

State Formation, Patronage, and Parties in the Early American Republic

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INTRODUCTION

The study of the formation of the modern state—a centralized administrative structure capable of waging wars, extracting resources, and disciplining its population—has long been central to sociology (Weber 1978; Tilly 1992; Ertman 1997; Lachmann 2010; Mann 2012). State formation is not a discrete transition from the absence of a state to the presence of one; rather, it is an incremental struggle on the part of some actors to shape, strengthen, and extend state capacity. In practical terms, this involves, among other things, the creation of offices. What matters is not just the number of offices but also the type of offices established, as states that sell the rights to collect taxes, for example, are generally understood as weaker than those with a disciplined bureaucracy of tax collectors (Kiser and Kane 2001).

However, state capacity and the ability to govern depend not only on the creation of offices but also on who occupies them (Skocpol 1976; Gorski 2003). Early modern states often relied on local powerholders who owned the means of administration. These powerholders either “rented” offices along with the extraction rights that came with them, or they owned them outright and could sell or bequeath them as a patrimony (Gorski 2003; Adams 2007). For Max

Weber (1978), state formation involved rulers first wresting control from local elites and then establishing merit-based systems to staff their increasingly complex state bureaucracies.

When it comes to the case of the early United States, particularly in the period immediately following the ratification of the Constitution and the creation of the federal government in 1789, our understanding of state formation and the filling of offices remains limited. During this time, state formation occurred in the absence of merit-based civil service examinations and in the absence of a hereditary nobility with legal rights to certain offices. Furthermore, state formation was not driven by an executive attempting to encroach upon the powers of local elites. Instead, it took place within a set of democratic institutions that provided the conditions for the formation of the first American party system in the 1790s. Without an independent civil service or a bureaucracy firmly in the hands of the executive, as in Prussia, the world of offices lay before the emerging parties, waiting to be utilized (Shefter 1994). However, while it is generally understood that this period marked a shift from the politics of notables and personalistic factions that characterized the colonial era to the modern mass party politics of the Jacksonian era (Formisano 1974), the extent of this development and the degree to which state formation in this new democracy was already driven by political parties remains unclear.

Our limited understanding of state formation is partly due to the complexities introduced by the federal nature of the U.S. government. Scholars of the early federal government have noted that “[c]ompared to the robust and centralized states of France and Germany, America’s bureaucracies appeared stunted, undistinguished, and strangely impotent” (Moore 2014:328). Yet, it is a category mistake to label “the state” as weak within a federal system if this assessment merely reflects the strength of one particular level of government. In the United States, early state formation took place more at the level of the several states than at the federal level

(Mashaw 2006; Rao 2016), and our understanding of the process of state formation requires concomitant attention to such states. Here, however, the lack of systematic data on office-holding has hindered scholars from making significant progress.

In this study, I draw on a new dataset, derived from administrative records, that includes all civil and military appointments made in the State of New York between 1789 and 1802, along with data on more than 600 state assemblymen who were among the potential recipients of these appointments. Using regression analyses, I demonstrate that partisanship was the primary mechanism shaping the allocation of political offices—more important than age, political experience, college attendance, being a lawyer, prior military service, membership in the Society of the Cincinnati, and personal connections to the people controlling access to offices. If these factors had been important in the past, in 1790s New York they had largely been displaced by a logic of partisanship.

It is not that the importance of parties for the process of allocating public offices has been overlooked, especially in a state like New York which is inextricably linked to the history of machine politics. Yet, this is typically seen as a later, nineteenth-century phenomenon (Moore 2014). Even more, it has often been dismissed as a form of moral turpitude—“patronage”—judged by its deviation from some vision of a good, professional government (Grindle 2012). In contrast, I argue that the use of patronage in the early American republic was not merely a way of rewarding friends but an integral part of the process of state formation—and state expansion—requiring skilled political actors to balance several competing imperatives: to support themselves financially when they were not independently wealthy, to maintain the goodwill of their electorate, to integrate individuals into the emerging party system and ensure peace among their copartisans, to provide a means for those who had lost elections to remain politically active, to

create a pool of individuals from which to recruit candidates for elections (a government in waiting if you will), and, in many cases, to channel the future growth of the country in ways that would benefit them, their neighbors, and their families. Close attention to how these actors allocated offices tells us how, in a democratic as opposed to authoritarian context, state formation occurred. Moreover, it highlights the fundamental interdependence of state and party formation in the early United States.

STATE FORMATION, PATRONAGE, AND PARTIES

The formation of the modern state was central to the work of Max Weber. Weber considered the rise of the modern state to be in large part the story of creative princes who were able to transform weak state apparatuses held hostage to hereditary nobilities into strong state bureaucracies under their own control (Weber 1978). The state building project thus involved the transition from indirect rule, a system in which administration was carried out by a nobility that treated their positions as their own property (patrimonial bureaucracy), to direct rule, a system in which the ruler had control over the administrative apparatus (Adams 2007; Hechter 2013). The need to pay officials, as well as to cover the expenses of wars with competing states (Tilly 1992), intensified the need for further expansion, both of civilian offices to survey and tax citizens (Scott 1998) and of military ones to suppress the revolts that frequently broke out when tax burdens were increased (Gould 1996). Following Weber, work on state formation has concentrated on the development of such administrative structures that were able to control state actors, fight wars, squash rebellions, and survey, tax, and discipline their populations (Lachmann 2010).

This bureaucratic model of state formation has been expanded by scholars who emphasize the importance of the cultural foundations of state formation—ideologies of nationalism (Anderson 1983), religious ideas (Gorski 2003), honor (Ikegami 1995), the pacification of elites (Brundage 2017), performativity (Reed 2019; Brundage 2023), symbolic power and legitimacy (Loveman 2005; Brundage 2018), and the cultural practices of boundary-making (Mayrl and Quinn 2016). However, these important extensions notwithstanding, the creation of offices and the concentration of control over offices, whether in the hands of the prince or some elected body, remains a key dimension of the formation of the modern state.

In this article, I examine the case of the early American state during the period following the ratification of the U.S. Constitution. The Constitution created a federal government with national offices that quickly became contested resources among elites. Driven by rapid population growth, westward migration, and the displacement of Native American peoples, the number of positions within the federal bureaucracy grew from approximately 800 in 1792 to 2,000 by 1801 (White 1965:255). Despite this substantial increase, the overall number of offices remained modest. Notably, the large number of federal postmaster positions and the many lucrative customs posts, which later fueled the nineteenth-century patronage system, did not yet exist (Rich 1924; John 1995; Rao 2016). Moreover, focusing solely on the national level provides an incomplete picture within a deliberate federal system. In fact, most offices—and most of the growth in offices—occurred at the state level. Therefore, to fully understand the distribution of offices in the early republic, it is crucial to investigate state-level appointment practices, a subject that, to my knowledge, has not been systematically explored.

