible for organizing political life. The Founders instead expected that constructive conflict would be generated by "jealousies" between the separate branches of government.[4] Constructive conflict, in other words, would be structured by *formal* political arrangements. Unstructured, extra-constitutional conflict, such as that which formed in an increasingly democratic society, was considered anathema to law and public order.

The Founders' suspicion of political associations—parties or otherwise— reflects a deeply apprehensive view of the balance of power between state and society. The fear that political parties endangered the Union and civil order has struck some as misguided or confused.[5] The Founders, however, were largely correct in their assessment of the risks parties posed to the political and territorial integrity of the new Republic. The federal government, one must remember, did not possess a monopoly of the legitimate means of coercion.[6]

[4] Richard Hofstadter, *The Idea of a Party System: The Rise of Legitimate Opposition in the United States, 1780–1840* (Berkeley: University of California Press, 1969), 40, 52–53.

[5] Richard Hofstadter, for example, describes Washington's "intellectual confusion … about the problem of government and opposition" as "common among his contemporaries." *The Idea of a Party System*, 99. Other political scientists and historians have equally portrayed the Founders's anti-partisanship as backwards and even naïve. See, for instance, Charles Stewart III, "Congress and the Constitutional System" in Paul J. Quirk and Sarah A. Binder, eds., *The Legislative Branch* (New York: Oxford University Press, 2005), 6; Paul Goodman, "The First American Party System" in William Nisbet Chambers and Walter Dean Burnham, eds., *The American Party Systems: Stages of Political Development* (New York: Oxford University Press, 1975), 57–58; Joseph Charles, *The Origins of the American Party System: Three Essays* (New York: Harper & Row, 1961), 85.

[6] In fact, Jason Kaufman makes a strong case that this prerogative was shared not only with the states, but with numerous independent militias prevalent at the time. "Americans and Their Guns: Civilian Military Organizations and the Destabilization of American National Security," *Studies in American Political Development* 15 (Spring 2001): 88–102.

On its own, the federal government was, as John M. Murrin succinctly surmised, a "midget institution in a giant land."[7] It lacked the coercive capacity to reliably enforce national policies that were contested by a motivated, popular opposition. Federal forces were numerically insignificant—consisting of a few thousand men scattered across a vast territorial expanse, armed only with the rudimentary military and surveillance technology available at the time. And the number of federal forces did not grow appreciably with American territorial expansion. The federal government could not, without the assistance of the states, control America's vast borders or curb the influence of foreign agents operating in American territory, nor could it, without great effort, force the states to obey federal law if they were intent upon resistance. The Founders' anti-partisanship, therefore, was, if anything, quite sober and realistic when viewed in the context of the governing challenges they confronted.

Mindful of the fragility of the institutional order, the Founders resorted to a pattern of political evasion to prevent polarized party conflict from escalating into civil war. They attempted (with limited success) to settle, neutralize, or avoid the most contentious questions confronting the Union as a whole. The founding generation, in particular, struggled to define an enforceable policy of neutrality and avoid choosing sides in a world divided by the French Revolutionary and Napoleonic Wars. By the 1820s, however, a new brand of party politics—one that was more compatible with national sovereignty—was made possible both by the restoration of peace in Europe (following the French Revolutionary and Napoleonic Wars) and by the entrepreneurial efforts of leaders like Martin Van Buren, who used party institutions to subordinate latent divisions over slavery.

I begin the analysis below by first reconsidering the existing scholarship chronicling the emergence of legitimate party opposition. I then probe the link between the relative weakness of the federal government vis-à-vis the states and the anxieties surrounding the status of party in the early national period. In the following section, I re-visit some familiar and not-so-familiar episodes of the early national period to examine the Founders' efforts to side-step the question of war and peace by building an enforceable policy of neutrality. I demonstrate in this analysis that contemporaries were largely correct in their assessment that federal authority and the Union itself could not be long sustained in a polity with polarized parties and a weak and fragmented central state.

In the last section of the essay, I examine the events in Europe that altered the conditions of sovereignty in the new Republic and consider the way in which the second generation of American leaders, far from decrying the risks of party divisions in a republic, paved the way for the emergence of the modern, "mass" party form. This embrace of parties was conditional, spearheaded by

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[7] John M. Murrin, "The Great Inversion, or Court Versus Country: A Comparison of the Revolution Settlements in England (1688–1721) and America (1776–1816)" in J.G.A. Pocock, ed., *Three British Revolutions, 1641, 1688, 1776* (Princeton, NJ: Princeton University Press, 1980), 425.

Martin Van Buren as an effective way to settle (for the time being) deep divisions over the extension of slavery into the territories. The process of party legitimation I describe was neither linear nor continuous. In fact, it is even difficult to think of it as a "process" at all. Instead, I demonstrate that a confluence of international developments and political entrepreneurship contributed to the normalization of party competition and to the full flourishing of the second party system.

ANTI-PARTISANSHIP AND THE EARLY AMERICAN STATE

The nature of the Founders' anti-partisanship has puzzled scholars for some time. Indeed, it is a familiar irony that some of those who most forcefully inveighed against the dangers of party spirit (such as Thomas Jefferson and Alexander Hamilton) were themselves founders of the first two national parties.[8] According to the conventional wisdom, parties in the late eighteenth century were received by some members of the governing elite as necessary evils and by others as harbingers of national disintegration and decline. By the 1820s and 1830s, however, the terms of discourse had changed: many skeptical voices remained, but a new, pro-party persuasion gained ground.[9] Parties, as the new thinking went, would connect the common man to his government and make that government more accountable by adding a supplementary set of checks and balances to the existing constitutional framework. A new class of men, unwilling to defer to their "betters," made their way into politics—and with them came their chosen organizational form: political parties. Thus, the status of party gained ground as the common man began to assert himself in politics.[10] The emergence of the idea of legitimate party opposition also closely

[8] For the purposes of this essay, "anti-partisanship" refers to the belief that party organizations cannot and should not play a regular, ongoing role in the political life of a well-ordered republic. In these terms, Jefferson was anti-partisan because his support for the Republican Party was premised upon a broader commitment to bring the opposition of competing parties to an end.

[9] Hofstadter, *The Idea of a Party System*; Ronald P. Formisano, "Political Character, Antipartyism, and the Second Party System," *American Quarterly* 21 (Winter 1969): 683–709; Ronald P. Formisano, "Deferential-Participant Politics: The Early Republic's Political Culture, 1789–1840," *The American Political Science Review* 68 (June 1974): 473–487. On the unevenness of this transition, see Glenn Altschuler and Stuart Blumin, *Rude Republic: Americans and their Politics in the Nineteenth Century* (Princeton, NJ: Princeton University Press, 2000), 3–13.

[10] This theme is evident in some of the landmark studies of the early Republic. See, for example, Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: Norton, 2005), 516–517; Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Vintage Books, 1993), 77–92, 189, 294–298; Hofstadter, *The Idea of a Party System*, 240–243; Joel Silbey, *The Partisan Imperative: The Dynamics of American Politics before the Civil War* (New York: Oxford University Press, 1985), 55–61; Richard L. McCormick, *The Party Period and Public Policy: American Politics from the Age of Jackson to the Progressive Era* (New York: Oxford University Press, 1986), 158–160; James Sterling Young, *The Washington Community, 1800–1828* (New York: Columbia University Press, 1966), 251–254.

coincided with the gradual elimination of property qualifications, culminating in what is often heralded as the great early achievement of American democracy: universal white male suffrage.[11]

This interpretation of the emergence of legitimate party competition has much to recommend it; it is, however, incomplete. Scholars who emphasize the incorporation of new social classes into the democratic process tend to focus exclusively on the *domestic* social and political forces that gave rise to the party politics of the Jacksonian era, and downplay or ignore altogether the role of international political developments.[12] American politics in the early national period was intimately intertwined with the tumultuous events unfolding in Europe, from the French Revolution and the French Revolutionary War to the Napoleonic Wars. The "democratization" narrative, however, focuses our attention primarily on the homegrown social and political forces that gave rise to the idea of legitimate party opposition and turns our attention away from the impact of foreign war on American electoral politics.

