

The Continental Army and 'Military Europe': Professionalism and Restraint in the American War of Independence

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Abstract

Most historians now agree that the United States won its independence not with citizen-soldiers but through the exertions of a small coterie of hardened military professionals. These men fought for eight years in George Washington's Continental Army which, these historians maintain, was fundamentally different from contemporary European institutions. This article argues that this distinction is largely overstated. Continental officers and soldiers considered themselves as members of a military community which traversed national and institutional boundaries. Their adherence to a set of common norms, customs, and behaviours suggests that, far from unique, the Continental Army was an extension of 'Military Europe'.

Keywords

Continental Army, Military Europe, American War of Independence, professionalism, laws of war, military etiquette

Europeans armies in the eighteenth century conformed to norms, customs, and behaviours that united soldiers of many nations in an occupational fraternity. Described by one leading historian of the eighteenth century as 'Military Europe', this transnational vocational fraternity was based on the transfer of personnel, technology, strategy, and institutions, and underlined by a common commitment to the Eurocentric laws of war and an understanding of the conventions of military etiquette. 'Military Europe' could incorporate members of the same army as well as allies, enemies, and auxiliaries, but did not extend to those who did not adhere to convention, or were undeserving, or amateur. Most British and European officers considered the Continental Army to be little more than a glorified

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militia, untutored in the ways of warfare. The Americans, with a few notable exceptions, discovered that there were restrictions on entry into the professional fraternity.¹

However, from the very beginning of the war, the military men of the Continental Army endeavoured to demonstrate that their institution was, in fact, an extension of 'Military Europe'. The American War of Independence was a global war that stretched across continents and in North America, men were drawn from France, Spain, Germany, Holland, Denmark, Poland, Sweden, Portugal, Switzerland, as well as the British Isles, to fight on both sides.² The soldiers of the Continental Army often uncovered ethnic, linguistic, and cultural connections with their new allies and enemies. These similarities often appeared more pronounced than their differences.³ The men of the Continental Army identified themselves first and foremost as military professionals and members of 'Military Europe'.

For the first historians of the American Revolution, however, there could be no greater contrast than between the two armies that faced each other across Boston harbour in the spring of 1775. The British regulars were Europeans, wrote David Ramsay in 1790, who had 'established submission to superiors as a primary duty of the common people'. The men of the Continental Army, however, were Americans, who were free from oppression, and 'feebly impressed with the military ideas of union, subordination, and discipline'. To establish military discipline over men who were 'accustomed to act only from the impulse of their own minds', Ramsay concluded, required 'a degree of patience which is rarely found among officers of regular armies'.⁴ Mercy Otis Warren, writing 14 years later, celebrated the Continental generals who had been 'the yeomanry or the tradesmen of the country', their subordinates who were 'of equal rank and fortune', and the soldiers who were often their 'old associates' and 'were equally tenacious of personal liberty'.⁵ These early histories emphasized the overwhelming inferiority of the colonial citizen-soldiers and their amateur generals in contrast to the seasoned professionals of the British army. That the Americans were ultimately victorious could only be credited

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- 1 Stephen Conway, 'The British Army, "Military Europe," and the American War of Independence', *William & Mary Quarterly*, 3rd ser., 67: 1 (2010), pp. 69-101; Conway, *Britain, Ireland, and Continental Europe in the Eighteenth Century: Similarities, Connections, Identities* (Oxford: Oxford University Press, 2011), pp. 266-91. John Brewer also discusses the existence of an international fraternity in *The Sinews of Power: War, Money, and the English State, 1688-1783* (London: Routledge, 1989), pp. 55-60.
 - 2 For the conflict as a global war, see Piers Mackesy, *The War for America 1775-1783* (London: Longmans, 1964); R. Ernest Dupuy, Gay M. Hammerman and Grace P. Hayes, *The American Revolution: A Global War* (New York: David McKay, 1977); Conway, *The War of American Independence, 1775-1783* (London: Edward Arnold, 1995); Donald J. Stoker, Kenneth J. Hagan and Michael T. McMaster, eds., *Strategy in the American War of Independence: A Global Approach* (London: Routledge, 2010).
 - 3 For further discussion, see my forthcoming monograph, *War, Patriotism, and Identity in Revolutionary North America*.
 - 4 David Ramsay, *The History of the American Revolution* (London, 1790), vol. 1, pp. 233-4.
 - 5 Mercy Otis Warren, *History of the Rise, Progress and Termination of the American Revolution* (Boston: Applewood Books, 1805), vol. 1, p. 312.

to their superior qualities of valour, virtue, and resolve, with George Washington the first among heroes.⁶

Many modern historians have struggled to escape this romantic tradition. The Continental Army, according to these accounts, was fundamentally different from contemporary European institutions. Its colonial heritage had conferred upon the army a unique 'way of war'.⁷ Americans, with long memories of repulsing native incursions, were reluctant to thoughtlessly follow orders. They understood that their military service was contractual and their officers relied on negotiation rather than physical discipline.⁸ Their army, according to many of these historians, was 'identifiably American', and even 'unique'.⁹ Washington's soldiers were quite different to those who served Britain, who are often depicted as unthinking 'automatons', the 'scum of society' drawn from a hierarchical social order, and commanded by officers who threatened severe punishments in exchange for blind obedience.¹⁰

A small number of historians have demonstrated that this distinction has been largely overstated. Several scholars have established that the rank and file in the British army

6 See, for example, George Bancroft, *The History of the United States from the Discovery of the American Continent* (10 vols. Boston: Little, Brown and Company, 1834-1875); Washington Irving, *The Life of George Washington* (5 vols. New York: G. P. Putnam & Co., 1855-1859); Jared Sparks, *The Life of Washington* (2 vols. Boston: Ferdinand Andrews, 1839).

7 Russell F. Weigley, *The American Way of War: A History of U.S. Military Strategy and Policy* (New York: MacMillan, 1973) argues for the existence of a distinctive American style of combat; Armstrong Starkey, *European and Native American Warfare, 1675-1815* (Norman: University of Oklahoma Press, 1998) argues that this was heavily influenced by Native American warfare.

8 James Kirkby Martin and Mark E. Lender, *A Respectable Army: The Military Origins of the Republic, 1763-1789* (Arlington: Harlan Davidson, 1982); Fred Anderson, *A People's Army: Massachusetts Soldiers and Society in the Seven Years' War* (Chapel Hill: University of North Carolina Press, 1984); Harold E. Selesky, *War and Society in Colonial Connecticut The Old Dominion at War: Society, Politics, and Warfare in Late Colonial Virginia* (New Haven: Yale University Press, 1990); James Titus, *America Goes to War: A Social History of the Continental Army* (Columbia: University of South Carolina Press, 1991); Charles P. Neimeyer, *Journal of American History* (New York: New York University Press, 1996). Michael A. McDonnell, 'Popular Mobilisation and Political Culture in Revolutionary Virginia: The Failure of the Minutemen and the Revolution from Below', 85 (1998), pp. 946-81.

9 Scott N. Hendrix, 'The Spirit of the Corps: The British Army and the Pre-National Pan-European Military World and the Origins of American Martial Culture, 1754-1783', PhD Dissertation, University of Pittsburgh, 2005, p. 299; John A. Ruddiman 'A Record in the Hands of Thousands: Power and Persuasion in the Orderly Books of the Continental Army', *William & Mary Quarterly*, 3rd ser., 67: 4 (2010), p. 746.