Before delving into state-level appointment practices, it is important to clarify a key term often linked to the allocation of offices: patronage. The concept of “patronage” encompasses

several related but distinct meanings (Weingrod 1968). On the one hand, it refers to vertical dyadic exchange relationships between higher-status patrons and sets of lower-status clients (Scott 1972). On the other hand, it is used to describe “a divisible benefit that politicians distribute to individual voters, campaign workers, or contributors in exchange for political support” (Shefter 1994:383). Such political support can come in the form of votes, campaign contributions, or political loyalty. Often, however, patronage is used in a more limited sense to refer to one particular benefit, namely public office. Here patronage refers to the discretionary (as opposed to nondiscretionary merit-based) allocation of public sector jobs (Grindle 2012).

When it comes to offices, it is important to make a further distinction between patronage as an electoral resource and patronage as an organizational resource (Katz and Mair 2018:73). The former refers to the kinds of small jobs (e.g., in sanitation) urban machines allocate to voters and intermediaries capable of mobilizing voters. The latter is often called the spoils system and refers to political offices that are allocated to reward allies and to build organizational networks. It is this last type of patronage that I am concerned with in this paper.

On what basis was patronage allocated during the early American republic? Formisano (1974:473) has characterized this period as “a transitional phase of political culture in which the passage from a traditional, notable-oriented and deferential politics on the one hand to a party, electorate-oriented and egalitarian style of politics on the other, did not come about abruptly.” Thus, on the one hand, we might argue that the distribution of patronage was already organized by political parties. By 1800, two political parties—the Federalists and the Republicans—had taken shape that operated at the national level as well as the state level (Chambers 1963; Reichley 1992; Aldrich 1995). It is possible that these parties had already developed to such an extent that they were able to control access to the resources created by state expansion.

On the other hand, the prevailing view of the first American parties has been that they were still largely networks of notables (Eldersveld 1982:32; Skowronek 1982:24; Shefter 1994:66). They “were drawn from the broad class of gentlemen, and could work in the relative freedom of a society in which organized mass parties and pressure groups were negligible” (White 1954:347). They relied on relationships of deference to build political support (Formisano 1974; Taylor 1993) and their members could be expected to pursue their own immediate interests as opposed to following a coordinated ideological program (Skowronek 1982:26). “If the Whigs and Democrats of the 1830s and 1840s are taken as models of developed electoral machines, legislative organizations, and *patronage distributors* in a symbiotic relation, then there is doubt that the Federalists and Republicans attained a comparable degree of maturation” (Formisano 1981:34; emphasis added). This would lead us to expect that patronage was still largely personalistic and based on elite status and personal connections, and that *party* patronage—the allocation of offices based on a partisan logic (Müller 2006)—did not really develop until the Jacksonian era when “bureaucrats were chosen among party functionaries and were rotated out of office according to their party’s electoral fortunes” (Moore 2014:332). This would certainly be in line with the practices that existed in other countries at the time, like France, where appointments in the eighteenth century were still largely based on familial and marital ties (Sasaki 2021).

One might argue that this personalistic logic of appointment was particularly present at the state level. Many have claimed that the first American party system originated at the national level and then from there penetrated downwards into the individual states (Cunningham 1957; Chambers 1963; McCormick 1973; Eldersveld 1982; Aldrich 1995; Chhibber and Kollman 2004). Although not all agree with this view (Young 1967; Hillmann 2008), it is possible that the

development of parties, and thus party patronage, lagged behind in the states. Moreover, while there were considerable connections between the elites who operated at the national level (McBain 1907:14), it is plausible that personal connections played an even more important role in the states where the same families had often dominated politics for decades.

In the remainder of the paper, I will conduct a systematic analysis of the mechanisms that shaped the allocation of offices in New York State. In the next section, I describe the data and methods used to carry out this analysis.

DATA AND METHODS

The Case of New York

In New York, control over almost all civil and military appointments, both at the state and local levels, was centralized in the Council of Appointment (COA). The COA was established by New York's first state constitution of 1777. The COA was a compromise between concentrating the power to appoint officials in the hands of a single person (as was the case with the colonial governor) and handing it over to the democratically elected state legislature. It consisted of four state senators and the governor. The four senators were chosen annually by the assembly, which selected one senator from each of the four senatorial districts in the state. The governor held his position *ex officio*, served as president of the COA, and had a casting voice but no other vote.

Without civil service examinations or other formal criteria for filling offices, positions were distributed at the discretion of the COA, which occasionally followed recommendations

made in letters of application.¹ As a result, whoever controlled the COA also controlled the distribution of offices—a significant power given the large number of positions that needed to be filled. The extent of New York's administrative capacity during the early years of the republic might surprise modern readers. By 1800, New York likely had more offices than the federal government. Coroners examined the deceased; county sheriffs maintained public order and oversaw elections; county clerks kept records; vendue masters sold imported goods; commissioners assessed and collected taxes; and an elaborate legal system—from the Attorney General, the Court of Chancery, and the State Supreme Court to the county courts and justices of the peace—handled land disputes and other legal matters. Additionally, while the federal government had assumed control over state militias, the COA filled positions from the division level down to the company level.

One reason New York's administrative capacity was more expansive than that of other states was the widespread support, both by elites and the public, to use government to realize the promise of republican liberty through state-funded internal improvement projects (Larson 2001; Murphy 2015). New York was what we would now call a developmental state. It was involved in the construction of roads, turnpikes, canals, and schools and universities, often in close collaboration with private actors (Murphy 2015). These developments found their starkest expression in 1817 when the state legislature authorized the construction of the Erie Canal, a manmade waterway connecting the Hudson River to the Great Lakes. While much of the work of developing and regulating the growing economy was done by the state legislature (Gunn 1980),

¹ For example, on July 22, 1801, Aaron Burr wrote to George Clinton recommending several people for office: "The family of Bartow is numerous and respectable [...]—Several of them have at all times been with us—most, if not all, were so at the last election—Anthony and Robt. S. Bartow Vendue Masters in this City are young men of industry and fair characters [...] at the late election they were very active in the support of our ticket" (cited in McBain 1907:132).

which financed public infrastructure, determined the proper length of wagon axles, and set up regulation of commodity quality, the COA appointed commissioners for the various public works projects, inspectors of goods, superintendents of the salt works, even directors of banks. All of these jobs were state jobs, and the responsibilities of the appointed officials made the decisions of who to appoint critically important.