This domestically focused view, moreover, does not provide a complete picture of the *terms* upon which parties were embraced. Those who equate party competition with democracy often fail to account for the conditions that limited the scope of legitimate partisan dispute, set in place as parties came into fashion in the 1820s and 1830s. Thus, we are left with the impression that the second party system was without conditions and constraints—that it reflected the virtues of unfettered political competition.[13]

When scholars treat the second party system as an unfettered system of political competition, they assume that this party system was fundamentally representative—that the issues of greatest consequence to the people were the issues that ultimately defined partisan dispute. This implication is evident in James Sundquist's observation that throughout American history, "the parties lined up naturally on opposite sides of whatever were the great issues of the day—creating a national bank, opening the West with turnpikes and railroads and canals financed by the national government, prohibiting slavery in the western territories, raising or lowering tariffs, mobilizing the national

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[11] This achievement, to be sure, came at the expense of black freedmen who were disenfranchised in many states as white males were enfranchised. See William Shade, "Politics and Parties in Jacksonian America," *The Pennsylvania Magazine of History and Biography* 110 (October 1986): 483–508. On the gradual (and non-linear) elimination of property qualifications and other restrictions on white male suffrage, see Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2009).

[12] Scholars of American political development are increasingly studying the impact of foreign affairs on American institutional development. See, in particular, Ira Katznelson and Martin Shefter, eds., *Shaped by War and Trade: International Influences on American Political Development* (Princeton, NJ: Princeton University Press, 2002).

[13] For analyses that reflect these assumptions, see Joel H. Silbey, *The Partisan Imperative*, 55–61; James Sundquist, "Needed: A Political Theory for the New Era of Coalition Government in the United States," *Political Science Quarterly* 103 (Winter 1988): 613–637.

government to help the victims of the Great Depression, and so on."[14] A more compelling case can be made, however, that some of these matters were front and center on the parties' issue agenda because they were *not* the great issues of the day. As Arthur M. Schlesinger, Jr., observes,

> [Slavery] was the most accusing, the most tragic and the most dangerous of all questions … like a man banishing a dreaded image from consciousness, it [the nation] turned and twisted desperately to suppress and deny and bury the terrible fact. For almost a quarter of a century after the Missouri crisis, slavery was blocked from gaining full embodiment as a specific political issue. The trauma of 1820 was too intense. Yet the question could not be exorcised by repression. It remained ever just out of sight, occasionally flaring up for a moment in an exchange on the floors of Congress … like a wild dream, shaking the night with its burst of anxiety; then disclaimed and forgotten, as the morning came again, and people returned securely to debating the Bank or the tariff.[15]

As Schlesinger suggests, the Bank and the tariff questions, though consequential in and of themselves, were secondary matters that ascended to the top of the agenda because they could be securely debated. A full portrait of the second party system would account for the ways in which party competition was contrived by party leaders to be *unrepresentative*: some of the great questions of the day—mostly relating to the management and regulation of slavery—were deliberately subordinated.[16]

John Aldrich explores some of the same questions of organization and representation in his seminal work, *Why Parties? The Origin and Transformation of Political Parties in America*. In Aldrich's rendering, political leaders during the 1790s formed parties to build more stable legislative coalitions and achieve a preferred set of policy ends. The second generation of American statesmen organized modern, mass parties to solve a collective action problem by coordinating the preferences of disparate political factions behind a presidential nominee.[17] Aldrich's study illuminates the basic problem of coordination confronted by political leaders of the 1820s and 1830s. Yet the problem of collective action, on its own, does not help us comprehend why leaders sought to organize the *kind* of party coalitions they ultimately assembled. Indeed, parties

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[14] Sundquist, "Needed," 617.

[15] Arthur M. Schlesinger, *The Age of Jackson* (Boston, MA: Little, Brown and Company, 1945), 424, 422–433.

[16] Scholars who celebrate the democratic virtues of the second party system either ignore or have forgotten E.E. Schattschneider's important insight that parties prioritize some issues in order to displace others. *Semi-Sovereign People: A Realist's View of Democracy in America* (Chicago, IL: Holt, Rinehart, and Winston, 1960).

[17] Aldrich, in fact, discusses *two* collective action problems in his analysis: first, the problem of mobilizing voters in the electorate and second, the problem of coordinating the preferences of political leaders to support an agreed-upon presidential nominee. My analysis focuses primarily on the latter. John Aldrich, *Why Parties? A Second Look* (Chicago, IL: Chicago University Press, 2011), chaps. 3 and 4.

based on sectional, geographic prejudices (i.e., a Northern party versus a Southern party), would have solved this problem of coordination as effectively (if not more effectively). Many leading statesmen in fact feared, with good reason, that parties of this description would emerge if the Missouri Crisis of 1819 and 1820 was not settled. The collective action problem, as it turns out, was not their only problem. Political leaders also confronted a problem of containing the potential violence of party itself. Indeed, it was understood that if the presidential preferences of disparate factions were to be coordinated, they had to settle upon a nominee who would not provoke a sectional split in the Union. This, it was believed, would be most effectively accomplished by building party coalitions that each represented both slaveholding and non-slave-holding states. Van Buren and his supporters addressed both problems by establishing a national party convention system that would coordinate the Southern and Northern wings of the Democratic Party.

Aldrich's analysis of the collective action problems facing political leaders at the time makes it clear, however, that it would be going too far to say that the second party system was crafted *primarily* to contain the question of slavery.[18] As Aldrich demonstrates, the Democratic Party was formed, most immediately, to solve a collective action problem of electing a preferred presidential candidate (General Andrew Jackson).

The subordination of the slavery question was, nonetheless, a necessary condition for the legitimation of party in America. Parties were not tolerated in the early national period because they were certain to set a Francophile Republican Party against an Anglophile Federalist Party, at odds over the high-stakes question of war and peace. In a similar manner, party competition would not have been heralded in the 1820s and 1830s as essential to democracy if the party system had been likely to pit a free-state party against a slave-state party.

The bounds of toleration were defined by an underlying political and institutional assessment: the well-justified belief that polarized parties would fracture beyond repair a polity with a weak and fragmented central state. This appraisal of the capacity of the early American state, however, has itself become a subject of considerable scholarly debate. Several of the most important studies conducted in the field of American political development have assumed as a matter of course that the early American state was severely limited in its administrative and regulatory reach.[19] A growing and more recent body of literature, however, has demonstrated the myriad ways in which the

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[18] The view that the second party system was designed, first and foremost, to contain the question of slavery was advanced most recently by Robert Pierce Forbes, *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America* (Chapel Hill: University of North Carolina Press, 2007), 8.

[19] See, for example, Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877–1920* (Cambridge: Cambridge University Press, 1982); Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859–1877* (New York: Cambridge University Press, 1990); Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in United States* (Cambridge, MA: Harvard University Press, 1995).

early American state capably promoted economic development, removed Native Americans from their ancestral lands, and fostered communications throughout a great territorial expanse.[20] In his critique of the exceptionalist claim that the early American state was weak or even invisible, Brian Balogh insightfully notes that the early American state governed differently, but not less, when compared to contemporary governments in Europe.[21]

Balogh's point is well-taken. Descriptors such as "weak" and "strong" are too simple for the task of evaluating the capacities of states: states have numerous functions and achieve their objectives through a variety of means. The early American state, no doubt, operated differently from its contemporaries. It was also more capable in some respects than others.