10 Richard H. Kohn, *Eagle and the Sword: The Federalists and the Creation of the Military Establishment in America, 1783-1802* (New York: Free Press, 1975), p. 3. See also Eric Robson, *The American Revolution in Its Political and Military Aspects, 1763-1783* (London: Batchworth Press, 1955), p. 99; Marcus Cunliffe, *Soldiers and Civilians: The Martial Spirit in America, 1765-1850* (Boston: Little, Brown, 1968), p. 42; Robert Middlekauff, *The Glorious Cause: The American Revolution, 1763-1789* (Oxford: Oxford University Press, 1982), p. 297.

possessed a strong understanding of their rights and contested efforts to contravene them.¹¹ British soldiers, like their American counterparts, were willing to desert if they believed the moral of their contract had been infringed.¹² The authority of their officers, not unlike their colonial counterparts, was negotiated rather than dictated.¹³ Meanwhile, a handful of historians have established that the Continental Army sought to emulate the norms, customs, and behaviours of its European counterparts.¹⁴ However, these historians are mainly interested in drawing comparisons of tactical organization and strategic operation; they say relatively little from the perspective of the officers and soldiers. Did these men consider their army to be unique? This article will build on this earlier work and provide new evidence of the attitudes of the men who served in the Continental Army.

From the beginning of the American War, the officers of the Continental Army enthusiastically embraced the principles of ‘Military Europe’. These men were, in many ways, indistinguishable from their European counterparts. Although not ennobled members of the aristocracy, as was often the case in Europe, Continental officers were usually drawn from the top levels of colonial society.¹⁵ Eighty-four per cent of New Jersey officers came from the wealthiest third of the population, with none from the lowest third. Moreover, 32 per cent of officers fell into the wealthiest 10 per cent of the population.¹⁶ Some officers, such as Benedict Arnold or Alexander McDougall, were economically successful in their own right. Others, like Jedidiah Huntingdon or Henry Knox, had important family networks, while men such as William Alexander (Lord Stirling), who possessed thousands of acres, comprised the landed elite.

Social status, however, was not the sole measure of the professional community. Officers, even those who were not born into the social elite, were expected to abide by an aristocratic ethos of chivalry, bravery, and honour.¹⁷ To become ‘one of the first

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- 11 Peter Way, ‘Rebellion of the Regulars: Working Soldiers and the Mutiny of 1763–1764’, *William & Mary Quarterly*, 3rd ser., 57 (2000), pp. 761–92; Stephen Brunwell, *Redcoats: The British Soldier and War in the Americas, 1755–1783* (Cambridge: Cambridge University Press, 2002), pp. 127–36, 313–4; Michael N. McConnell, *Army and Empire: British Soldiers on the American Frontier, 1758–1775* (Lincoln: University of Nebraska Press, 2004), 82–99.
 - 12 Jon Chandler, ‘“To Become Again our Brethren”: Desertion and Community during the American War of Independence’, *Historical Research*, 90 (2017), pp. 363–80.
 - 13 Stephen Conway, ‘Moral Economy, Contract, and Negotiated Authority in American, British, and German Militaries, ca. 1740–1783’, *Journal of Modern History*, 88 (2016), pp. 34–59.
 - 14 Hendrix, ‘Spirit of the Corps’, pp. 299–311; James D. Scudieri ‘The Continentals: A Comparative Analysis of a Late Eighteenth-Century Standing Army, 1775–1783’, PhD Dissertation, City University of New York, 1992.
 - 15 For the European officer class, see Conway, *Britain, Ireland, and Continental Europe*, pp. 282–3; Christopher Duffy, *Military Experience in the Age of Reason* (London: Routledge, 1987), pp. 26–65. Colin Bonwick, however, argues that the colonial elite cannot be seen as aristocratic in a European sense, see Bonwick, *The American Revolution* (Basingstoke: MacMillan, 1991), p. 42.
 - 16 Mark E. Lender, ‘The Social Structure of the New Jersey Brigade: The Continental Line as an American Standing Army’, in Peter Karston, ed., *The Military in America from the Colonial Era to the Present* (New York: Free Press, 1986), p. 69.
 - 17 Conway, *Britain, Ireland, and Continental Europe*, p. 282; Caroline Cox, *A Proper Sense of Honour: Service and Sacrifice in George Washington’s Army* (Chapel Hill: University of North Carolina Press, 2004), pp. 21–35.

characters' of the army, one general officer advised, the 'principles of inflexible honor and sentiment' were essential.¹⁸ Officers who fell short of these qualities could find themselves side-lined or even excluded from the professional community. For example, charges of cowardice in combat caused Colonel John Mansfield to be considered 'unfit to serve' and Captain Eleazer Lindsey regarded 'a person improper to sustain a Commission'.¹⁹ However, honour and principle alone were not enough. 'Neither prudence nor bravery can compensate', argued Washington, for the 'neglect of discipline'.²⁰ Other officers complained that the army employed too many 'bad officers' and 'ignorant stupid men' who were more concerned with 'striding about the Camp' than doing their 'duty as a good officer'.²¹ Acceptance into the military community, then, required an officer to behave as both a gentleman and a professional.

The requirements for membership of 'Military Europe' obliged officers to obtain an understanding of the laws of war, a subset of the laws of nations.²² The laws of war derived from treaties, precedent, and the work of leading European legal theorists such as Emer de Vattel and Jean-Jacques Burlamaqui, who believed that the distinctive Enlightenment values of restraint and balance were essential as guides for military behaviour.²³ Although European armies frequently transgressed across and deviated from these laws, they provided a moral framework intended to prevent unnecessary bloodshed, encourage the protection of non-combatants, and the humane treatment of prisoners and the wounded.²⁴

The laws of war would not have been unfamiliar to the Continental officer class. Historians have described Vattel's *Law of Nations* as 'unrivalled among such treatises in its influence' in colonial America.²⁵ Furthermore, Vattel was simply embellishing upon a long line of Enlightenment writers who described the legal relationships among nations, including William Blackstone, Christian Wolff, Samuel Pufendorf, and Hugo Grotius,

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- 18 Henry Knox to John Adams, 25 September 1776, Henry Knox Papers, Gilder Lehrman Collection, New York (GLC).
 - 19 General Orders, 16 August and 15 September 1775, in Philander D. Chase, Dorothy Twohig, Frank E. Grizzard, et al., eds., *The Papers of George Washington: Revolutionary War Series* (Charlottesville: University Press of Virginia, 1985), vol. 1, pp. 312, 465.
 - 20 General Orders, 18 July 1777, in 'Orderly Book of Gen. John Peter Gabriel Muhlenberg, March 26-December 20, 1777', *Pennsylvania Magazine of History and Biography*, 34: 2 (1910), p. 176.
 - 21 Henry Knox to William Knox, 23 September 1776, Knox Papers, GLC; Joseph Bloomfield, *Citizen Soldier: The Revolutionary War Journal of Joseph Bloomfield*, ed. Mark E. Lender and James Kirkby Martin (Newark: New Jersey Historical Society, 1982), p. 78.
 - 22 John Childs, *Armies and Warfare in Europe, 1648-1789* (Manchester: Manchester University Press, 1980); Duffy, *Military Experience*; M. S. Anderson, *War and Society in Europe of the Old Regime, 1618-1789* (Leicester: Leicester University Press, 1989).
 - 23 Emer de Vattel, *The Law of Nations; Or, Principles of the Law of Nature: Applied to the Conduct and Affairs of Nations and Sovereigns* (2 vols. London: J. Newbury, J. Richardson, S. Crowder, T. Caslon, T. Longman, B. Law, J. Fuller, J. Coote, and G. Kearsly, 1759); Jean-Jacques Burlamaqui, *The Principles of Natural Law* (London: J. Nourse, 1748).
 - 24 Geoffrey Best, *Humanity in Warfare* (London: Weidenfeld and Nicolson, 1980), p. 36.
 - 25 Peter S. Onuf and Nicholas G. Onuf, *Federal Union, Modern World: The Law of Nations in an Age of Revolutions* (Madison: Madison House, 1993), p. 11.