The number of offices increased as New York's population grew and economic development progressed. With a population of 340,000, New York was the fifth-largest state in the Union in 1790 and one of its fastest-growing. By 1800, its population had risen to 590,000, and by 1820, New York had become the largest state, with 1.4 million people. Westward expansion meant that much of this growth occurred in the frontier regions in the north and west of the state, where counties like Oneida saw their populations increase more than tenfold between 1790 and 1800 (Ellis 1975). Population growth led to the creation of new counties (21 between 1788 and 1800 alone), each bringing new county-level offices such as sheriffs, county clerks, and county court judges. When the COA was finally abolished in 1822, it was responsible for filling approximately 7000 civil and 8000 military positions in the state (Flick 1934).

To the reader, it may seem self-evident that all of these appointments were partisan—after all, we are talking about New York. However, the machine politics of the Albany Regency and Tammany Hall were developments of the nineteenth century, and it is not clear to what extent partisanship had already seeped into the appointment process.

New York's parties of the 1790s were among the most developed in the new nation. In part this was due to the fact that New York was a swing state in a largely regional national party system, further politicizing an electorate that was already energized by the ratification debates (Maier 2010). Party tickets were used by both parties (Dinkin 1982:68, 83), electoral committees

appeared as early as 1792, and by 1801 both parties had created hierarchies of committees ranging from a state central committee to district committees to county and town committees (Cunningham 1957:135–38; Fischer 1965:52, 61). In fact, it was in New York that the term “Republican” was first used to refer to the opposition to the Federalists (Kaminski 1993:125).

Some scholars have cautioned against overstating the development of parties in the state, noting that “New York’s shifting parties lacked ideology and social coherence and were in effect relatively durable factions which relied on great men or notables for leadership and impetus” (Formisano 1981:52). However, more recent work in historical sociology suggests that partisanship was ideologically well-developed (Hoffman 2019) and structured legislators’ voting behavior in the state legislature (Rohr and Martin 2023). Therefore, the extent to which parties had developed in New York during this period remains an open question. The analysis of patronage practices conducted in this article will provide further insight into this issue.

Modeling Appointments

The detailed records of the COA provide a rare opportunity to systematically study its patronage practices. The original minute books of the COA for the years from 1786 to 1822 are held by the New York State Archives. (The minutes from 1777 to 1786 were sadly destroyed by the fire that broke out in the State Capitol in 1911.) All military appointments contained in these books were published by the state historian (Hastings 1901). I digitized the four-volume publication and wrote a program to extract each appointment. The civil appointments exist only in the form of the original hand-written minute books (an example page is shown in Figure 1). With the help of a team of research assistants, I hand-coded about 3,100 pages from these minutes. For each appointment, I know the name of the person appointed, the position to which

he (women did not hold public office at the time) was appointed, and the date of the appointment.

<< Figure 1 about here >>

The goal of this paper is to identify the mechanisms behind the allocation of appointments to civil offices. I model this process as a discrete choice scenario (McFadden 1974) and estimate it using conditional logistic regressions. The idea is that each appointment i constitutes a choice situation. The appointment is confronted with a set of J_i discrete alternatives (people), and exactly one person j receives the appointment and $J_i - 1$ do not. Choice sets may vary across choice situations, which reflects that different sets of people were available for different posts at different points in time, but the basic idea that only one person is ultimately chosen for a post remains the same across choice situations. The model then conditions on the appointment to estimate the probability that appointment i goes to person j (instead of the other people in appointment i 's choice set J_i):

$$P(Y_i = j | x_{ij}) = \frac{\exp(x'_{ij}\beta)}{\sum_{j=1}^{J_i} \exp(x'_{ij}\beta)},$$

where β is a vector of generic coefficients that describe the relationships characteristics of the alternatives, x_{ij} , and the outcome. These characteristics can vary by appointment i (e.g., the age of person j at the time of appointment i), but they do not need to (e.g., the party of person j , which remains constant across appointments).

Note that because the model conditions on appointments, everything that does not vary across alternatives (people) falls out of the probability and the model cannot estimate coefficients for appointment-specific variables (i.e., variables with a subscript i). It is, however, possible to include such variables by interacting them with person-specific variables because the resulting

interaction terms vary across both appointments and persons. I will use this to incorporate the rank of the offices, an appointment-specific variable, into the model.

To be able to estimate this model, we need a clearly defined choice set J for each appointment. To create such choice sets, I limit the analysis to assemblymen and define the choice set J for each appointment i as the set of all assemblymen who served during the session that elected the COA which allocated appointment i . For example, if an appointment was made by the COA elected during the 20th session of the state legislature, I take as the choice set for that appointment all those who served in the assembly in session 20.

I do this for five reasons. First, it ensures that the people in the risk set were politically active around the time of the appointment and, at least in principle, were available to receive an appointment.

Second, the political landscape of New York offices was vast and complex. It encompassed individuals who held only a single appointment alongside those who built lifelong careers by cobbling together a large number of appointive positions as well as elective ones in the state legislature. Focusing the analysis on assemblymen provides a more homogeneous group of people with political ambitions.

That said, the assembly did not only consist of professional politicians. It was the central hub of the career network. On the one hand, it included people like Robert Reid Burnet (1762-1854). At 16, he joined a military company at the onset of the Revolutionary War, served as a second lieutenant, and later became a member of the Society of the Cincinnati. After the war, he returned to the family farm in Orange County, where he held local offices such as town clerk and justice of the peace, and was twice elected to the state assembly. Similarly, Elias Nexsen (1740-1831), a NYC merchant and shop owner who served as collector and warden of the port of New

York, only briefly dipped his toes into politics when he served three terms in the assembly in the late 1790s.

For others, the assembly was merely a steppingstone to higher offices. James Kent (1763-1847), a Yale-educated lawyer, began his political career in the early 1790s as an assemblyman from Dutchess County. Soon after, he moved to New York City, where he served part-time as a professor of law at Columbia College and held various appointments, including master in chancery and recorder of the city. His career culminated in an appointment to the state supreme court, where he became chief justice in 1804. Ten years later, he was appointed to the state's highest judicial office when he became Chancellor of New York. Kent's brother, Moss Kent, Jr., an ambitious lawyer in his own right, described the strategic value of the assembly in a letter to James: "Political Honors and [illegible] ought possibly to be the objects of my ambition. They are indeed the prizes most generally contended for by the enterprising Men of our profession. A Seat in the assembly would make me more generally known and possibly more respected though I should not flatter myself with the hopes of acquiring much distinction either as a Speaker or as a Man of Business" (Moss Kent, Jr. to James Kent, Feb. 27, 1796, James Kent Papers, Library of Congress).

Third, assemblymen competed in elections, which means that for many of them we have information on the party they affiliated with because their name appears on party tickets or in the records of nominating committees.

Fourth, the group of assemblymen is small enough to make the collection of person-level data feasible.

Finally, because the assemblymen elected the members of the COA, I am able to examine whether appointments were made to assemblymen in exchange for their votes (see below).