Yet some functions are more fundamental than others—and none are more fundamental than the control of the territory and the preservation of law and order. This particular state function requires a different sort of analysis. Balogh and others assess the administrative and regulatory reach of the federal *and* state governments together. Of interest to the present study is not so much the capacities of the federal and state governments together, but the capacity of the federal government taken alone, and at times *against* the coercive capabilities of states. Indeed, the *balance* of coercive capacities between the federal government and the states is more pertinent to the problems of governance presented by political parties. The relative weakness of the federal government was most clearly highlighted by the fact that the states possessed independent militias which could come under the command of contrary parties. The federal government's weakness was relative in the sense that its coercive capacities were matched (if not over-matched) by sub-national units, the states. The federal government was strong enough to be serviceable to the states, yet it was not capable of directly coercing them.[22]

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[20] On the federal government's support for economic development, see William D. Adler and Andrew J. Polsky, "Building the New American Nation: Economic Development, Public Goods, and the Early U.S. Army," *Political Science Quarterly* 125 (Spring 2010): 87–110. On the federal government's capacity to defend the Northwest Territory, as well as its neglect of the Southwestern frontier, see Andrew R.L. Cayton, "'Separate Interests' and the Nation-State: The Washington Administration and the Origins of Regionalism in the Trans-Appalachian West," *Journal of American History* 79 (June 1992): 39–67. On the development of a communications and civic infrastructure, see Richard John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge, MA: Harvard University Press, 1995) and, more generally, Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815–1848* (Oxford: Oxford University Press, 2007).

[21] Brian Balogh, *Government Out of Sight: The Mystery of National Authority in Nineteenth Century America* (New York: Cambridge University Press, 2009); also see Peter Baldwin, "Beyond Weak and Strong: Rethinking the State in Comparative Policy History," *Journal of Policy History* 17 (2005): 12–33; Ira Katznelson, "Flexible Capacity: The Military and Early American Statebuilding," in Ira Katznelson and Martin Shefter, eds., *Shaped by War and Trade*; William Novak, "The Myth of the 'Weak' American State," *American Historical Review* 113 (June 2008): 752–772.

[22] To be clear, I do not mean to suggest that liberal states are inherently weak. Indeed, Ira Katznelson persuasively argues otherwise. Katznelson maintains that because the liberal state derives

As James Madison asked his fellow delegates at the Constitutional Convention,

Could the national resources, if exerted to the utmost enforce a national decree agst. Massts. abetted perhaps by several of her neighbours? It would not be possible. A; [*sic*] small proportion of the Community in a compact situation, acting on the defensive, and at one of its extremities might at any time bid defiance to the National authority.[23]

Should a state "bid defiance to the National authority," the federal government required the assistance of other states willing to dedicate their militia to the cause—a "coalition of the willing" (to use a twenty-first century expression) that might be marshaled as the circumstances required. The resistance of any of the states to comply with federal law, in other words, could quickly devolve into war between the states.

This fact of institutional life rendered national sovereignty distinctly vulnerable to the activities and influence of parties. Federal leaders who depended upon the states to respect and occasionally enforce federal law were aware that state governments—and the militias they commanded—might well come under the sway of an opposing party. In such a fragile political climate, federal leaders understandably viewed "party competition" as a euphemism for civil war.

Foreign affairs complicated matters further. The aims of union and autonomy, of first importance to the Founders, were united by a common thematic and strategic problem: it was widely agreed that America's two major foreign antagonists (Britain and France) had a stake in American disunion. Dealing with these foreign powers was trying enough without parties; party opposition only complicated an already-difficult endeavor. Partisan division, it was often assumed, could be exploited by foreign powers to weaken American political resolve and sway U.S. policy. As Washington put it in his Farewell Address, the spirit of party "opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another."[24] This danger was especially pronounced in a young polity polarized by foreign war. Political leaders of the early national period

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its legitimacy from the consent of the people, it benefits from the independent energies of citizens and groups who freely choose to support the state's objectives. One must note, however, that his argument speaks primarily to the strength of the states, not to the balance of coercive power between the federal government and the states. To the extent that the federal government divides and shares the legitimate exercise of coercive force with state and independent militias, one may still fairly portray the liberal state as "weak," or at least limited *as a state*, in the Weberian sense that it lacks a monopoly on the legitimate use of force. Katznelson, "Flexible Capacity"; also see Novak's "The Myth of the 'Weak' American State," which features a similar conceptual limitation.

[23] Max Farrand, ed., *The Records of the Federal Convention of 1787* (New Haven, CT: Yale University Press, rev ed. 1966), 1: 164–165.

[24] "Farewell Address," 17 September 1796 in James D. Richardson, ed., *Messages and Papers of the Presidents*, 20 vols. (New York: Bureau of National Literature, Inc., 1897), 1: 213–224.

attempted to meet this challenge by defining a policy that would allow the federal government to avoid choosing sides and would keep Americans out of hostilities. What they found was that it was easier to define a policy of neutrality than it was to contain the foreign sympathies of the people themselves.

NEUTRALITY AND THE FIRST PARTY SYSTEM

It is no coincidence that the duration of the French Revolutionary Wars very closely approximated that of America's first party system.[25] Foreign controversies were not the first order of business for the First Congress, convened in 1789. At the head of the agenda instead, were matters of public finance, taxation, and the contents of a new Bill of Rights. News of revolution in France, though initially heralded with great fanfare in the United States, soon began to polarize the American public as revolution gave way to terror and war. France's declaration of war on Great Britain challenged Americans to choose between the lucrative trade relations with Britain and the ever-spreading republican revolution in France. This cleavage only reinforced the divisions already established by domestic differences over public finance.[26] As Jefferson pointed out, the French Revolution "kindled and brought forward the two parties with an ardour which our own interest merely, could never excite."[27] It would become evident that Americans' conceptions of their own interests were deeply intertwined with their sympathies for the foreign combatants.

From 1793 to 1815, the United States would be almost continuously at war or on the brink of war with two foreign powers that were at war with each other. Foreign war introduced a distinctive partisan cleavage into the American political scene—one based upon mutual suspicion of national disloyalty. Republicans accused Washington and later Adams of supporting a policy of neutrality that favored the British and betrayed the spirit of '76. Federalists maintained that the opposition, intoxicated by their Francophilia, would go to any length to stir anarchy for the advancement of their revolutionary cause—or for their own political aggrandizement. The opposition between Federalists and Republicans constituted a party system that was qualitatively distinct from all others that succeeded it: it was unique in American history because it pitted in opposition two parties that each aspired "to end all parties."[28]

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[25] The French Revolutionary Wars are conventionally dated from 1793 to 1815; the first party system is usually periodized from 1795 to 1815. See Formisano, "Deferential-Participant Politics," 477; also see John F. Hoadley, "The Emergence of Political Parties in Congress, 1789–1803," *American Political Science Review* 74 (September 1980): 757–779.

[26] For an analysis of the material and philosophical concerns at stake in the matters of funding, assumption, and the national bank, see Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (New York: Norton, 1982).

[27] "Thomas Jefferson to James Monroe, 4 June 1793" in John Catanzariti, ed., *The Papers of Thomas Jefferson*, 37 vols. (Princeton, NJ: Princeton University Press, 1992) 26: 189–190.

[28] The expression, "party to end all parties" is Hofstadter's, *The Idea of a Party System*, 151.

As war broke out in Europe, leading political figures were nearly unanimous in the view that the United States remain neutral. Preserving American neutrality, however, was no simple task. As Alexander DeConde observes, "Americans as individuals were not neutral; American neutrality was a precarious thing."[29]

Fortunately for the Washington administration, there was no dispute within the cabinet over the basic question of war and peace: all agreed that the United States must stay out of the war.[30] Debate hinged, instead, on what terms of neutrality the United States should assume. This was a weighty matter; indeed, there was little agreement about what would constitute a strictly neutral trade and maritime policy. Moreover, a neutrality that appeared too advantageous to one of the feuding powers could be construed as a cause of war for the other.