who were all well-known to colonial readers.²⁶ Washington, appointed as commander-in-chief of the Continental Army on 19 June 1775, certainly desired to fight the war in a European manner.²⁷ The army's articles of war, issued 11 days later, were imbued with the language of the laws of nations.²⁸ It was in this spirit that General William Howe, commander of the British forces in North America, entered into a correspondence with Washington at the beginning of the New York campaign in July 1776. Howe wrote to establish a framework for the conduct of the warring parties for the ensuing campaign, and informed Washington that it was 'not only my Duty as a Soldier, but my Disposition as a Man . . . to discourage and punish all Acts of Cruelty, Rapine or Oppression'. He appealed to Washington to 'exert your Endeavours to cultivate the most liberal Sentiments, among all who place themselves under your Command'.²⁹ American accusations of British ill-conduct had inspired Howe to write, and he intimated politely that the British would not tolerate transgressions of the code by Americans. Howe evidently assumed that Washington understood the requirements for honourable combat, and Washington returned the sentiments a year later during the Philadelphia campaign.³⁰ Washington came to be considered to be almost an honorary European, and was idolized in Europe.³¹ Although Washington's status among Europeans was arguably an anomaly, the practice of establishing a code of conduct was replicated by commanders in other campaigns.³²

The army's European credentials were augmented by the transfer of personnel between armies. Senior officers such as Horatio Gates, Charles Lee, and Richard Montgomery had begun their careers in British military service. Other European officers such as the German Johann De Kalb, the French Marquis de Lafayette, and Casimir Pulaski of Poland crossed the Atlantic to take advantage of the opportunities presented by active service.³³ The most influential was probably the German drillmaster Friedrich Wilhelm von Steuben who was appointed an inspector-general in the

26 Michael D. Ramsey, 'The Law of Nations as a Constitutional Obligation', International Human Rights Colloquium, Georgetown University, October 2005, p. 6. See also William OSSIPow and Dominik Gerber, 'The Reception of Vattel's *Law of Nations* in the American Colonies: From James Otis and John Adams to the Declaration of Independence', *American Journal of Legal History*, 57 (2017), pp. 521-55.

27 Conway, 'Military Europe', pp. 93-4.

28 Worthington C. Ford, Gaillard Hunt, John C. Fitzpatrick, et al., eds., *Journals of the Continental Congress, 1774-1789* (Washington, 1904-1937), vol. 11, p. 101.

29 Howe to Washington, 16 July 1776, in Chase, *Papers of Washington*, vol. 5, p. 341.

30 Washington to Howe, 6 October 1777, Chase, *Papers of Washington*, vol. 11, p. 409.

31 See, for example, 'Journal of Louis-Alexandre Berthier', in Howard C. Rice and Ann S. K. Brown, eds., *The American Campaigns of Rochambeau's Army, 1780, 1781, 1782, 1783* (Princeton: Princeton University Press, 1972), vol. 1, p. 241. For Washington's popularity in Britain, see Troy O. Bickham, 'Sympathizing with Sedition? George Washington, the British Press, and British Attitudes during the American War of Independence', *William & Mary Quarterly*, 3rd ser., 59 (2002), pp. 101-22.

32 Washington's unusual status is suggested by Conway, 'Military Europe', pp. 93-4. For an example of similar correspondence later in the war, see Major General William Philips to Brigadier General George Weedon, 6 April 1781, Julian P. Boyd, eds., *The Papers of Thomas Jefferson* (36 vols. Princeton: Princeton University Press, 1950-2010), vol. 5, pp. 364-5.

33 For the movement of foreign officers, see Hendrix, 'Spirit of the Corps', pp. 299-333.

winter of 1777-1778. However, Steuben's appointment was no accident: he had been preceded in the post by Augustin Mottin de la Balme and Thomas Conway, two experienced professional soldiers.³⁴ Steuben found an army that was already beginning to resemble 'Military Europe'. He would have encountered many junior officers and non-commissioned officers with experience of service in Europe. For example, John Holland, an adjutant with the Delaware Continentals, had a profound influence on the junior officers in his regiment. He had been a captain in the British army and had resigned his commission over a matter of honour before migrating to the colonies. Enoch Anderson, a 19-year-old lieutenant in the same regiment, relied heavily on Holland's advice, and 'often consulted my friend Holland' on a variety of military matters.³⁵ Officers were not the only ones who benefitted from the experience of former professionals. John Adlum, a 17-year-old militiaman from Pennsylvania, recalled how he learnt from a soldier 'who had been in the British service' and had only arrived in the colonies a year earlier.³⁶

These officers and men ensured that the Continental Army observed the customs and conventions of 'Military Europe' that were designed to restrain and regulate war. Truces and cease-fires, for example, were beneficial to both armies, and allowed for the continuation of important functions such as the exchange of letters, prisoners, and supplies for prisoners. The flag of truce was a recognized European tradition adopted and on the whole, respected by Continental officers. Flags ensured that the two sides would be able to communicate despite ongoing hostilities. Shortly after Lexington, an officer from Connecticut, observed that 'there are daily Flags of Truce between us & the Enemy, chiefly for the Purpose of conveying Letters'.³⁷ The system continued throughout the war, even as conflict became increasingly bitter during the southern campaigns. Even in the midst of internecine conflict, in 1782, a South Carolinian aide to General Nathanael Greene could obtain a flag of truce in an effort to 'reclaim a son' who was 'in the British service' at Savannah.³⁸

34 See Wayne Bodle, *The Valley Forge Winter: Civilians and Soldiers in War* (University Park: Pennsylvania State University Press, 2002); John Buchanan, *The Road to Valley Forge: How Washington Built the Army That Won the Revolution* (Hoboken: John Wiley & Sons, 2004); Thomas Fleming, *Washington's Secret War: The Hidden History of Valley Forge* (New York: Smithsonian Books, 2005). While Fleming and Buchanan provide a traditional interpretation that Steuben personally transformed the Continentals into a professional force, Bodle contends that Steuben's role has been overstated, and that the professionalization of the army was a long-term process.

35 Enoch Anderson, *Personal Recollections of Captain Enoch Anderson* (New York: The New York Times, 1971), pp. 7, 23.

36 John Adlum in John C. Dann, ed., *Revolution Remembered: Eyewitness Accounts of the War for Independence* (Chicago: University of Chicago Press, 1980), pp. 118-9. See also Extract of a Letter from New York, 11 November 1777, Hardwicke Papers, Add. MSS 35912, f. 237-38, British Library, London (BL).