Limiting the choice set to active assemblymen means I am only considering appointments that went to assemblymen. While this throws out the majority of the data, it gives me a well-defined choice set, which in this case is more important than the quantity of the data.

The names of all assemblymen were obtained from the *New York Civil List* (Werner 1891). A total of 601 unique assemblymen served at least once between sessions 12 (1788) and 25 (1800). These assemblymen received a total of 322 civil appointments during that time. This leads to 29,332 observations (appointment-assemblyman combinations).²

The name of the recipient of each appointment was then linked to the name of an assemblyman who served in the same session in which the appointment was made using the fuzzy matching procedure described in the Supplementary Appendix.

Independent Variables

To examine the bases of patronage, I include the following four sets of independent variables. First, to examine whether appointments were made based on partisanship, I create a measure of party affiliation. I obtained information on legislators' political affiliations from the *New Nation Votes* database (American Antiquarian Society 2007), a collection of electoral returns covering the years 1787 to 1825. Besides the names of all candidates and the number of votes they received, in some cases, the database also contains information on the party the candidate affiliated with during the election. These data come from party tickets and election returns published in newspapers. For sessions 12 to 25 (1788 to 1802), the focus of this paper,

² In the Supplementary Appendix, I repeat the analyses using different choice sets. The first one adds people who served in the state senate. The second one adds people who ran for the assembly but were *not* elected. The third one combines assemblymen and senators as well as successful and unsuccessful candidates. The patterns are similar across the four different choice sets, with the one main difference being that the coefficients for party are smaller once unsuccessful candidates are included.

the data on party affiliation from the NNV database is relatively scarce, which is why I supplemented these data with information from biographical and secondary sources.

Using these data, I coded people who only affiliated with the Federalist party as Federalists and people who only affiliated with the Anti-Federalist or Republican party as Republicans.³ People who affiliated with both parties during this time period were coded as switchers. In total, I identified 315 Federalists, 201 Republicans, and 68 switchers. For 51 individuals, I was unable to determine any party affiliation. Unfortunately, it is unclear whether this is due to missing data or if these individuals were not affiliated with any party. (One of the analyses below also relies on party affiliation data for later sessions. These data come exclusively from the NNV database and assemblymen were coded as Federalist, Republican, or switcher based on data from the entire time series from 1788 to 1822.)

To examine the effect of party on patronage, I measure whether the assemblyman affiliated with the party that controlled the COA at the time the appointment was made. Because each member of the COA was assigned the party he held at the time he was elected to the COA, the party of COA members is never “switcher.” As a result, switchers by design never have the same party as that which controlled the COA. To take switchers out of the counterfactual condition, I create a three-category *Party* variable: *other party* (reference category), *same party*, and *switcher*. The *other party* category includes people who affiliated with the party that did not control the COA as well as people with no party affiliation.

Second, to test whether appointments were allocated based on personal characteristics, I include the following measures. The legislator’s *Age* at the time of the appointment, a binary

³ There was considerable continuity between the Anti-Federalists and the Republicans in New York, justifying the choice to combine the two into one group.

indicator for whether he was a *Lawyer*, and a binary indicator for whether he went to *College* were obtained from biographical sources, genealogies, town and county studies, as well as secondary sources. I retrieved data on the *Number of slaves* each legislator owned from the *New York Slavery Records Index* (Benton and Peters 2018). I used the first name, last name, and the first letter of the middle name (if any) to look up assemblymen in the database. I then obtained all search results for 1790 and 1800. These data are based on the 1790 and 1800 Census. I used county information (the county the person held offices and the county he was born in, died in, or resided in) to make sure I had found the right person, taking into account changes in county boundaries over time. I also collected data on whether the legislator was a member in the *Society of the Cincinnati*, a fraternal society founded in 1783 by officers who had served in the Continental Army (and Navy) during the Revolution, from the website of the New York State Society of the Cincinnati (New York State Society of the Cincinnati 2022). Finally, I used the appointment data to create a binary indicator of whether the legislator had any *Military experience* and a numerical measure of *Tenure* in the state legislature capturing the number of times he had served in either the assembly or the state senate prior to the current session.

Due to the completeness of the office data, the variables *Military experience* and *Tenure* contain no missing data. Similarly, if the membership list of the New York Society of the Cincinnati and the New York Slavery Records Index are complete, those variables should also contain no missing data. However, this is not the case for other personal characteristics. The variable *College* may have some missing data, although given how selective college education was at the time, it is unlikely that someone attended college without any mention of it in the historical records I have reviewed. For 101 of the 601 assemblymen, I have no information on age. I imputed these data using the median age of assemblymen who were active in the same

session.⁴ Finally, I was unable to find information on occupation for 257 assemblymen, which clearly represents missing data. Given the high status of lawyers at the time, it is likely that those who were lawyers would appear in the historical record (unlike yeoman farmers or mechanics), but there is ultimately no way to be certain.

Third, it could be that the allocation of patronage was driven by personal relationships between the legislators and the COA members. Data on such relationships is difficult to obtain. Here I rely on the following three measures: college ties, family ties, and law clerkship ties.

A college tie was created between two elites if they went to the same college and graduated no more than two years apart, ensuring that their time at college overlapped (given a three-year college education).

Data on kinship ties were obtained from the genealogy website geni.com. Every person in my sample was searched on the website. I used year of birth and death to increase the accuracy of the results, meaning that I was able to retrieve kinship data only for individuals for whom I had those data. For each person, I then extracted the names of the following kin: father, mother, paternal grandfather, maternal grandfather, up to two wives, father-in-law, and mother-in-law. Unfortunately, for this early period, the geni.com database is far from complete. Because not all elites could be found on the website, I supplemented these data with information from other genealogy websites as well as a range of historical sources. Despite these efforts, I was unable to find family data more than half (316) of the assemblymen. I then used these data for the individuals for which it was available to check if an assemblyman was related to a COA member through kinship.

⁴ This still needs to be refined exploiting information from the career data.

The last relationship considered here are law clerkships. In the late eighteenth century, most American lawyers received their education by attending college and then clerking for an established attorney who attested to the aspiring lawyer's moral character (Surrency 1964:132). Clerkships usually lasted three years, depending on the individual's prior education and the time period, and clerks often lived in their sponsor's home. The relationships that formed during this time were not merely professional; in fact, Koschnik (2007:261–62) argues that lawyers often transferred their political ideas to their apprentices. Unfortunately, although it is believed that all law clerks in New York signed apprenticeship agreements, only two were discovered from the colonial period (Hamlin 1939:53) and no systematic source exists for the period covered here.⁵ The best we can do is draw on biographical material, which will occasionally mention such clerkship relationships. Sometimes these materials will also mention that someone shared a law practice with another lawyer, which I also coded. Twenty-six of the assemblymen in the sample had such a clerkship or shared law practice tie.