To a certain extent, however, the United States was already committed. Two treaties were signed on 6 February 1778 that bound the nation to "perpetual friendship and alliance" with France. The Treaty of Amity and Commerce granted the United States formal recognition and most-favored-nation trading privileges, and also permitted the French fleet to enter American ports with their prizes. The Treaty of Alliance included a promise that France would help fight for American independence, that neither nation could forge a peace treaty without the other's consent, and a guarantee that each nation would guard each other's possessions.[31]

Hamilton advised Washington that these treaties would have to be temporarily suspended to forge a neutrality that would not lead to war with Britain. Hamilton was concerned, in particular, about the provision of the Treaty of Amity and Commerce, which permitted each country to bring prizes of war into each others' ports (excluding either nation's enemy from the same privileges). Hamilton insisted that this provision, if enforced, would almost certainly provoke war with Britain.[32] Jefferson, for his part, maintained that failure to enforce such provisions would violate the French alliance and possibly provoke war with France.[33] The suspension of the alliance and the insult that this would deliver was unnecessary, in Jefferson's view, since decisions about the interpretation of the treaty could be postponed until France asked the United States to implement its guarantees (if France should choose to make such a request at all).[34] Rejecting the alliance outright would not only be a great insult

[29] Alexander DeConde, *Entangling Alliance: Politics and Diplomacy under George Washington* (Durham, NC: Duke University Press, 1958), 269.

[30] Elkins and McKitrick, *The Age of Federalism*, 336; Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789–1815* (Oxford: Oxford University Press, 2009), 182, 188.

[31] This last provision would have required the United States to help defend the French West Indies in the war with Britain. DeConde, *Entangling Alliance*, 5; Elkins and McKitrick, *The Age of Federalism*, 340.

[32] Alexander DeConde, *Entangling Alliance*, 91.

[33] Ibid.

[34] Elkins and McKitrick, *The Age of Federalism*, 340.

to the French, it could also provoke retaliation. As Jefferson observed, "An injured friend is the bitterest of foes."[35]

Washington agreed with Jefferson that suspending the French alliance would be unnecessary.[36] The President, however, agreed with Hamilton that a formal declaration of America's position should be issued. Washington's Proclamation of Neutrality, issued on 22 April 1793, was sharply criticized as a "British neutrality" that abdicated America's obligations to France. Historian Alexander DeConde observes that Republicans wanted the government to assume a formal status of neutrality while still providing material support for France. A strict neutrality, they maintained, would violate America's existing treaties with France.[37]

The political leadership was clearly divided, but the debate within the cabinet and Congress was nevertheless limited to the terms of neutrality and the constitutional question of whether the executive branch possessed the authority to withdraw from a treaty without consulting the national legislature. The contending arguments in this dispute were made most forcefully (and famously) in the spirited exchange between Hamilton and Madison, under the pseudonyms of Pacificus and Helvidius, respectively.[38]

Debate, however, was not so neatly confined within the polity at large. Indeed, preserving neutral conduct among the American people proved to be a task that exceeded the capacities of the young federal government. The crisis of governing authority that emerged with the arrival of Edmond Genêt in the spring of 1793 is an apt illustration of the dangers, both real and imagined, of foreign influence in such an institutional setting. At a time when the Washington administration was trying to maintain a delicate neutrality between Britain and France, the new minister from revolutionary France organized operations to outfit French privateers in American ports and encouraged American citizens to participate in offensive naval actions against the British. Genêt set up prize courts on American soil to condemn captured British goods, and drew up an ambitious set of plans to rouse Americans to attack Spanish and British installations in Florida, Louisiana, and Canada.[39]

Genêt's influence also extended to the South and West. Revolutionary War hero George Rodgers Clark accepted a general's commission in the

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[35] "Opinion on the French Treaties, 28 April 1793" in Catanzariti, ed., *Papers of Thomas Jefferson*, 25: 608–619.

[36] Elkins and McKitrick, *The Age of Federalism*, 340.

[37] "Neutrality Proclamation, 22 April 1793" in Philander Chase, ed., *The Papers of George Washington, Presidential Series*, 16 vols. (Charlottesville: University of Virginia Press, 2005), 12: 472–473; DeConde, *Entangling Alliance*, 89 n. 61, 190–191.

[38] "Pacificus No. 1–7" in Harold Syrett et al., eds., *The Papers of Alexander Hamilton*, 27 vols. (New York: Columbia University Press, 1969), 15: 33–43, 55–63, 65–69, 82–86, 90–95, 100–106, 130–135; "Helvidius No. 1–5" in *Letters and Other Writings of James Madison*, 4 vols. (New York: Worthington, 1884), 1: 607–654.

[39] Elkins and McKitrick, *The Age of Federalism*, 333.

French Army from Genêt and led expeditions against the Spanish territories of Florida and Louisiana. Clark was able to assemble a rogue army, recruiting significant support from frontiersmen and French sympathizers in Kentucky, South Carolina, and Georgia.[40] When asked by the Washington administration to help bring Clark's forces under control, the Republican governor of Kentucky, Isaac Shelby, refused to commit the Kentucky militia outside of the state, claiming that he only possessed the authority to prevent citizens from supporting Clark's army within the state of Kentucky.[41]

The Genêt Affair is often remembered for the disrespect and contempt the French minister directed toward Washington and his administration. Yet what is most significant about this familiar story is the way in which Genêt exploited the weakness of the federal government and roused political opposition in the process. With a limited navy, the federal government could not, without great effort, hope to effectively regulate armed vessels in American ports. Furthermore, with a federal army of insignificant size and strength, the Washington administration could not enforce other aspects of America's neutrality without the assistance of the states. Genêt was therefore an uncontrolled force inside American borders, popularizing the French cause as well as the opposition Republican Party's cause, all while brazenly challenging federal authority.[42] The "terrorism" felt by the vice president and probably other administration officials as well, was symptomatic of the fragility of the federal government itself. It also reinforced Adams's and Washington's appraisal of the dangers parties posed to the new Republic.

Washington was unsettled by Genêt's influence—and Republican partisanship more generally. His anxiety was not without basis. Genêt, in fact, has been credited with mobilizing the mass public in support of the Republican Party. Parties had been, up to this point, "parties in government," operating almost exclusively within the narrow confines of Congress and the state legislatures. Genêt, however, spread party spirit *to the electorate*, mobilizing public support in favor of the Republicans.[43]

Washington's aversion to party drew upon the operations of political clubs that organized in this period. Indeed, for Washington, the French foreign minister was the father of a mischievous set of offspring: the Democratic-Republican societies.[44] The formation of these political clubs—most of which

[40] Robert W. Coakley, *The Role of Federal Military Forces in Domestic Disorders, 1789–1878* (Washington, DC: Center of Military History, 1988), 26.

[41] Ibid., 26–27.

[42] On Genêt's role in extending Republican partisanship outside the confines of the national legislature to the mass public, see Harry Ammon, "The Genêt Mission and the Development of American Political Parties," *The Journal of American History* 52 (March 1966): 725–741.

[43] Ibid.

[44] In a letter to Henry Lee, Washington refers to Genêt as the "father" of the Democratic-Republican societies. "George Washington to Henry Lee, 26 August 1794" in Rhodehamel, ed., *Washington: Writings*, 876.

were Jeffersonian in orientation—appeared throughout the country "as if by magic from one end of the continent to the other."[45] What was magic to Genêt was a scourge to Washington:

> for can any thing be more absurd, more arrogant, or more pernicious to the peace of Society, than for self created bodies, forming themselves into *permanent* Censors, and under the shade of Night in a conclave, resolving that acts of Congress which have undergone the most deliberate, and solemn discussion by the Representatives of the people, chosen for the express purpose, and bringing with them from the different parts of the Union the sense of their Constituents, endeavoring as far as the nature of the thing will admit, to form *that will* into Laws for the government of the whole; I say, under these circumstances, for a self created, *permanent* body, (for no one denies the right of the people to meet occasionally, to petition for, to remonstrate against, any Act of the Legislature) to declare that *this act* is unconstitutional, and *that* act is pregnant of mischief; and that all who vote contrary to their dogmas are actuated by selfish motives, or under foreign influence; nay in plain terms are traiters [*sic*] to their Country, is such a stretch of arrogant presumption as is not to be reconciled with laudable motives.[46]

In Washington's critique of the Democratic-Republican societies, we also find his deep suspicion of political organization per se, whether formed as parties or not. For Washington, the Democratic-Republican societies posed a challenge to formally constituted political authority because these clubs were not just meeting "occasionally," but were assuming for themselves an ongoing, permanent existence. Washington pejoratively labeled them "self created bodies" to indicate that they did not spring from the consent of all citizens. They therefore promulgated a will that reflected neither that of an individual citizen nor that of formally constituted authority. Because these groups were constituted without the consent of the polity as a whole, they could form spontaneously—"as if by magic"—anywhere in society. Through their independent actions, they could also tip the balance of American neutrality.