37 Jedediah Huntington to Jabez Huntington, 24 April 1775, in 'The Huntington Papers', *Connecticut Historical Society Collections*, 20 (1923), p. 219.

38 Thomas Shubrick to Anthony Wayne, 13 April 1782, in Richard Showman, and Dennis M. Conrad, eds., *The Papers of Nathanael Greene* (Chapel Hill: University of North Carolina Press, 1976-2005), vol. 11, p. 55.

Informal truces were often concluded by soldiers with or without the knowledge of their officers, using natural features as informal demarcations.³⁹ Members of opposing armies were frequently able to see each other, particularly when on sentry duty, and guards occasionally came into conflict.⁴⁰ Early in the war, one Continental soldier recounted how ‘Our Sentine[!]s and Our Ennimys [*sic*] . . . Came So Nigh to Each other’ that they almost clashed with bayonets.⁴¹ ‘Our patrols, and those of the British, met occasionally in the dark, [and] sometimes a few shot were exchanged’, recalled a Pennsylvanian subaltern in 1781, but they ‘would generally retire’.⁴² Restraint benefited soldiers of both sides. Shooting a sentry violated the conventions of honour and restraint, and involved an act of violence against an identifiable individual.⁴³ In 1778, John McCasland was on a patrol in Pennsylvania ‘to scour the country’ and to prevent the enemy ‘from plundering and destroying property’ when he discovered a sentry guarding a house outside of Philadelphia. The party identified their two best marksmen and then drew lots to decide who would shoot the sentry, and McCasland drew the short straw. ‘I did not like to shoot a man down in cold blood’, he recalled, but the party ‘knew I was a good marksman’, and would not believe a complete miss, so he ‘concluded to break his thigh’. McCasland’s shot was successful, his party surrounded the house, and the enemy surrendered.⁴⁴

Taking captives and treating them as prisoners of war was a particularly important convention of ‘Military Europe’, enshrined by custom and formal codes. However, by taking up arms against their rightful king, Continental soldiers had entered a legal grey area as far as implementation of the laws of war were concerned. According to their critics, the Continentals were simply rebels who, according to Vattel, were ‘void of all appearance of justice’, and were classed alongside criminals and bandits as lawless peoples.⁴⁵ Rebels were not entitled to protection under the laws of war, and as the violence escalated, there were numerous calls for the conventions to be suspended.⁴⁶ The execution of prisoners, prohibited by the laws of war, was acceptable in a rebellion, and

39 Duffy, *Military Experience*, pp. 120-1.

40 Harry M. Ward, *George Washington’s Enforcers: Policing the Continental Army* (Carbondale: Southern Illinois University Press, 2006), pp. 82-101.

41 Nathan PeterstoLois Peters, 10 June 1775, in William H. Guthman, ed., *The Correspondence of Captain Nathan and Lois Peters* (Hartford: Connecticut Historical Society, 1980), p. 11.

42 Ebenezer Denny, *Military Journal of Major Ebenezer Denny, an Officer in the Revolutionary and Indian Wars* (Philadelphia: Historical Society of Pennsylvania, 1859), pp. 40-1.

43 Wayne E. Lee, *Barbarians and Brothers: Anglo-American Warfare, 1500-1865* (Oxford: Oxford University Press, 2011), pp. 171-208.

44 Deposition of John McCasland in Dann, *Revolution Remembered*, p. 156.

45 Vattel, *Laws of Nations*, vol. 2, p. 109.

46 Geoffrey Parker, ‘Early Modern Europe’, in Michael, Howard, George J. Andreopoulos and Mark R. Shulman, eds., *The Laws of War: Constraints on Warfare in the Western World* (New Haven: Yale University Press, 1994), p. 40; Starkey, *War in the Age of Enlightenment, 1700-1789* (Westport: Praeger, 2003), p. 162. Vattel thought it the extension of the laws of war to rebels was advisable but not necessary, *Laws of Nations*, vol. 2, pp. 107-11.

various observers suggested that ‘this Little Riot’ could be resolved after ‘making a few Examples of the Ringleaders’.⁴⁷ Loyalists, who often experienced significant suffering, were particularly disinclined to treat the Continentals with leniency. Richard Reeve, a customs officer in Boston, desired a war that would ‘ravage and lay waste [to] the Country’ as punishment for the ‘Rebels in Arms’.⁴⁸ For others, the war stirred memories of the Jacobite Rebellion in 1745-1746 and the brutal pacification of the Highlands that followed, and they eagerly anticipated its repetition in America.⁴⁹ Indeed, Alexander McDonald, a New York loyalist, believed that the American rebels were even worse than their Jacobite predecessors. The Jacobites had at least possessed ‘principles of honor’, and ‘Did not aim at the total Destruction & Subversion of the constitution like the Americans’. The American rebels were not ‘true Britains [*sic*]’ and deserved no leniency.⁵⁰ Other loyalists evidently shared his thoughts. After a raid near Crown Point in 1780 was halted by a British officer, the loyalists in the party ‘were not at all pleased that they had not more satisfaction of the Rebels’.⁵¹

Nonetheless, early in the war, the British decided to treat captured Continentals as prisoners of war rather than treasonous insurgents, subject to martial law for their actions. As Sir William Howe made clear, ‘The common Soldier, taken in Arms against his King, guilty as he is of the Crime of Rebellion, shall not become the Object of a retaliating Punishment’.⁵² The capture of significant numbers of British troops at Fort St. John in November 1775, and in subsequent operations, no doubt encouraged this cautious approach, for it reduced the possibility that American authorities would brutalize British prisoners: retaliation, or the threat of retaliation, underpinned the laws of war when it came to captives.⁵³ However, this concession was apparently not common knowledge among Americans. Shortly before the commencement of hostilities, a militia officer was reportedly warned that ‘he would be hanged & shot for a Rebel’ if he took the decision to march his men to war.⁵⁴ Later in the war, a Continental soldier recalled being threatened by his captors that he would ‘be hanged for fighting against King George’.⁵⁵ An

47 George Lawe to Robert Mathews, 25 December 1780, Haldimand Papers, Add. MSS 21483, f.132, BL; John Campbell to Thomas Hutchinson, 2 August 1775, Hutchinson-Oliver Papers, Egerton MS 2659, f.163, BL.

48 Report by Richard Reeve on ‘American matters’, 25 July 1775, Howard-Vyse Deposit, D-HV/B/10/8, Buckinghamshire Record Office.

49 See, for example, John Andrews to William Barrell, 19 January 1775, Andrews-Eliot Correspondence, f.48, Massachusetts Historical Society, Boston (MHS); Deposition of John Morris in Dann, *Revolution Remembered*, 165.

50 Alexander McDonald to William Hagard, 19 January 1777, ‘Letter-Book of Captain Alexander McDonald, of the Royal Highland Emigrants, 1775-1779’, *New York Historical Society Collections*, 15 (1882), pp. 319-20.