These records were then used to determine if an assemblyman had a connection with a member of the COA. Because only a small number of such connections could be found—an important finding in itself—I aggregated these three types of ties into a single binary indicator of whether the legislator shared a *Social tie* with a COA member.

Fourth, it could be that appointments were made based on a quid-pro-quo principle. To investigate this, I make use of the procedure for electing COA members. The assembly elected four sitting senators to the COA, one from each senatorial district, giving each assemblyman four votes (one per district). The senator with the most votes in each district joined the COA. (The

⁵ After the State Supreme Court adopted rules regarding clerkship and admission to practice as an attorney in 1797, those types of records begin to be available (New York Supreme Court 1991).

procedure is illustrated in Figure 2.) Here I focus on votes cast for senators who were chosen, as those were the ones distributing the offices. Using these votes, which are recorded in the journals of the assembly, I created two variables. The first (*Own district*) is a binary indicator of whether the assemblyman voted for the senator who was chosen from his own district. The second (*Number other districts*) counts the number of chosen COA members the assemblyman voted for from other districts, ranging from 0 to 3. These variables help assess whether assemblymen were directly rewarded with appointments for their support. Additionally, I include a binary indicator for whether the legislator is from the *Same county* as a COA member, considering the possibility of a local appointment logic in which COA members secured jobs for their constituents.

<< Figure 2 about here >>

One final complication needs to be addressed: some offices in the data were county-level positions, typically awarded to residents of the respective county. If this was always the case, we could perhaps simply exclude individuals from other counties from the choice sets for these types of appointments. However, the situation is more complex. Upon examining cases where appointments went to assemblymen from different counties, I found that most involved appointments in newly formed counties that had previously been part of the county where the assemblyman was elected. In four of the remaining cases, an assemblyman was elected in one county but appointed in a neighboring one. But in eight cases someone was elected in one county and then received an appointment in a non-neighboring county. Those could potentially be due to entity reconciliation errors, but they could also be the result of geographic mobility. Given these complexities, I chose not to remove individuals from the choice set but instead addressed the issue by adding a covariate to the model. The variable *Not eligible* indicates that the

assemblyman was not elected in the county where the appointment was made (for state-level offices, this variable is 0).

Figure 3 presents the correlation matrix of these four sets of variables.

<< Figure 3 about here >>

In one of the analyses, I also explore how the choice of assemblymen is affected by the rank of the offices being distributed. To obtain a measure of office rank, I make use of the entire office dataset. Using people's career paths, I first derive an office-office transition matrix and then estimate a Goodman row-column association model (Goodman 1979). The procedure is described in the Supplementary Appendix. The row/column scores estimated by the Goodman RC(M) model can be interpreted as a continuous status-ordering of the offices.

ANALYSIS

Figure 4 shows, for each session from 1789 to 1821, the proportion of appointments that went to Republicans (out of all appointments that went to either Republicans or Federalists).⁶ The top panel shows civil appointments, the bottom panel military appointments. The size of the points represents the number of appointments made. The blue-gray-red color scale represents which party controlled the COA, with blue meaning Republican and red Federalist.⁷

<< Figure 4 about here >>

Looking at civil appointments, there appears to be no strong partisan pattern at the beginning of the time series: while the Federalist COAs have a tendency to appoint Federalists,

⁶ The figure thus excludes appointments that went to people who had no party affiliation, but beyond that, the sample is not restricted.

⁷ I measure party control of the COA as the number of Federalist members minus the number of Republican members. I count each senator as a full member and the governor, who had only a casting vote, as half a member. The scale thus ranges from -4.5 (strongly Federalist) to 4.5 (strongly Republican).

the Republican COAs show no clear partisan preference. One might think that this is because after the defeat of the Anti-federalists at the ratifying convention there simply were not enough Anti-federalists/Republicans around to which one could give appointments. That, however, is not the case. The Anti-federalists around Governor George Clinton were well-organized in New York, and many remained active in politics after the constitution went into effect.

This initial period of weak partisanship, however, did not last long. Just as McBain (1907) had argued, starting in session 17 (1794), appointments become increasingly organized by partisanship. The partisan nature of appointments is particularly visible at moments when control of the COA changes from one party to another, as is the case in sessions 24, 33, 34, 36, and 38, when we see dramatic changes in the partisan composition of appointments.

Military appointments follow a similar pattern, though partisanship is less pronounced. Although military offices were intertwined with political offices at the time (Kutolowski and Kutolowski 1982), they also followed their own distinct logic. For instance, military positions had clearer career paths, with appointments often resulting from vacancy-driven promotions rather than purely partisan considerations. This may explain the lower degree of partisanship in these offices. Consequently, I restrict the following analyses to civil appointments

To systematically examine the partisan nature of appointments and assess its importance relative to other potential mechanisms for the allocation of offices, I estimate a series of conditional logistic regressions. These regressions serve as a mapping tool to chart patterns in the relationship between the characteristics of assemblymen and their chances of receiving appointments, rather than as a means to identify causal relationships. The results are shown in Table 1. Models 1-4 are multivariate models; the last column in the table shows the bivariate relations between each independent variable and the dependent variable.

What stands out is that partisanship is by far the most important factor in determining whether an assemblyman receives an appointment or not. Being affiliated with the party that controls the COA is positively related to receiving an appointment, and so is being a switcher. The *same party* effect is slightly reduced when including a covariate (*Not eligible*) that, for county-level offices, captures whether the assemblymen was elected in a county other than the one in which the appointment was made, but it remains highly significant (Model 1). The effect for *Not eligible* is large and negative, just as we would expect.

Model 2 adds the individual characteristics of the legislators. The effect for *Party* remains almost unchanged. The only individual-level variable with a significant coefficient is *Tenure*, suggesting that, holding all other variables constant, prior service in the state legislature increases the odds of receiving an appointment.⁸ Even military service, which has a significant coefficient in the bivariate model, shows no significant relationship to the chances of receiving an appointment once other factors are taken into account.

In Model 3, I add the quid-pro-quo measures to Model 1. While *Own district* and *Number other districts* have significant effects in the bivariate case, once party affiliation is taken into account, the effect sizes are reduced and the estimates are no longer significant. The effect for *switcher* is also reduced but remains significant. The negative coefficient for *Same county* further suggests that, controlling for other factors, having someone from one's own county on the COA decreases the odds of receiving an appointment. This may suggest that, once we condition on party affiliation, people from the same county are perceived as competitors rather than allies,

⁸ The absence of significant positive coefficients for *Lawyer* and *College* is perhaps surprising. It is possible that this is due to missing data, which should lead to an underestimation of these coefficients as people who were lawyers/attended college ended up in the no lawyer/no college groups.

leading the COA to direct appointments elsewhere. But it could also be that the COA followed an unwritten rule that prevented this type of pork barrel politics.