Washington crafted his policy of neutrality to insulate American politics from the vicissitudes of European affairs. In this spirit, the Washington administration endorsed the Jay Treaty, albeit with misgivings, to avert war with America's former colonial masters.[47] Among other notable concessions, the United States forfeited the right to impose discriminatory tariffs or tonnage duties on British goods or ships for 10 years. Discriminatory tariffs had been the centerpiece of the Republican opposition's economic program to rid the

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[45] Genêt's words, quoted in DeConde, *Entangling Alliance*, 252. For more on the Democratic-Republican societies, see Eugene Perry Link, *Democratic-Republican Societies, 1790–1800* (New York: Columbia University Press, 1942).

[46] "George Washington to Burges Ball, 25 September 1794" in Rhodehamel, ed., *Washington: Writings*, 885, emphasis in original; Wood, *Empire of Liberty*, 203.

[47] For details on the terms of the Jay Treaty, see Jerald A. Combs, *The Jay Treaty: Political Battleground of the Founding Fathers* (Berkeley: University of California Press, 1970).

United States of the burden of British domination; the Jay Treaty put such measures off limits for a decade.[48]

For Republicans, opposition to the Treaty was a patriotic imperative. The partisan rage that the Treaty elicited was unprecedented in early American political history.[49] Effigies of "Sir John Jay" were burned in Philadelphia, New York, and Boston. In Virginia, men toasted to "A speedy death to General Washington."[50]

Relations between the United States and France deteriorated in the wake of the Jay Treaty. A naval "Quasi-War" ensued as the French retaliated for what they perceived to be a violation of America's treaty commitments. Aware of the domestic implications of a full-scale war, Adams went to great lengths to mend relations with France. Just like Washington before him, the second President doggedly pressed for neutrality to contain the political divisions that war would exacerbate. Adams's first effort to sue for peace with France resulted in the infamous XYZ Affair, in which French officials (whose names were replaced in publicized documents with X, Y, and Z, to keep them confidential) demanded bribes and tribute before negotiations could even commence. The Alien and Sedition Acts—all passed in June and July of 1798—were several of the most significant legislative byproducts of the Franco-phobic political climate that grew in the wake of this diplomatic scandal. These measures aimed to regulate Republican partisanship by restricting the naturalization of Irish and French immigrants (who disproportionately supported the Republican opposition) and shielding the government (i.e., Federalist elected officials) from criticism.

Adams sensed, however, that leading Federalists, Hamilton in particular, were seeking to take the domestic crackdown on Republican partisanship one step further by pushing for the establishment of a formidable federal army to "put Virginia to the test of resistance."[51] Adams took several measures to short-circuit Hamilton's designs and avert a potentially violent showdown. He strongly supported the expansion of American naval power—even creating an independent Navy Department, confident that this was the only means to protect commerce with both France and England and to enable the United States to function independently of the British Navy.[52] Naval power was particularly desirable, however, because *it could not be used against domestic rivals*.

Adams then left his Federalist supporters "thunderstruck," undermining his own hopes of re-election, by appointing a new commission in February of

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[48] See Charles, *The Origins of the American Party System*, 104; Samuel Flagg Bemis, *A Diplomatic History of the United States*, 5th ed. (New York: Holt Rinehart and Winston, 1965), 103.

[49] Elkins and McKitrick, *The Age of Federalism*, 421.

[50] DeConde, *Entangling Alliance*, 133.

[51] "Alexander Hamilton to Theodore Sedgwick, 2 February 1799" in Syrett et al., eds., *The Papers of Alexander Hamilton*, 22: 452–453.

[52] Ralph A. Brown, *The Presidency of John Adams* (Lawrence: University Press of Kansas, 1975), 72.

1799 to negotiate with the French.[53] This "act of political suicide" was a testament to the deep-seated, but well-justified fear Adams harbored that the stand-off with France would, by providing the most ardent Federalists (led by Hamilton) with a pretext to crush the Republican opposition, embroil the new Republic in a domestic conflagration.[54]

EMBARGO AND THE "CIVIL WAR OF 1812"

The Jefferson administration was equally wary of the challenges that party opposition posed to federal authority. Like his Federalist predecessors, Jefferson had to fashion and enforce a response to British and French violations of America's neutral rights on the high seas. His answer was not a program to build naval strength, but rather a strategy of peaceful, economic coercion: embargo. This was Madison's brainchild, and Jefferson was not immediately converted. However, the disestablishment of the Navy under Jefferson's watch left the administration with few alternatives when America's neutral rights were abridged.[55]

Enforcement of the embargo was an administrative challenge of epic proportions: the temptation for merchants to defy the law was widespread, and opportunities to do so were readily available to any enterprising smuggler. As the embargo law went into effect, added measures, the Second and Third Embargo Acts, were passed to proscribe trade overland on the northern frontier and to ensure that vessels participating in the coastal trade (between ports along the coastline) did not head out to the high seas.[56] This required both manpower for surveillance and a capacity for interdiction both in the ports and near smuggling routes, especially in the northeast. There was, however, no readily available approach to policing commerce on such a great scale, especially in an institutional context in which the allegiances of state militiamen, the enforcement authority of first resort, were often divided.[57] Support from the states—particularly those politically opposed to the embargo—was not forthcoming. Federalist-leaning Connecticut and Rhode Island, for example, refused to assist the federal government in the enforcement of the embargo against Britain and France, signaling to the administration that the federal government could only truly rely upon states controlled by fellow Republicans.[58] The line between

[53] See "Timothy Pickering to Rufus King, 19 February 1799," quoted in Elkins and McKitrick, *The Age of Federalism*, 618.

[54] Charles, *The Origins of the American Party System*, 62.

[55] On the weakness of the American Navy, see Bradford Perkins, *Prologue to War: England and the United States, 1805–1812* (Berkeley: University of California Press, 1961), 50–52.

[56] 17 Annals of Cong. 2815–2817 (1808); 18 Annals of Cong. 2839–2842 (1808); Leonard Williams Levy, *Jefferson and Civil Liberties: The Darker Side* (Cambridge, MA: Belknap Press of Harvard University Press, 1963), 97–98.

[57] See Bennett Milton Rich, *The Presidents and Civil Disorder* (Washington, DC: The Brookings Institution, 1941), 11, 34; Coakley, *The Role of Federal Military Forces in Domestic Disorders*, 88–89.

[58] See Coakley, *The Role of Federal Military Forces in Domestic Disorders*, 90.

criminality and partisanship blurred in New England and on the frontier with Canada, mostly because extensive smuggling burgeoned in regions politically opposed to Jefferson's policy. Treasury Secretary Albert Gallatin, whose department was charged with enforcing the embargo, insisted that the "criminal party-rage of Federalists and Tories" was responsible for the government's crisis of authority.[59] He maintained that the "want of efficiency in the law at first, and of energy in the collectors on Lake Ontario afterwards, have, *together with avarice and the open encouragement by Federalists*, organized opposition in that quarter to a degree which will probably baffle all our endeavors."[60]

The President echoed these sentiments, blaming the "tories of Boston" for inciting violent opposition to the embargo.[61] Republican leaders also alleged that Federalists coordinated with the British to undermine the embargo policy.[62] Jefferson, moreover, insisted that vocal opposition to the embargo signaled to foreign antagonists that American resolve to carry out its own policy could be broken. Many Federalists, he maintained,

> disapprove of the republican principles & features of our Constitution, and would, I believe, welcome any public calamity (war with England excepted) which might lessen the confidence of our country in those principles & forms. I have generally considered them rather as subjects for a mad-house. *But they are now playing a game of the most mischevious* [sic] *tendency*, without perhaps being themselves aware of it. They are endeavoring to convince England that we suffer more by the embargo than they do, & that if they will but hold out awhile, we must abandon it.[63]

The British, however, did not need to be convinced; the severity of America's self-imposed hardship was well known within official circles in Britain.[64]

One might well argue that the crisis of authority evidenced in this case was provoked not so much by law-breakers operating in sections of the country

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[59] "Albert Gallatin to Thomas Jefferson, 29 July 1808" in Henry Adams, ed., *The Writings of Albert Gallatin* (Philadelphia, PA: J. B. Lippincott & Co., 1879), 397–399.