51 John Munro to Frederick Haldimand, Haldimand Papers, 25 October 1780, Add. MSS 21821, f.155, BL.

52 Howe to Washington, 21 February 1778, in Chase, *Papers of Washington*, vol. 12, pp. 620-8.

53 Vattel, *Laws of Nations*, vol. 2, p. 110; Lee, *Barbarians and Brothers*, p. 202.

54 John Andrews to William Barrell, 1 September 1774, Andrews-Eliot Correspondence, f.41, MHS.

55 Deposition of Michael Walters in Dann, *Revolution Remembered*, p. 183.

exasperated officer in the British army complained that the Americans 'are kept in perfect ignorance, and the prisoners expected to be put to death by us they moment they were brought into Boston'.⁵⁶ Captain William Scudder of New Jersey doubted 'whether we should have been able to have kept an army up' if the Continental rank and file were to learn that they were not to be executed as rebels.⁵⁷ Others went out of their way to surrender to those they thought were more likely to adhere to European conventions regarding prisoners. Surrounded with his men, William Irvine of Pennsylvania decided to surrender to the British regulars rather than Canadian militiamen. Irvine feared that the Canadians would not abide by the European conventions of war, so he 'concluded it would be better for us to deliver ourselves up to the British officers than risk of being murdered in the woods by the Canadians'.⁵⁸

As members of the professional military community, Continental officers who were captured in battle could expect to pass their confinement with a certain degree of comfort. Captured at Pines Bridge on 14 May 1781 – the same day that he received his commission as a first lieutenant in the First Rhode Island regiment – Jeremiah Greenman spent his time reading or socializing until he was exchanged in October.⁵⁹ However, Greenman's experience of captivity as an officer was markedly different from his imprisonment as a private soldier six years earlier. Captured at Quebec on New Year's Eve 1775, Greenman and his comrades were kept in confinement for six months, suffering from cold, disease, hunger, and the depredations of their guards.⁶⁰ While captive officers could expect fairly decent quarters, their men were typically separated and sent to less desirable holding areas, such as the notorious prison ships in New York harbour. However, the treatment of enlisted men in captivity varied considerably. Soldiers captured in battle were often happy to receive quarter, food, and lodging, and avoid physical abuse. Many prisoners chose to end their confinement by enlisting with British regiments. 'Some of them seem inclined to enter into the service', wrote a British officer in Canada in 1779, 'provided they are allowed levy money'.⁶¹ Some may have indeed been motivated by the money on offer, but others may have taken it as an opportunity to desert back to their own side. British officers at Fort George in upper New York believed that the soldiers captured with Burgoyne at Saratoga who 'are already in the Rebel Service or May hereafter enlist into it will take the first Opportunity to desert'.⁶² Others used their captivity as an opportunity to disappear into civilian society.⁶³

56 Unknown to Unknown, 25 June 1775, Historical Manuscript Commission, *The Manuscripts of the Duke of Rutland preserved at Belvoir Castle* (London: Eyre and Spottiswoode, 1888-1905), vol. 3, pp. 2-3.

57 William Scudder, *The Journal of William Scudder*, ed. F. J. Sypher (Ann Arbor: Scholars' Facsimiles & Reprints, 2005), p. 8.

58 'General Irvine's Journal of the Canadian Campaign', *Historical Magazine*, 6 (1862), p. 117.

59 Jeremiah Greenman, *Diary of a Common Soldier in the American Revolution* (DeKalb: Northern Illinois University Press, 1981), pp. 208-12.

60 Greenman, *Diary*, pp. 28-30.

61 Henry Watson Powell to Frederick Haldimand, St Johns, 24 March 1779, Haldimand Papers, Add. MSS 21,842, f.15, BL.

62 Intelligence, Fort George, 24 March 1779, Haldimand Papers, Add MSS. 21,842, f.14, BL.

63 Neimeyer, *America Goes to War*, p. 63.

Accusations of the abuse or neglect of prisoners strained relations between the British and Americans, but both sides made persistent attempts to encourage fair treatment. One method was to appeal to personal honour and pledges of reciprocity. A British officer was paroled to New York with 'a negro Servent to whome he was much attached' on condition 'that a Black Should be Sent out' in return. When no volunteer was found, Continental commissaries appealed to 'the propriety Of Preserving that Pulbic faith w[h]ich has been Established by the Commisa[r]y of[f]icers of both Armies', and requested an intercession from a senior officer to resolve the issue.⁶⁴ A second, often more successful method, was to threaten retaliation. One Continental officer imprisoned in Quebec complained that 'our Living is now worse than ever it has been', and believed 'it woud be some consolation, if Gen[era]l Washington knew how we were treated – that the British officers might be reduced to experience the same distress'.⁶⁵ Meanwhile, a British officer complained that the Americans 'have reduced us to a necessity of proposing an Exchange by retaliating upon ours all the bad treatment their prisoners received from us, by which means the prisoners of both parties are now suffering great hardship'.⁶⁶

One solution to the problems of accommodating and exchanging prisoners was parole. Parole became a mainstay of the conflict, not least since there were so many British officers held by the Americans. Authorities released soldiers, officers, and whole units to return home or remain free in an area as long as they promised not to participate in the war until formally exchanged. The system relied on the British and Americans trust in each other's adherence to the laws of war, and faith in the strength of personal honour.⁶⁷ Parole could be symbolically refused if a man was deemed to be untrustworthy. While parole was a privilege routinely offered to officers, it was also extended to enlisted men, especially early in the war. In the summer of 1776, Carleton offered parole to all the American prisoners in Quebec, in exchange for an oath of allegiance promising never to take up arms against the king. William Digby, a British subaltern, thought the terms 'would soon be forgot on their getting clear from Canada'.⁶⁸ William Heth, a young Virginian lieutenant who refused to the oath, recorded how many of the men, 'unwilling to lay in a Gaol', decided to 'come out upon those terms'.⁶⁹ Two such men were Ebenezer Tolman and Jeremiah Greenman. While Greenman reasoned that 'we would [have] signed any thing thay brought to us if that would carry us home', and reenlisted with the Continental Army a year later, Tolman, appeared to honour his word and the customs of 'Military Europe'.⁷⁰

64 Gabriel Johonnot to Joshua Loring, 8 December 1780, Sol Feinstone Collection, The Library of Congress, Washington D.C. (LC).

65 William Heth, 'The Diary of Lieutenant William Heth while a Prisoner in Quebec', *Annual Papers of Winchester Virginia Historical Society*, 1 (1931), pp. 65-6.

66 Richard Fitzpatrick to his brother, 3 March 1777, Richard Fitzpatrick Papers, 1777-1778, LC.

67 Cox, *Proper Sense of Honor*, pp. 206-7.

68 29 July 1776, William Digby's Book, Add. MSS 32,413, f.19, BL.

69 Heth, 'Diary', p. 87.

70 Ebenezer Tolman, 'Arnold's Expedition to Quebec', *Proceedings of the Massachusetts Historical Society*, 2nd ser., 2 (1885-1886), pp. 275-6; Greenman, *Diary*, pp. 28-30.