Finally, Model 4 combines all variables. The *Party* effect is almost identical to that from Model 3.

<< Table 1 about here >>

Overall, then, party affiliation stands out as the most important factor shaping the allocation of political patronage. With the exception of *Tenure*, *Same county*, and *Not eligible*, none of the other variables have significant marginal effects. This includes measures of elite status such as college education, the number of slaves owned, and membership in the Society of the Cincinnati; prior military service; and personal connections to the COA members. It also appears that the COA did not give out positions in a quid-pro-quo exchange for votes. Thus, in New York, political parties had begun to systematically organize the distribution of public offices as early as the 1790s.

The Role of Office Rank

Does that mean that individual characteristics were irrelevant? Not necessarily. Assemblymen received a wide range of positions, from low-level jobs like justice of the peace, coroner, public notary, or customs official, to powerful positions like State Attorney General, Secretary of State, Associate Justice of the New York State Supreme Court, or Chancellor. The results presented thus far do not differentiate between different kinds of offices and treat appointments as homogeneous. Yet we can imagine that whether these certain personal characteristics mattered or not depends on the offices we are talking about. For example, while being a lawyer may not help to get a position as county coroner, it could be an important factor

determining access to elite positions in the state, many of which were in the state court system. Here I attempt to take a closer look at how office rank affects the allocation of offices.

Table 2 shows results from four conditional logistic regressions where I interact *Office rank* with *Party*, *College*, *Lawyer*, and *Military experience*, respectively. Regarding *Party* (Model 1), we see that the higher the rank of the office, the larger the effect for switcher. Being a switcher always helps with getting appointments, but it helps more the higher the rank of the office. (Below I will discuss one possible reason for this finding.) The opposite, however, is true for belonging to the same party that controlled the COA. Here the effect gets *smaller* the higher the rank of the office (although the effect remains positive even for high office ranks and the interaction term is not significant). In other words, while partisanship mattered for everyone, it seems to have mattered more in the case of low-rank offices.

Does this mean there was an additional logic at work when it came to high-ranking positions in the state? Models 2 and 3 suggest that the answer may be yes. Model 2 shows a positive interaction effect between *Office rank* and *College*, indicating that college education mattered more for high-ranking offices than for low-ranking ones. The same is true for being a lawyer (Model 3), which is not surprising given the high correlation between these two variables. In other words, when it came to elite positions, many of which were in the state courts, the educational and professional background of assemblymen mattered. Whether we interpret this as evidence of meritocratic principles or view *Lawyer* and *College* as indicators of membership in a social elite is a difficult question—particularly because, in the second half of the eighteenth century, elite families increasingly sent their sons into the legal profession, such that the two became closely intertwined.

Finally, I find no significant interaction effect for *Office rank* and *Military experience* (Model 4), suggesting that military service was equally important across offices. But, again, a closer look is necessary here, as the group of individuals with military experience was itself not homogeneous and includes people who served as ensign in a company and people who held high-ranking military positions. It is very likely that different military offices mattered for different civil offices.

<< Table 2 about here >>

A Closer Look at Switchers

One of the findings above was that individuals who switched parties during the 1790s were more likely to receive appointments. Here, I take a closer look at these individuals. In a first step, I estimate a logistic regression with party switcher versus non-switcher as the dependent variable. As shown in Table 3, party switchers have more prior experience in the state legislature,⁹ are more likely to be lawyers and members of the Society of the Cincinnati, and more likely to have a social tie to someone on the COA (although the effect is not significant at the 0.05 level, likely due to the small number of social ties in the data). In short, people who affiliated with both parties were heavy hitters, which may be one of the reasons why they had a higher chance of receiving appointments. High social status afforded a certain independence that made allowed for the switching of sides. To give an example, several members of the Livingston family left the Federalist party in the early 1790s and joined an alliance with George Clinton, the longtime governor and head of the state's Republican party (some members of the family later

⁹ The coefficient for tenure is difficult to interpret. It could either capture the importance of seniority, or it could simply be that switching parties requires repeated service in the state legislature.

switched back to the Federalists). The Livingstons were one of the most powerful families in the state, and likely had reason to think that the voters in their county, many of whom were their own tenants, would vote for them no matter what party they sided with.

<< Table 3 about here >>

It is, however, also possible that appointments were used to entice political actors to switch parties and to reward them for doing so. To investigate this possibility, I decompose the group of switchers based on whether they moved from the Federalists to the Republicans or vice versa, and when their switch occurred. To do this, I rely on the data from the NNV database, which contains information on the party a candidate affiliated with *during a particular election*. As the time of the switch, I use the year in which the person ran for the new party. For example, if someone ran as a Federalist in the assembly election in 1795 and as a Republican in the state senate election in 1797, he is coded as having switched from the Federalists to the Republicans in 1797. I divide the switching dates into three periods: an early period when appointments were not highly partisan (sessions 12-16), a period in which the Federalists controlled the COA (sessions 17-23), and a period in which the Republicans controlled the COA (sessions 24-25). Switchers for whom I was unable to identify the direction and/or the timing of the switch are coded simply as “switcher.”

Table 4 contains the results from conditional logistic regressions similar to those in Table 1. Model 1, which only includes the *Party* variable, shows that people who switched to the Federalists when the Federalists controlled the COA (sessions 17-23) and those who switched to the Republicans when the Republicans controlled the COA (sessions 24-25) fared better than people in the reference category (those with no party affiliation and those who affiliated with the party that did not control the COA). Interestingly, however, those who switched to the Federalists

between sessions 24 and 25, when the Republicans controlled the COA, also seem to have done better.¹⁰ Similarly, people who switched to the Republicans between sessions 17 and 23, when the Federalists dominated the COA, did not fare worse than people in the reference category. This could be due to noise in the measure of the timing of the switch. But it is also consistent with the interpretation that people who switched parties were, on average, more powerful political actors. Controlling for *Not eligible* (Model 2) does not change the overall pattern.

<< Table 4 about here >>

Overall, the results suggest that switchers fared better than non-switchers, and that switching to the dominant party had additional benefits. In other words, there are two reasons why switchers have a higher chance of receiving appointments: they were heavy hitters *and* they were rewarded for switching parties.

DISCUSSION AND CONCLUSION

Although scholars of the American state acknowledge that appointments during the early years of the American republic were occasionally partisan (think of John Adams' midnight appointments), they usually point to the Jacksonian era as the birthplace of systematic party patronage. Even though Jackson replaced only ten percent of the federal workforce when he came to power, his actions initiated the formation of an elaborate partisan spoils system that would dominate politics during the second half of the nineteenth century and eventually gave rise to a progressive movement which pushed for the establishment of the first civil service system (Skowronek 1982). The parties of the 1790s, in contrast, are often seen as alliances of notables

¹⁰ I need to take a closer look at the 15 individuals in this category to see why they did so well.

who allocated political offices based on personal connections and their shared membership in a class of gentlemen.