[60] Ibid. Emphasis added.

[61] "Thomas Jefferson to Henry Dearborn, 9 August 1808" in Albert Ellery Bergh, ed., *The Writings of Thomas Jefferson*, 20 vols. (Washington, DC: Thomas Jefferson Memorial Association of the United States, 1905), 12: 119.

[62] Allegations of this sort were not unfounded; however, it appears that such activity was limited to the actions of a select few. Most notably, Timothy Pickering, the arch Federalist and Secretary of State under Washington and Adams, maintained a correspondence with British Envoy George Rose throughout the duration of the embargo. Henry Adams, *History of the United States of America During the Administrations of Thomas Jefferson* (New York: Library of America, 1986), 1082–1098, esp. 1090. During the War of 1812, Federalists coordinated with the British Navy along the Connecticut coast using blue lights to allow sympathetic vessels to break the British blockade. Consequently, burning blue lights became a symbol of Federalism. David Hackett Fischer, *The Revolution of American Conservatism: The Federalist Party in the Era of Jeffersonian Democracy* (New York: Harper & Row, 1965), 178.

[63] "Thomas Jefferson to Doctor Thomas Leib, 23 June 1808" in Paul Leicester Ford, ed., *The Writings of Thomas Jefferson*, 10 vols. (New York: G.P. Putnam's Sons, 1892), 9: 196–197. Emphasis added.

[64] See Perkins, *Prologue to War*, 162, 166–168.

traditionally sympathetic to the Federalists, but rather by the policy itself. Jefferson's embargo policy was both profoundly ambitious in scope and insensitive to the political, economic, and institutional realities on the ground. It was, nevertheless, an extreme case that reflects a basic reality of governance in the early nineteenth century in high relief: i.e., that enforceable authority across an expansive territorial space was tenuous at best. As with the Genêt Affair, federal policy was effectively challenged and, in this case, undermined, by elements of society closely associated (if not actually affiliated) with the party in opposition.

The difficulties of navigating a neutral course continued into Madison's tenure as President. Whereas Jefferson sought to enforce an embargo in the face of widespread public resistance, the Madison administration sought to prosecute a war bitterly opposed by the party in opposition. After briefly considering a "triangular war," Madison and his fellow Republicans threw down the gauntlet, choosing sides in the European conflagration by declaring war against Great Britain.[65] The "Civil War of 1812," as Alan Taylor aptly termed it, ensued as a result.[66] New England Federalists' flirtation with secession in 1814 and their threat to remain neutral in an unpopular and largely unsuccessful war reinforced the governing elite's association of party opposition with disunion and civil disorder.

Massachusetts and Connecticut, both Federalist strongholds, refused to commit their militia to the service of the federal government (even though the Militia Act of 1792 required them to do so when called upon by the president).[67] Both states instead ordered their militiamen to remain in-state in a self-defense posture. The national war effort quickly devolved into an "every state for itself" strategy of defense. As Artemas Ward of Massachusetts stated in Congress,

> If every State in the Union, with such aid as she can obtain from her neighbors, defends herself, our whole country will be defended. In my mind the resources of the States will be applied with more economy and with greater effect in defence [sic] of the country under the State governments than under the government of the United States.[68]

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[65] "James Madison to Thomas Jefferson, 25 May 1812" in *Letters and Other Writings of James Madison*, 2: 535.

[66] Alan Taylor, *The Civil War of 1812: American Citizens, British Subjects, Irish Rebels, & Indian Allies* (New York: Knopf, 2010), 9. Taylor uses this expression to highlight *four* intersecting conflicts that defined the politics of the borderland with Canada (the subject of Taylor's analysis): in addition to the bitter partisanship between Republicans and Federalists, there was the struggle for control of Upper Canada, the Irish republicans' resistance against the British Empire, and the divisions between native peoples who allied with the British and the Americans.

[67] Marshall Smelser, *The Democratic Republic, 1801–1815*, 1st ed. (New York: Harper & Row, 1968), 291; J.C.A. Stagg, *Mr. Madison's War: Politics, Diplomacy, and Warfare in the Early American Republic, 1783–1830* (Princeton, NJ: Princeton University Press, 1983), 477; Henry Adams, *History of the United States of America During the Administrations of James Madison* (New York, NY: Library of America, 1986), 574–575, 1063–1064.

[68] Quoted in Adams, *Administrations of James Madison*, 1100–1101.

Unwilling to rely upon federal forces for their defense, the states of Massachusetts, Connecticut, Pennsylvania, Maryland, Virginia, South Carolina, and Kentucky took steps to form their own state armies.[69] Congress, unwilling and perhaps unable to raise forces appropriate to the task at hand, acquiesced to the states' designs to raise their own self-defense forces by agreeing to pay the expense. Such a step might only be explained, to use Henry Adams's uncharacteristically inarticulate words, by "the government's consciousness of helplessness [*sic*]."[70] The federal government could lend whatever support it could to the states, yet, as we have seen with the Genêt Affair and Jefferson's embargo, the states, under the control of contrary parties, could not be relied upon to coordinate their efforts through federal institutions when it was needed most.

THE MISSOURI COMPROMISE AND THE RE-INVENTION OF PARTY IN AMERICA

The political turbulence of the early national period was prompted, in large part, by the wars between Britain and France, which forced both Federalist and Republican leaders to confront the dilemmas of neutrality and war. These dilemmas, however, were effectively resolved after the War of 1812. American leaders, one should note, had no hand in their resolution. The defeat of Napoleon at Waterloo in 1815 and the end of war in Europe settled these questions for the Americans.

The restoration of peace in Europe was a watershed moment in American history because it freed American foreign policy from the controversies of neutrality and neutral rights.[71] The United States was no longer pitted between two superpowers, setting to rest the suspicions of foreign influence and intrigue that had dominated American party politics since 1793. The absence of great foreign policy controversies after the War of 1812 "lowered the temperature" of partisan politics thereafter, minimizing the stakes of party competition.[72]

No longer polarized by foreign war, the focus of American politics turned inward. Political leaders increasingly focused debate on the advantages and disadvantages of a system of federally sponsored internal improvements, protective tariffs for the promotion of domestic manufactures, and the establishment

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[69] Henry L. Coles, *The War of 1812* (Chicago, IL: University of Chicago Press, 1965), 242. Also see Adams, *Administrations of James Madison*, 1098, 1105–1106.

[70] See Adams, *Administrations of James Madison*, 1106–1107.

[71] Harry Ammon, *James Monroe: The Quest for National Identity*, 1st ed. (New York: McGraw-Hill, 1971), 409.