The conventions of European warfare extended to the treatment of the dead and wounded. After the battle of Brandywine, Major John André noted that the British went so far as to allow ‘surgeons . . . from the rebel army to attend their wounded’ behind enemy lines.⁷¹ Conducting burials according to the rites of ‘Military Europe’ was expected as an indication of respect for opponents, especially when the foes had been white, Christian, and honourable.⁷² General Edward Hand’s Pennsylvanian Continentals took charge of a number of wounded Hessians after a skirmish, and took time to bury the dead.⁷³ After the battle of Monmouth, Washington ordered that the ‘Officers of the American Army are to be buried with military honors due to men who have nobly fought and died in the Cause of Liberty and their Country’.⁷⁴ The implication was that for ordinary soldiers, there was little respect offered, although Captain John Nice noted that after battle ‘a strong party was sent to bury the dead of both armies’.⁷⁵ However, rituals of burial were often dependent on rank. Unlike officers, soldiers were buried with little pomp and ceremony. Soldiers made the most effort to record the burials of friends in the first campaigns of the war, while they were less inured to death, and more likely to be serving with others from their communities.⁷⁶

The burial of General Richard Montgomery following his death in battle on 31 December 1775 was one of the first indications that the war would be fought under the conventions of ‘Military Europe’. Montgomery was formerly an officer in the British army before he resigned his commission and migrated to New York in 1773. Having married into the influential Livingston family, Montgomery accepted a commission in the Continental Army at its inception and was appointed second in command on the failed expedition to seize Canada. Following his death at the battle of Quebec, the British buried him with full military honours, an action that was celebrated by observers on both sides.⁷⁷ Major Henry Dearborn commented that Montgomery’s burial had been conducted ‘in a very decent manner’, while rifleman John Joseph Henry noted that ‘the soldiery and inhabitants, appeared affected by the loss of this invaluable man, though he

71 John André, *Major André’s Journal*, ed. Cornélis De Witt Willcox (New York: The New York Times, 1968), p. 47.

72 Cox, *Proper Sense of Honor*, pp. 163-98. For commemoration during the Revolutionary War, see Sarah J. Purcell, *Sealed With Blood: War, Sacrifice, and Memory in Revolutionary America* (Philadelphia: University of Pennsylvania Press, 2002), pp. 11-48. For military burial rites more generally, see Michael Sledge, *Soldier Dead: How We Recover, Bury, and Honour our Military Fallen* (New York: Perseus Books, 2005).

73 *Pennsylvania Packet*, 5 November 1776.

74 General Orders, 29 June 1778, in Chase, *Papers of Washington*, vol. 15, pp. 583-4.

75 John Nice quoted in Gregory Knouff, *The Soldiers’ Revolution: Pennsylvanians in Arms and Forging of Early American Identity* (University Park: Pennsylvania State University Press, 2004), p. 134.

76 Cox, *Proper Sense of Honor*, pp. 186-7, 189. See, for example, Greenman, *Diary*, p. 22; John Joseph Henry, ‘An Accurate and Interesting Account of . . . the Campaign against Quebec in 1775’, *Pennsylvania Archives*, 2nd ser. 15 (1890), p. 76.

77 This biography of Montgomery is drawn from Hal T. Shelton, *General Richard Montgomery and the American Revolution: From Redcoat to Rebel* (New York: New York University Press, 1994).

was their enemy'.⁷⁸ Even those some distance away, such as Benjamin Pickman, a loyalist in New England, were delighted to know that 'Montgomery was buried with all the Honours due to his Rank'.⁷⁹ When the news of his death reached London in March 1776, Montgomery was immediately eulogized in the House of Commons by opposition leaders. Lord North, the Prime Minister, cautioned against the 'unqualified liberality of the praises bestowed on General Montgomery by the gentlemen in the Opposition, because they were bestowed on a Rebel', but he was reminded by his adversaries that 'they owed the Constitution which enabled them to sit in that House to a rebellion'.⁸⁰

The burial legitimized Montgomery's rank and status as an honourable enemy and a military professional. More broadly, it indicated that even as rebels, in certain circumstances, Continental soldiers could be considered to belong to 'Military Europe'. However, British soldiers frequently complained of rebels who violated convention, especially in the early years of the war. Although John McCasland had respected unwritten rules of restraint when he avoided killing an enemy sentry, others did not. The camp was 'infested by ambuscades which fired at our patrols & Sentries' complained Sir William Howe in June 1776, while three years later in Georgia, Major Augustine Prévost lamented how 'it had been almost the daily Custom of the Rebels in smaller or greater Parties to fire at our Sentinels'.⁸¹ A month later, in July 1776, Lieutenant Benjamin Whitcomb led a scouting party into Canada, during the course of which he 'fired on an Officer', Lieutenant Colonial Patrick Gordon of the 29th Regiment of Foot, who later died of his wounds.⁸² Sir Guy Carleton, the governor of Quebec, denounced the attack as an act of murder. Those responsible were 'the Cruellest Assassins' and 'infamous Skulkers', he raged, who had committed the attack from the shadows, for they did not dare 'to shew their faces as Soldiers'. This dishonourable conduct, he continued, demonstrated that these men did not deserve 'a Soldiers Death', but should receive a 'Punishment which can only be inflicted by the Hangman'.⁸³ Many Continental officers celebrated Whitcomb's actions, and argued that his actions were justified by the necessities of the war. 'This se[ems] rather Murder', reflected one Massachusetts officer on hearing about the incident, 'but it is treating them on[ly] in their own Way'.⁸⁴ Pennsylvania rifleman

78 Henry Dearborn, *Revolutionary War Journals of Henry Dearborn*, ed. Lloyd A. Brown and Howard H. Peckham (Chicago: The Caxton Club, 1939), p. 78; Henry, 'Accurate and Interesting Account', p. 155.

79 Dudley Colman to his wife, 28 January 1776, Dudley Colman Papers, MHS.

80 William Cobbett, ed., *Cobbett's Parliamentary History* (London: T. C. Hansard, 1806), vol. 18, pp. 1239-40.

81 Journal of the Operations of the American Army under General Sir William Howe . . . , 17 June 1776, Egerton MS 2135, f.10, BL; Augustin Prévost to Sir Henry Clinton, 14 July 1779, Carleton Papers, PRO30/55/17, The National Archives, London.

82 Horatio Gates to Richard Varick, 'A Journal of a Scout from Crown Point to St. John's Chamblee by Lieut. Benjamin Whitcomb and four men', 11 August 1776, Horatio Gates Papers, GLC.

83 General Carleton's Orders, 26 July 1776, Haldimand Papers, Add. MS 21743, f.14, BL.

84 Nathan Rice to Abigail Adams, 11 August 1776, Robert J. Taylor, Mary-Jo Kline and Gregg L. Lint, eds. *The Papers of John Adams* (Cambridge: Harvard University Press, 1977), vol. 2, pp. 85-6.

John Joseph Henry agreed that shooting at sentries 'was dishonourable war', but believed the action was 'authorised by the practices of these times'.⁸⁵ Whitcomb's actions were seemingly endorsed by the Continental establishment when he was promoted and given his own company.⁸⁶ However, the senior officer in the northern theatre, Horatio Gates, was a little more reserved. Whitcomb was dispatched on another expedition a month later, and Gates, formerly a major in the British army, poignantly reminded him not 'to fire upon, to kill, to wound, to scalp, or, in any way, to injure the Life or person of any one engaged in the service of the Enemy, Except, in your own Defence'. The 'Sacrificing' of 'a few unhappy Victims', Gates concluded, would not resolve the 'Controversy between G[reat] Britain & this Country'.⁸⁷

Other Continental officers also attempted to enforce the conventions of 'Military Europe'. An officer from Pennsylvania recalled how he had 'considerable difficulty restraining' a rifleman who sought to snipe at guards in the British camp. The officer complained that the rifle created 'an appetite for the savage mode of warfare which does its work in concealment', and encouraged his men to take shots at 'the enemy whenever and wherever he may be found'.⁸⁸ Another soldier recalled an expedition in North Carolina when a comrade 'requested of his captain leave to steal upon and shoot a British sentinel'. The captain refused, as 'it could not do the cause any good, and, as the sentinel was doing his duty, it was a pity to shoot him'.⁸⁹