Contrary to this story, this paper shows that, at least in New York, parties were already well-developed patronage distributors. Party affiliation was the single most important factor shaping the allocation of offices—more important than college education, a background in law, membership in the Society of the Cincinnati, military service, and personal connections. If these factors ever were important, at this time they had largely been displaced by.

That New York's parties were so well developed has implications for our theories of party formation. While most believe that parties first formed at the national level and then trickled downward into the individual states, such a top-down model is not compatible with the findings presented here. In New York, two organized parties competed for public office. They nominated candidates for the state legislature, mobilized voters, and, once in office, used patronage as an organizational resource to reward allies and tie political actors to their side. These findings suggest that New York might have been the forerunner of patronage practices that only later became entrenched at the federal level. It should thus come as no surprise that Martin Van Buren, the great party builder of the Jacksonian era who helped establish a national patronage machine, grew up in the political environment described in this paper.¹¹

While the Progressive Era reformers that advocated for the creation of the American civil service system associated patronage mostly with corruption, nepotism, inefficiency, and incompetence, Robert Merton (1968:127ff.) suggested that this view may have been overly skeptical, pointing out that the American spoils system also offered a way for ordinary citizens to

¹¹ Interestingly, Van Buren chaired the committee and wrote the report that would lead to the abolition of the COA in 1822.

engage in the political process, thus reducing the distance between government and citizens (see also James 2006:39; Broxmeyer 2020). In other words, our view of party patronage largely depends on the counterfactual to parties as a mechanism of filling offices: “It is important to keep in mind that the spoils system, whatever its flaws in creating a rational system of administration, was far more democratic and politically responsive than the more rigid bureaucratic states that had taken hold in continental Europe“ (Moore 2014:332). The same was true in New York. This was not some corrupt French king allowing a few rich nobles to buy titles or the right to farm taxes, but it involved the inclusion of large segments of society into the political process.

This is not to say that everyone had access to political office. Women, African Americans, and Native Americans were systematically excluded. And even among white males there were restrictions. Given that the appointments examined in this paper all went to assemblymen, it is important to note that New York’s state constitution of 1777 had established property qualifications for voters.¹² While there were, to the best of my knowledge, no formal property requirements to *serve* in the assembly, the group of assemblymen was more exclusive than that of the electorate.

That said, the assembly served as the grand central station where the career paths of different types of political actors came together. For some it was the apex of their careers, for others it was a steppingstone to administrative positions in the state or to federal office. Further, the state legislature included both powerful social elites and lesser elites who had entered politics

¹² Residents who owned a freehold worth £20 or paid an annual rent of 40 shillings were eligible to vote for the assembly. Participation in elections for governor and state senate required a freehold worth £100. These restrictions meant that „58 per cent of the adult white males and 70.7 per cent of the heads of families could vote for assembly, but only 28.9 per cent of the adult males could vote for senators and governor“ (Young 1967:84; see also Ratcliffe 2013).

in the wake of the revolution. The emerging logic of party provided a way for these lesser elites to get involved in politics, as it became increasingly possible to appeal to solidarities based on party affiliation when seeking appointments or running for elective office. While people's ability to build a political career was in no way independent of their social status, it was also not determined by it, and for people from less elite backgrounds a successful political career based on service to the party could, in turn, offer a pathway into the circle of elite families.

In addition, a large proportion of offices, especially minor ones (justice of the peace, coroner, auctioneer, culler of staves and heading), went to people who never made it to the state assembly and thus fell outside my sample. These appointments likely tied a different kind of actor into the party system, someone who resembles the beneficiary of machine politics more so than a political actor trying to cobble together elective and appointive offices into a successful career. To what extent these appointments were partisan, we will likely never know. While letters of application written to people with access to the COA contain occasional evidence of the partisan nature of some of these appointments (McBain 1907), a systematic analysis will never be possible given the lack of data on the party those individuals affiliated with.

The findings presented in this paper have a powerful implication. If elites used patronage to bind political actors to the emerging party nuclei, and if this process was based on party affiliation rather than elite status, patronage likely produced important vertical relationships between more and less powerful political actors. Such vertical relationships tend to undermine horizontal divisions (Belloni, Caciagli, and Mattina 1979:272; Müller 2006:192–93) as they turn people of the same social status into competitors for the same jobs rather than political allies. The result is the formation of competing vertically integrated groups rather than horizontal divisions based on social status. This implies that the two parties should, in the aggregate, look very

similar in terms of their social characteristics. And, in fact, this is exactly what other recent work on the New York assembly has recently found (Rohr and Martin 2023). In terms of age, occupation, wealth, and membership in elite organizations, the Federalists and Republicans were almost indistinguishable—and the importance of patronage in crystalizing and growing New York’s party system is one likely factor that brought about this structure.

The political rhetorics and ideologies that tend to emerge as theories of such a structure tend to be abstract rather than concrete and they tend to cut across social divisions (see also Bearman 1993). The question of how strong the newly created federal government should be—the “great principle” that according to Aldrich (1995) divided the parties at the national level during the 1790s—provided one such theorization of why one’s own side was better than the opposition even though, in social terms, they looked very much alike. Choosing a side in this fight was simply a matter of who was in power at different levels of government, not one of principle or social position.