[72] Michael Wallace, "Changing Concepts of Party in the United States: New York, 1815–1828," *American Historical Review* 74 (December 1968): 453–491, at 479. Michael Wallace observes that a "lack of ideological fervor … contributed to a lowering of the political temperature" in the 1820s. His study, however, does not associate the moderation of party ideology with the absence of foreign controversy.

of a national bank.[73] The political agenda also turned westward. American settlers moved West in increasing numbers and the state repositioned itself accordingly, emphasizing the management and removal of Native Americans. Yet the parties were not immediately reinvented when foreign policy controversies abated and threats to national autonomy subsided. Legitimate party opposition rested on the satisfaction of *two* crucial conditions: independence from the polarizing divisions in Europe and a settlement (however provisional) of the slavery question, a matter that did not, for the most part, surface as a point of national contention during the early national period.[74]

In 1819, the question of slavery erupted quite suddenly and violently. The Missouri controversy served as a warning to the governing class of what this issue held in store should it take center stage in national debate. The controversy was precipitated by Congressman James Tallmadge's amendment to the Missouri Enabling Act to prohibit the introduction of slaves to the state. This proposal prompted a sectional firestorm in Congress. According to Congressman James Cobb of Georgia, those who sought to restrict the spread of slavery were "kindling a fire which all the waters of the ocean could not extinguish. It could be extinguished only in blood!"[75] Tallmadge replied on the floor of the House, "If a dissolution of the Union must take place, let it be so! If civil war, which gentlemen so much threaten, must come, I can only say, let it come! … If blood is necessary to extinguish any fire which I have assisted to kindle, I can assure gentlemen, while I regret the necessity, I shall not forbear to contribute my mite."[76]

President James Monroe, like so many others, believed that the controversy could prove fatal to the Union.[77] If the controversy did not provoke an immediate dissolution of the Republic, then it would beget sectional parties

[73] On the growth of direct federal spending during the "era of internal improvements," 1825–1837, see Stephen Minicucci, "Internal Improvements and the Union, 1790–1860," *Studies in American Political Development* 18 (Fall 2004): 160–185.

[74] The slavery question was raised in 1790 when Quakers and the Pennsylvania Abolition Society petitioned Congress to abolish the slave trade and slavery more generally. The Senate refused to consider these petitions at all. For a recent examination of this debate, see George Van Cleve, *A Slaveholders' Union: Slavery, Politics, and the Constitution in the Early American Republic* (Chicago, IL: University of Chicago Press, 2010), chap. 5.

[75] Quoted in Glover Moore, *The Missouri Controversy, 1819–1821* (Lexington: University of Kentucky Press, 1953), 59. For an illuminating analysis of what was at stake during this episode in American political history, see Richard H. Brown, "The Missouri Crisis, Slavery, and the Politics of Jacksonianism," *The South Atlantic Quarterly* 65 (Winter 1966). For a recent historiographical analysis of the Missouri Compromise, see Robert Pierce Forbes, *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America* (Chapel Hill: University of North Carolina Press, 2007).

[76] Quoted in Forbes, *The Missouri Compromise and Its Aftermath*, 43.

[77] See "James Monroe to Thomas Jefferson, 7 February, 19 February, and 20 May 1820" in James P. Lucier, ed., *The Political Writings of James Monroe* (Washington, DC: Regnery, 2001), 516–521; also see Forbes, *The Missouri Compromise and Its Aftermath*, 93–95.

that would surely hasten this result. This, at least, was the conclusion drawn by Madison as the crisis erupted. The former president wrote in 1819 that

> Parties under some denomination or other must always be expected in a Govt. as free as ours. When the individuals belonging to them are intermingled in every part of the whole Country, they strengthen the Union of the Whole, while they divide every part. Should a State of parties arise, founded on geographic boundaries and other Physical & permanent distinctions which happen to coincide with them, what is to controul [*sic*] those great repulsive Masses from awful shocks agst. each other?[78]

Leading Republicans insisted that the Missouri issue was nothing more than a plot conceived by opportunistic former Federalists to raise new parties that would pit non-slave-holding states against slave states. The sectional divide, they maintained, was artificial and contrived—the handiwork of Federalists who would stop at nothing to regain power.[79] Martin Van Buren echoed this sentiment, suggesting further that the efficacy of this Federalist strategy was itself a consequence of Monroe's aim to bring former Federalists into the Republican fold and to establish a single-party regime—what critics called party amalgamation. Indeed, Southern planters had undoubtedly learned from the Missouri episode that "in the absence of partisan conflict, where northern politicians had need of southern support, the South had no real allies in its defense of slavery."[80] Van Buren famously argued that this strategic predicament would be remedied by reviving old party attachments:

> Party attachment in former times furnished a complete antidote for sectional prejudices by producing counteracting feelings. It was not until that defence [*sic*] had been broken down that the clamour agt [*sic*] Southern Influence and African Slavery could be made effectual in the North. … Formerly attacks upon Southern Republicans were regarded by those of the North as assaults upon their political brethren and resented accordingly. This all powerful sympathy has been much weakened, if not, destroyed by the amalgamating policy of Mr. Monroe. It can and ought to be revived.[81]

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[78] "James Madison to Robert Walsh, 27 November 1819" in Galliard Hunt, ed., *The Writings of James Madison*, 9 vols. (New York: G.P. Putnam Sons, 1910), 9: 12.

[79] Jefferson, for one, averred that, "On the eclipse of federalism with us, although not its extinction, its leaders got up the Missouri question, under the false front of lessening the measure of slavery, but with the real view of producing a geographic division of parties, which might insure [*sic*] them the next President." "To the Marquis de Lafayette, 4 November 1823," Joyce Appleby and Terence Ball, eds. *Political Writings* (Cambridge, UK: Cambridge University Press, 1999), 459; also see "James Madison to James Monroe, 10 February 1820" in Hunt, ed., *The Writings of James Madison*, 9: 21–22. As Forbes explains, the argument that the Missouri issue was a Federalist plot did not hold water: Republicans in the middle and northern states had initiated the controversy and led the debate in the Fifteenth Congress. The legislatures of key mid-Atlantic states where the Republican Party was strong (New York, New Jersey, Delaware, and Pennsylvania) had all issued unanimous resolutions opposing the extension of slavery into Missouri. Forbes, *The Missouri Compromise and Its Aftermath*, 57–58, 75.

[80] Forbes, *The Missouri Compromise and Its Aftermath*, 50.

[81] "Martin Van Buren to Thomas Ritchie, 13 January 1827" in Robert V. Remini, ed., *The Age of Jackson* (Columbia: University of South Carolina Press, 1972), 3–7.

With the demise of the Federalists, Monroe resisted parties in part because he could not conceive of them operating in a regular, pacific fashion. Ironically, Monroe may have done more for the development of the second party system than he could have imagined. As historian Robert Pierce Forbes details, Monroe pro-actively, yet discreetly brokered an arrangement that would contain the slavery question by admitting Maine to the Union as a free state and Missouri as a slave state and establishing a northern limit of 36 degrees 30 minutes for the extension of slavery within the Louisiana Territory.[82]

If Monroe helped to bridge the divide that the extension of slavery had opened, Martin Van Buren's signature achievement was to organize a political party (and indirectly, a party system) that would prevent this sectional chasm from re-opening.[83] As he framed it, Van Buren proposed to revive the old party feelings of the Jeffersonian era (which, in his view, tended to temper sectional antagonisms), confident that the hegemony of Federalist versus Republican opposition was the surest means to prevent the slavery question from re-emerging. He explained to Thomas Ritchie, the editor of the Richmond *Enquirer* and a firm opponent of the restriction of slavery in the Western territories, that

> We must always have party distinctions and the old ones are the best of which the nation of the case admits [*sic*]. Political combinations between the inhabitants of the different states are unavoidable and the most natural and beneficial to the country is that between the planters of the South and the plain Republicans of the North. The country has once flourished under a party thus constituted and may again.

Proposing to "draw anew the old Party lines," he insisted that

> if the old [party attachments] are suppressed, geographical divisions founded on local interests or what is worse prejudices between free and slaveholding states will inevitably take their place.[84]

Van Buren's vision of party government was grounded in the belief that parties that cross-cut the sectional divide would help to prevent the emergence of a potentially violent, sectional division of parties. Van Buren did not endorse a free market of party ideas. To the contrary, his preferred system was a regulated rivalry of cross-sectional coalitions geared to *resist* the emergence of ideas and sympathies that he believed would hasten the dissolution of the Union.