Nonetheless, British officers often expressed their frustration at the inability of their Continental counterparts to navigate the complex procedural customs and conventions of 'Military Europe'. General Henry Watson Powell, commanding British troops at Mount Independence in 1777, criticized the 'ignorance of the rules of War' demonstrated by his adversaries who sent a white flag sent with no drum or letter in an 'unmilitary manner', only to discuss 'trifling pretences'.⁹⁰ Similarly, the careful choreography of an eighteenth-century siege required an expert understanding of custom. Military manuals suggested that, during a siege, the defenders 'ought not to surrender till the last Extremity; and in Strictness, never to capitulate but on honourable Terms'.⁹¹ Ideally, this surrender would come following a practicable breach in the fortifications, but not after the point when resistance was futile and would only result in unnecessary loss of life. Such siege theatre was enacted throughout the war although, as in most conflicts, disagreement arose between combatants regarding when a breach was 'practicable', and thus when the surrender would be 'honourable'. For example, at Charleston, South Carolina, in April 1780, after 10 days of siege, Sir Henry Clinton demanded the garrison's surrender. The commander of the American forces, Benjamin Lincoln, immediately replied that 'his

85 Henry, 'An Interesting and Accurate Account', p. 126.

86 Ford et al., *Journals of the Continental Congress*, vol. 6, p. 867.

87 Horatio Gates to Washington, 28 August 1776, Chase, *Papers of Washington*, vol. 6, p. 148n2.

88 Alexander Graydon, *Memoirs of a Life Chiefly Passed in Pennsylvania, within the last sixty years* (Harrisburg: John Hyeth, 1811), pp. 172-3.

89 Deposition of John Chaney in Dann, *Revolution Remembered*, pp. 230-1.

90 Henry Watson Powell to Samuel Herrick, 30 October 1777, Ethan Allen Papers, 1774-1784, LC.

91 Giles Jacob, *The Law Military, or a Methodical Collection of All the Laws and Statutes Relating to the Armies and Soldiery of Great Britain* (London: B. Lintot, 1719), p. xix.

Duty & Inclination led him to hold out to the Last Extremity'.⁹² Lincoln was urged to surrender by his French artillery commander, the Chevalier de Laumoy, who believed that their defences could no longer prevent an attack.⁹³ Lincoln nonetheless held the city for another month, an action that Clinton believed transgressed military convention. 'I begin to think that these People will be Blockheads enough to wait the Assault', the British commander complained, 'Je m'en lave les Mains'.⁹⁴

When Lincoln finally yielded after a day of 'murderous fire', he was keen for his troops to partake in a capitulation ceremony with all the rigmarole expected following the gallant defence of an eighteenth-century siege.⁹⁵ Clinton, however, was frustrated by a prolonged siege that had risked the 'vindictive Severity' of his 'exasperated Soldiers'.⁹⁶ The difficult prosecution of the siege had confirmed to Clinton that the rebels should not be treated with the courtesy of a formal enemy, and he insisted that 'The Drums are not to beat a British March, or Colours to be uncased'.⁹⁷ Although the militiamen were allowed to return home, they were to be considered 'prisoners on parole', unable to serve again until formally exchanged.⁹⁸ Lincoln was ultimately in no position to refuse. 'The garrison of Charleston marched out into the commons, grounded their arms', recorded an observer, 'the British marched in and took possession, the prisoners after grounding their arms marched back into the town'.⁹⁹ One observer thought that their faces were etched with 'chagrin and anger'.¹⁰⁰

A little over a year later, with the Earl of Cornwallis surrounded at Yorktown by the allied French and American forces of Washington and Rochambeau, memories of Charleston came to the fore. The prosecution of the siege, however, emphasized how the Continentals were some way from being accepted as equals by the professionals of 'Military Europe'. Cornwallis had, in his mind, adhered to accepted siege etiquette. Indeed, he had surrendered sooner than he needed to, before an assailable breach had been made in the ramparts. Therefore, Cornwallis requested generous surrender terms, including parole for his men. Washington, however, insisted on analogous terms to those demanded of the rebel garrison at Charleston: only one officer for every 50 men was

92 Entry for 10 April 1780, George Croghan Papers, Lyman Copeland Draper Manuscripts, vol. 3, f. 98, LC.

93 Entry for 19 April 1780, Croghan Papers, vol. 3, ff. 109-10, LC. See also David D. Mattern, *Benjamin Lincoln and the American Revolution* (Columbia: University of South Carolina Press, 1995), p. 101.

94 Henry Clinton to Lord Cornwallis, 6 May 1780, in Cornwallis Papers, PRO 30/11/2, f.28, TNA.

95 John E. Ferling, *Almost a Miracle: The American Victory in the War of Independence* (Oxford: Oxford University Press, 2007), p. 426.

96 Henry Clinton to Benjamin Lincoln, 8 May 1780, in *Original Papers Relating to the Siege of Charleston, 1780* (Charleston: Press of Walker, Evans & Cogswell, 1898), p. 46.

97 Articles of Capitulation, as proposed by Major General Lincoln, and answer by Sir Henry Clinton, 9 May 1780, in *Original Papers Relating to the Siege of Charleston*, p. 50.

98 Ferling, *Almost a Miracle*, p. 426.

99 Charles William Heathcote, 'Diary of Jacob Smith—American Born', *Pennsylvania Magazine of History and Biography*, 56 (1932), p. 262. For a similar account, see Maurice A. Crouse, 'Papers of Gabriel Manigault', *South Carolina Historical Magazine*, 64 (1963), p. 11.

100 Bruce E. Burgoyne, *Diaries of Two Ansbach Jaegers* (Bowie: Heritage Books, 1997), p. 145.

paroled, and they were to stay near the captives and supervise their treatment. Furthermore, Washington refused to allow the British to follow custom and play an enemy tune march during the surrender: Lincoln, after all, had not been allowed to play British music. Instead, the garrison would march out with 'Colors cased & Drums beating a British or German march'.¹⁰¹ As the British filed out, 'Drums beating, to them an unpleasant march', the French stood in its traditional position on the left, facing the Continentals.¹⁰² Although the French were present only as auxiliaries, to many observers, it was the Americans who appeared the disparate element in a familiar European ritual. While the French and British dressed as befitted the situation, the Americans cut a poor figure. Several officers noted that they were 'unruly', 'dirty and ragged', and like 'peasants who were almost naked'.¹⁰³ Cornwallis was indisposed, and sent out Brigadier Charles O'Hara who, intentionally or not, tried to present his sword to Rochambeau rather than Washington. The British 'manifested a sullen temper', and 'affected great contempt for the Americans', but the victors showed 'all the satisfaction they felt', and took no pains to observe 'chivalrous manners' that were owed to 'defeated courage'.¹⁰⁴

The Continental's exclusion from 'Military Europe' was underscored in the aftermath of the siege. The French were generous towards their fellow professionals, and a number of parties and visits were exchanged between French and British officers. Rochambeau even lent Cornwallis money, which he later paid back.¹⁰⁵ However, the Americans appeared to resent the cordial relations between the Europeans. 'The tokens of sympathy shown by the French army towards the English and Hessian officers aroused much jealousy in the American officers', a French officer confided to his journal, 'who, instead of seeking their friendship or ours, seemed to confine themselves to bringing up unpleasant subjects with us'.¹⁰⁶ 'When the Americans expressed their displeasure on this subject', commented another, 'we replied that good upbringing and courtesy bind men together and that, since we had reason to believe that the Americans did not like us, they should not be surprised at our preference for the English'.¹⁰⁷