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TABLES AND FIGURES

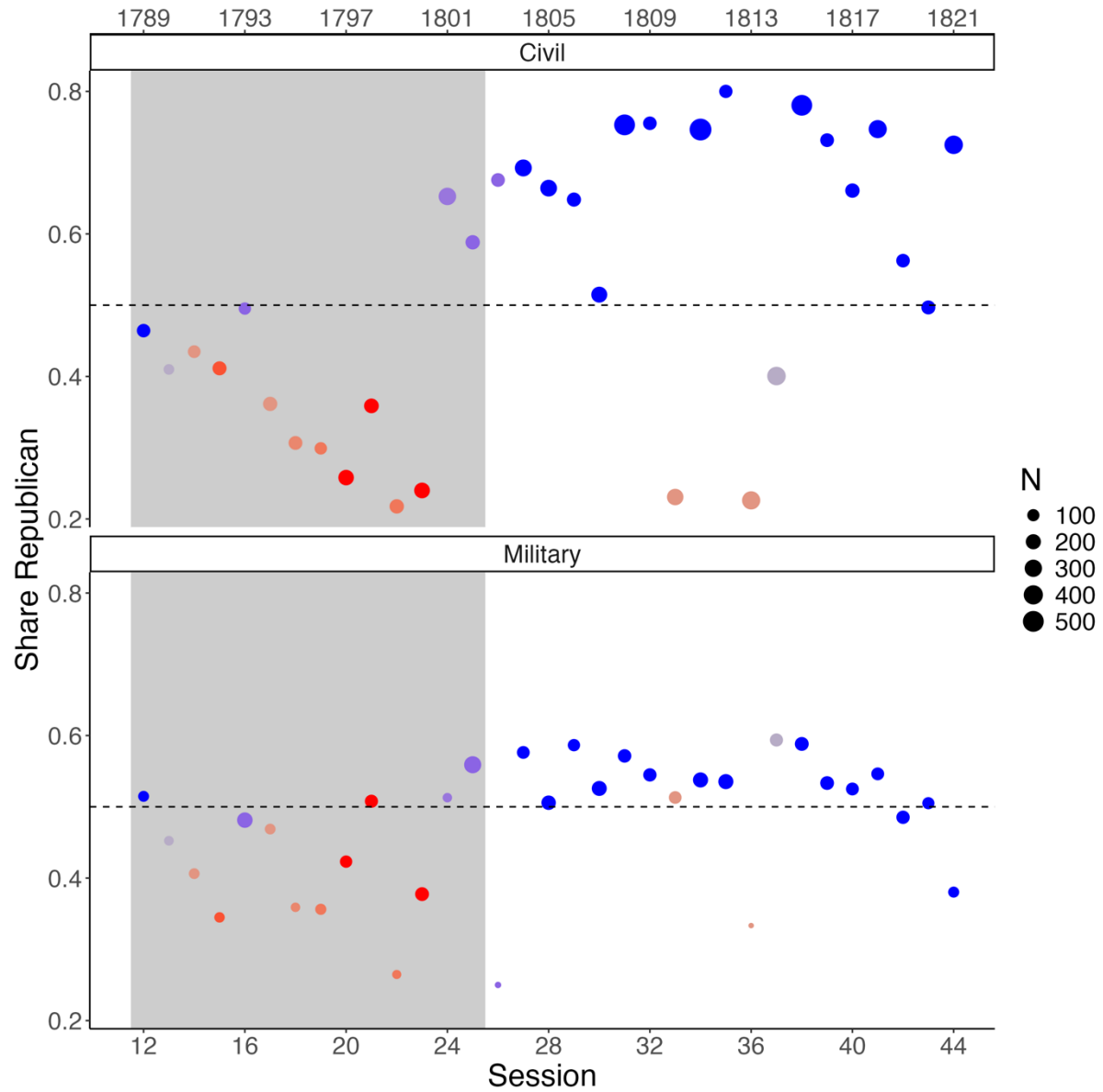


Figure 4: Partisan composition of appointments (sessions 12 to 44)

Note: The shaded area shows the time period that is the focus of this study.

Table 1: Conditional logistic regressions predicting appointments

	(1)	(2)	(3)	(4)	bivariate
Party (ref = other party)					
<i>same party</i>	0.61 *** (0.18)	0.64 *** (0.19)	0.60 ** (0.20)	0.62 ** (0.20)	0.81 *** (0.15)
<i>switcher</i>	0.85 *** (0.21)	0.82 *** (0.22)	0.71 ** (0.22)	0.67 ** (0.22)	0.86 *** (0.19)
Age		0.00 (0.01)		0.00 (0.01)	0.002 (0.01)
Tenure		0.08 * (0.03)		0.06 * (0.03)	0.06 ** (0.02)
Number of slaves		0.02 (0.03)		0.02 (0.03)	-0.002 (0.03)
College		0.24 (0.23)		0.23 (0.23)	0.01 (0.20)
Society of the Cincinnati		-0.30 (0.23)		-0.26 (0.23)	-0.26 (0.21)
Military experience		0.16 (0.13)		0.19 (0.13)	0.28 ** (0.12)
Lawyer		-0.10 (0.19)		-0.10 (0.19)	-0.11 (0.16)
Social tie		-0.70 (1.04)		-0.73 (1.05)	-1.41 (1.00)
Own district			-0.10 (0.21)	-0.06 (0.21)	0.26 ** (0.13)
Number other districts			0.11 (0.08)	0.10 (0.08)	0.15 *** (0.05)
Same county			-1.54 *** (0.25)	-1.54 *** (0.25)	-0.02 (0.13)
Not eligible	-5.76 *** (0.30)	-5.77 *** (0.30)	-6.18 *** (0.32)	-6.18 *** (0.32)	-5.77 *** (0.30)
Appointments	322	322	322	322	322
Observations	29,332	29,332	29,332	29,332	29,332

*** p < 0.001; ** p < 0.01; * p < 0.05.

Table 2: Conditional logistic regressions examining office rank

	(1)	(2)	(3)	(4)
Rank	---	---	---	---
Party (ref = other party)				
same party	0.39 (0.27)			
switcher	1.26 *** (0.28)			
Rank * same party	-0.43 (0.40)			
Rank * switcher	0.96 * (0.44)			
College		0.52 * (0.25)		
Rank * College		1.07 ** (0.40)		
Lawyer			0.68 ** (0.23)	
Rank * Lawyer			1.60 *** (0.38)	
Military experience				0.27 (0.19)
Rank * Military experience				0.17 (0.26)
Not eligible	-5.78 *** (0.30)	-5.77 *** (0.30)	-5.79 *** (0.30)	-5.77 *** (0.30)
Appointments				
Observations				

*** p < 0.001; ** p < 0.01; * p < 0.05.

Table 3: Logistic regression predicting switchers

	(1)
Age	-0.01 (0.02)
Tenure	0.22 ** (0.08)
Number of slaves	0.01 (0.06)
College	-0.27 (0.50)
Society of the Cincinnati	0.85 * (0.36)
Military experience	-0.26 (0.28)
Lawyer	0.75 * (0.37)
Social tie	1.40 (0.82)
Intercept	-1.78 * (0.71)
Observations	601
LL	-192.13
AIC	402.25

*** $p < 0.001$; ** $p < 0.01$; * $p < 0.05$.

Table 4: Conditional logistic regressions examining switchers

	(1)	(2)
Party (ref = other party)		
same party	0.82 *** (0.15)	0.62 *** (0.19)
switcher	0.79 *** (0.21)	0.72 ** (0.23)
to F, 12-16	-14.53 (1344.43)	-16.11 (2250.68)
to F, 17-23	1.30 *** (0.39)	1.61 *** (0.44)
to F, 24-25	1.39 ** (0.53)	2.67 *** (0.64)
to R, 12-16	0.95 (1.04)	-0.07 (1.21)
to R, 17-23	-14.52 (2219.61)	-15.42 (3818.37)
to R, 24-25	1.36 * (0.61)	1.31 (0.69)
Not eligible		-5.83 *** (0.30)
Appointments	322	322
Observations	29,332	29,332

*** p < 0.001; ** p < 0.01; * p < 0.05.