The Democratic Party, as a result, was highly selective in its commitments. The party line was clear in its opposition to internal improvements, federal debt, and the national bank; the party coalition, however, required

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[82] Forbes, *The Missouri Compromise and Its Aftermath*, chap. 2 and 3.

[83] For an account that similarly situates Martin Van Buren as a pivotal political entrepreneur, see Brown, "The Missouri Crisis," 58–64.

[84] "Martin Van Buren to Thomas Ritchie, 13 January 1827" in Remini, ed., *The Age of Jackson*, 3–7. For a discussion of the failure of some prominent historians to fully appreciate the significance of Van Buren's letter to Ritchie, see Forbes, *The Missouri Compromise and Its Aftermath*, 214–215.

compromise on the tariff and silence on the extension of slavery. As Douglas Jaenicke observes, the doctrine of states' rights permitted the Democrats to remain agnostic on questions pertaining to slavery.[85] Indeed, an alliance between the "planters of the South and the plain Republicans of the North" might only be entertained with the slavery-extension question settled (temporarily, by the Missouri Compromise) and effectively off the table.[86]

The contours of the second party system evolved in accord with the formation of two great alliances, neither of which would have been possible without the prior settlement of the Missouri question: the first was engineered by Van Buren, with the crucial assistance of Jackson's charismatic leadership, and the second was a bargain forged by Henry Clay, Daniel Webster, and others, that rallied Jackson's diverse opponents under one banner. National Whig leaders, like their Democratic counterparts, studiously avoided the slavery question. The Whigs, however, managed intra-party divisions over the issue differently: unlike the Democrats who censured Northern politicians for mobilizing anti-slavery opinion, the Whigs tolerated antislavery among Northern politicians and printers.[87] The Party cobbled together a coalition that could be sustained, in Michael Holt's words, "only by agreeing to disagree, only by allowing northern and southern Whigs to take opposing stands on the issue in their respective sections."[88]

The intra-party alliances forged by Democratic and Whig leaders produced a relatively durable opposition between two nationally competitive parties.

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[85] See Douglas W. Jaenicke, "The Jacksonian Integration of Parties into the Constitutional System," *Political Science Quarterly* 101 (1986): 85–107.

[86] Jaenicke, "The Jacksonian Integration"; John M. McFaul, "Expediency vs. Morality: Jacksonian Politics and Slavery," *The Journal of American History* 62 (June 1975): 24–39. On the importance of constructing an electoral message to assuage southern fears of a non-southern president (Van Buren) in the years following Jackson's tenure, see William G. Shade, "'The Most Delicate and Exciting Topics': Martin Van Buren, Slavery, and the Election of 1836," *Journal of the Early Republic* 18 (Autumn 1998): 459–484. Other social and institutional developments, in addition to the coalition-building efforts of party elites, contributed to the development of the Jacksonian Democratic Party and the second party system. The expansion of the electorate, for example, has been examined both as a cause and an effect of the modern, mass party form. Wilentz, *The Rise of American Democracy*, 516–517; Wood, *The Radicalism of the American Revolution*, 287–305. Richard R. John, for his part, notes the vital role of the postal system, which created a civic infrastructure essential for the construction of mass party organizations. *Spreading the News*, 206–256. The literature on the development of the second party system is extensive. See, among numerous others, Formisano's studies of political change in Michigan and Massachusetts, and McCormick's state-by-state survey of party development. Ronald P. Formisano, *The Birth of Mass Political Parties: Michigan, 1827–1861* (Princeton, NJ: Princeton University Press, 1971); Ronald P. Formisano, *The Transformation of Political Cultures: Massachusetts Parties, 1790s–1840s* (Oxford: Oxford University Press, 1983); Richard P. McCormick, *The Second American Party System: Party Formation in the Jacksonian Era* (Chapel Hill: University of North Carolina Press, 1966).

[87] Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815–1848* (Oxford: Oxford University Press, 2007), 510–512.

[88] Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York: Oxford University Press, 1999), 44, 95–96, 99, 952–953.

The emergence of these coalitions also heralded the revival of party control of presidential nominations. It is worth noting that the stated purpose of Van Buren's famous letter to Thomas Ritchie was to advocate for the establishment of a national convention to nominate the next president. With memories of the four-way presidential contest of 1824 fresh in their minds, Van Buren argued that the only hope to revive the old Republican Party depended upon the Republicans' willingness to coordinate their efforts so that they could stand as a united front behind one national ticket. Crucially, the convention system forged by the new Democratic Party adopted a rule requiring a two-thirds majority to win the Party's presidential nomination. This rule effectively ensured that no candidate could be nominated without some support from both the slave-holding and non-slave-holding wings of the Party. This mechanism ensured intra-party balance and helped, albeit indirectly, to protect the "balance rule" precedent set in place by the Missouri Compromise.[89]

Van Buren is rightfully known as a party innovator who championed the organizational practices and institutions most commonly associated with the modern mass party. The Whigs were late-comers to the methods perfected by Van Buren's organization, yet grudgingly embraced them, thanks to competitive pressure from their better-organized opponents.[90]

It should come as no surprise that the "old" opposition between Federalists and Jeffersonian Republicans, once drawn anew by Democratic Party builders, was little more than a glimmer of its earlier form: absent the polarizing suspicion of foreign loyalties, the ideological intensity of opposition between Democrats and Whigs was at most a faint echo of the bitter battles fought in the 1790s and the early 1800s. American democracy took its first significant step toward the legitimation of party thanks, in no small part, to the "lowered temperature" of party opposition in the 1820s and 1830s.

Conclusion

The new Republic took this step more than a decade after the war in Europe ended. With the restoration of peace between Britain and France, the United States had achieved a measure of political autonomy and was freed from the dangers of a party politics based upon a mutual suspicion of foreign influence. American political dispute subsequently turned inward and westward; the conditions of American sovereignty had changed, and so had the prospects

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[89] The balance rule was the practice of pairing the admission of a new slave-holding state with the admission of a new non-slave-holding state to ensure representative parity of the sections in the Senate. See Charles Stewart III and Barry R. Weingast, "Stacking the Senate, Changing the Nation: Republican Rotten Boroughs, Statehood Politics, and American Political Development," *Studies in American Political Development* 6 (Fall 1992): 223–271.

[90] Richard P. McCormick, *The Presidential Game: The Origins of American Presidential Politics* (New York: Oxford University Press, 1982), 174–175.

for a new brand of party politics. The idea of legitimate party opposition, the national convention system, and the political alignments commonly associated with the second American party system all emerged in the context of this crucial shift in the international political climate.

Yet, just as the United States achieved a measure of security from foreign threat, a great vulnerability was revealed at home. Policy questions concerning the institution of slavery and the passions and prejudices that attended them posed an ever-present, if latent, challenge to the Jacksonian order. As a result, the legitimation of parties was not fully realized in this period. Indeed, Van Buren was not an advocate of political parties per se, given the violence that sectional parties could provoke. He was a proponent of a very specific kind of party system, one that was capable of excluding sectionally divisive questions from the national political agenda.

This essay addresses a foundational question about the relationship between party politics and the state: how has the coercive balance of power between state and society, and between the federal and state governments, influenced the scope and content of partisan dispute? As I have shown, party government in the United States owes its origins to the innovations spear-headed by political entrepreneurs like Van Buren, yet made possible by developments within the international political arena. It is important to note, however, that political parties achieved a measure of legitimacy in the 1820s and 1830s *in spite of* the limited capacity of the general government. The operational weakness of the federal government was not an insuperable obstacle to the normalization of party competition; its limitations, however, made the political compromises struck by Monroe, Van Buren, and other leading figures all the more urgent. If parties could not be controlled coercively, the great political questions of the day would have to be contained or minimized through coalition building and compromise. The limited capacities of the central state shaped, in this important respect, the political calculus of what leaders could safely "afford" to dispute.*