The Europeans were particularly anxious that their Continental counterparts would not comply with military norms concerning the treatment of prisoners. At the battle of

101 Jerome A. Greene, *The Guns of Independence: The Siege of Yorktown, 1781* (New York: Savas Beatie, 2005), p. 296.

102 Entry 19 October 1781, Barnadus Swartwout Papers, 1777-1783, f.42, New York Historical Society.

103 Greene, *Guns of Independence*, p. 301; Abbé Robin, *New Travels through North America*, ed. and trans. Claude C. Robin (New York: Arno Press, 1969), p. 64; Ludwog von Closen, *The Revolutionary Journal of Baron Ludwig von Closen, 1780-1783*, ed. and trans. Evelyn M. Acomb (Chapel Hill: University of North Carolina Press, 1958), p. 153; Claude Blanchard, *The Journal of Claude Blanchard*, ed. Thomas Balch (New York: Arno Press, 1969), p. 153.

104 James Thacher, *A Military Journal During the American Revolutionary War* (Boston: Richardson & Lord, 1823), p. 347; Blanchard, *Journal*, p. 152; 'Journal of Jean-Francois-Louis de Clermont Crèvecoeur', in Rice and Brown, *American Campaigns of Rochambeau*, vol. 1, p. 61.

105 Lee Kennett, *The French Forces in America, 1780-17803* (Westport: Greenwood Press), p. 155.

106 'Journal of Verger', in Rice and Brown, *American Campaigns of Rochambeau*, vol. 1, p. 151.

107 'Journal Crèvecoeur', in Rice and Brown, *American Campaigns of Rochambeau*, vol. 1, p. 64.

King's Mountain a year earlier, the victorious Americans had left over 160 severely wounded loyalists untreated on the field. Twelve officers then convened a tribunal and executed nine of their prisoners.¹⁰⁸ Cornwallis had protested at 'an inhumanity scarce credible' and threatened retaliation for 'those unhappy men, who were so cruelly and unjustly put to death'.¹⁰⁹ Another officer asserted that 'the outrages committed by the American troops, and their Violations of all the Humane Principles of War', called into question the ability of 'the American Troops to extend a proper clemency to those whose Principles arm them in defenc[e] of British Government'.¹¹⁰ Shortly before Yorktown, Rochambeau refused to hand over Lord Rawdon, a senior British officer who had been captured at sea, to the Continental commander-in-chief. He informed Congress that he did not believe that they would adhere to 'the usages of European nations at war', for the Americans were 'more and more attracted to the habit of using reprisals'.¹¹¹ The Continentals, in other words, were far from deserving of equal status to the Europeans.

Many Continentals, however, argued that because of recent atrocities committed by the British, they were no longer obliged to honour the customs and conventions of restraint. Reports spread that smallpox had been purposely spread by 'our ungenerous Enemy' through infected slaves.¹¹² Surgeon James Thacher saw this as proof of British baseness, 'however barbarous or cruel, to injure and distress'.¹¹³ In addition, news of Benedict Arnold's attack on Fort Griswold, Connecticut, commanded by Colonel William Ledyard and a small garrison, had spread through the Continental Army. Rumour had it that Ledyard had offered his sword to a British officer, who immediately seized it and ran him through.¹¹⁴ And during the siege of Yorktown itself, Colonel Alexander Scammell was allegedly shot by the British after he had surrendered: a clear violation of the laws of war. A Continental officer from New Hampshire who threatened to avenge Scammell's death on an unfortunate British infantry officer was lauded by his colleagues.¹¹⁵ If the British no longer abided by the laws of war, they reasoned, then nor were they entitled to its protections. Despite criticisms from Europeans, Continentals argued that their treatment of their

108 Jim Piccuch, *Three Peoples, One King: Loyalists, Indians, and Slaves in the Revolutionary South, 1775-1782* (Columbia: University of South Carolina Press, 2008), p. 199. See 'Diary of Lieutenant Anthony Alliare', in Lyman C. Draper, ed., *Kings Mountain and its Heroes: History of the Battle of Kings Mountain* (Cincinnati: P.G. Thompson, 1881), pp. 510-1.

109 Cornwallis to Greene, 1 December 1780, *Papers of Greene*, vol. 6, p. 514.

110 Nisbet Balfour to the prisoners aboard the prison ship *Torbay*, 17 May 1781, Sol Feinstone Collection, LC.

111 La Luzerne to Vergennes, 11 September 1781, quoted in Kennett, *French Forces*, p. 155. See Paul David Nelson, *Francis Rawdon-Hastings, Marquess of Hastings: Soldier, Peer of the Realm, Governor-General of India* (Madison: Fairleigh Dickinson University Press, 2005), pp. 104-5.

112 General Orders, 29 September 1781, in John C. Fitzpatrick, ed., *The Writings of George Washington from the Original Manuscript Sources, 1745-1799* (Washington: Government Printing Office, 1931-1944), vol. 23, p. 152. See Elizabeth Fenn, *Pox Americana: The Great Smallpox Epidemic of 1775-82* (New York: Hill and Wang, 2001), pp. 129-33.

113 Thacher, *Military Journal*, p. 337.

114 Deposition of Joseph Wood in Dann, *Revolution Remembered*, pp. 35-8.

115 Thacher, *Military Journal*, p. 341.

British was more than generous. Cornwallis and his men had their safety ‘generously granted them’, commented one observer, for ‘our Troops had before the attack Orders not to spare a man of them’.¹¹⁶ Cornwallis was himself denied an exchange since he was looked upon ‘not in the light of a British general, but a barbarian’, but he was offered every other comfort.¹¹⁷ The British might be barbarians, but the Continentals continued to consider themselves as maligned members of ‘Military Europe’.

Rather than a unique institution, the Continental Army was, in many ways, an extension of ‘Military Europe’. Its officers and soldiers considered themselves military professionals, and they adhered to the norms, customs, and behaviours of the transnational military community. Continental officers, the majority of whom were from prosperous and privileged families, had a strong understanding of the aristocratic principles of chivalry, bravery, and honour that provided the foundations of eighteenth-century military etiquette. Indeed, they arguably had more in common with their counterparts than with their own men. Ordinary soldiers also followed conventions through informal truces, the parole of prisoners, and the treatment of the dead. Continentals, both officers and men, were no doubt aided in their understanding of professional behaviours by the transfer of experienced personnel from Europe.

There were limits to the boundaries of ‘Military Europe’, however. The violation of norms surrounding restraint in battle, the conduct of sieges, and the treatment of prisoners were heavily criticized by Europeans, and suggested that the Continentals were less than equal members of the military community. Nonetheless, despite these incidents, Continentals continued to couch their behaviour in the language of the laws of war and remained keen to be seen as fellow military professionals.

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116 Aedanus Burke to Arthur Middleton, 16 October 1781, ‘Correspondence of Arthur Middleton’, *SCHGM*, 26 (1925), p. 186.

117 Ford et al., *Journals of the Continental Congress*, vol. 22, p. 93.