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The Making of Prisoners of War: Rituals of Surrender in the American War of Independence, 1776–1783[1]

For Private Johann Conrad Döhla, October 19, 1781 at Yorktown, Virginia, brought defeat and captivity. After a long and arduous campaign in the American South, he and his comrades from the principality of Ansbach-Bayreuth, together with roughly 7,000 British and Hessian soldiers, surrendered to a combined army of American revolutionaries under General George Washington and French expeditionary forces under Jean Baptiste Donatien de Vimeur, Comte de Rochambeau. In effect, this siege had won the revolutionaries their American War of Independence[2].

In the afternoon of this fateful day, the British and German soldiers marched out of their entrenchments and camp in the city of Yorktown. On the road to Williamsburg, the troops passed through all the enemies lining the route – the French on the left side of the road, the Americans on the right. Then, on a large field where a squadron of French Hussars had formed a circle, one British and German regiment after the other laid down their arms. Suddenly, the newly-made prisoners of war began to weep and Döhla noted gloomily in his diary: »Aller Mut und Herzhaftigkeit, die sonst den Soldaten belebten, war uns entfallen[3].«

1 This article originated in research conducted for my Ph.D. dissertation on German prisoners of war in the American War of Independence. The thesis is to be written at Emory University, Atlanta, under the supervision of James V.H. Melton. At this point, I would like to thank the Emory University Fund for Internationalization for providing funds to examine some of the source material presented here. For invaluable help and support in writing this article, I would also like to express my gratitude to William Beik, Rainer-Maria Kiel, Tanja Klöpfel, Horst Lochner, Jana Measells, James V.H. Melton, Sharon Strocchia, and Konrad Wiedemann.

2 On the American War of Independence in general, see Jeremy Black, *War for America: The Fight for Independence, 1775–1783* (Dover, NH 1991); Stephen Conway, *The War of American Independence, 1775–1783* (London, New York 1995); Don Higginbotham, *The War of American Independence: Military Attitudes, Policies, and Practice, 1763–1789* (New York 1971); Harry M. Ward, *The War for Independence and the Transformation of American Society* (London 1999). On the *Subsidientruppen*, see for instance Rodney Atwood, *The Hessians: Mercenaries from Hessen-Kassel in the American Revolution* (Cambridge, New York 1980); Inge Auerbach, *Die Hessen in Amerika 1776–1783* (Darmstadt, Marburg 1996); Ernst Kipping, *Die Truppen von Hessen-Kassel im Amerikanischen Unabhängigkeitskrieg 1776–1783* (Darmstadt 1965); Erhard Städtler, *Die Ansbach-Bayreuther Truppen im Amerikanischen Unabhängigkeitskrieg 1777–1783* (Nürnberg 1956).

3 Wilhelm von Waldenfels, ed., *Tagebuch eines Bayreuther Soldaten, des Johann Conrad Döhla, aus dem Nordamerikanischen Freiheitskrieg von 1777 bis 1783* (Bayreuth 1913), 152. Döhla was born in 1750 in Zell near Münchberg and died in 1820 as a brickworks owner and schoolmaster. The original journal is lost. This edition is based on a copy of the journal deposited as Ms. 112 of the *Historischer Verein für Geschichte und Altertumskunde von Oberfranken* at the Universitätsbibliothek Bayreuth. A second copy can be found in the New York Public Library. A third copy was published as Johann C. Döhla, »Amerikanische Feldzüge 1777–1783: Tagebuch von Johann Conrad Döhla«, *Jahrbuch der Deutsch-Amerikanischen Historischen Gesellschaft von Illinois*, 17 (1917), 9–358. Döhla incorporated into his diary reports from contemporary newspapers and possibly also passages from the di-

Reading these words and similar accounts of surrenders in the American War of Independence, one wonders about the revolutionaries' reasons for staging such elaborate ceremonies when receiving the defeated British and German troops and making them prisoners of war[4]. The American commanders might also have simply signed the terms of capitulation, put them into effect, and marched the British and German troops into captivity. With these practices, nevertheless, the Americans stood very much in line with European traditions. In fact, both in America and in Europe, most terms of capitulation during these and earlier times contained detailed descriptions of how the defeated army was to surrender and march out of their camp, or when and where to lay down their weapons[5]. There are many examples for these ceremonies. The British War Office put together and collected in a single folder copies and summaries of no less than twenty-six different conventions and capitulations signed between 1775 and 1783 alone. These agreements sometimes contained stipulations defining exactly how many yards away from the particular camp or entrenchments the surrendering troops were to ground arms[6]. But to find such examples we could also go back in time as far as to 321 BC when the Romans had lost a battle against the Samnites and had to pass under the legendary yoke made of Roman spears[7]. In the late twentieth century, finally, we might study, for instance, the surrender of Argentinean troops to the British on June 14, 1982 at Port Stanley. On this day the Argentineans marched in a long line to a specially designated place to ground their arms[8]. Hence, although the results presented in this article can certainly only claim validity for the period of the American Revolution, the observation that specially designed surrender ceremonies were staged at all times allows, albeit tentatively, for much broader conclusions.

ary of Stephan Popp. Recently this privately owned diary was published as Stephan Kestler, »Geschichte des Nordamerikanischen Krieges besonders was die beiden Bayreuthisch und Ansbachischen Regimenter anbelangt von einem bei dem bayreuthischen Regiment von Seyboth gestandenen Soldaten aufgezeichnet namens Stephan Popp von 1777 bis 1783«, *Archiv für Geschichte und Altertumskunde von Oberfranken*, 81 (2001), 317–354.

4 This article largely works with accounts, letters, and memoirs of participating German officers and common soldiers. Despite their many limitations, such *Ego-Dokumente*, as defined by Winfried Schulze, include »Aussagen oder Aussagenpartikel [...], die – wenn auch in rudimentärer und verdeckter Form – über die freiwillige oder erzwungene Selbstwahrnehmung eines Menschen in seiner Familie, seiner Gemeinde, seinem Land, oder seiner sozialen Schicht Auskunft geben oder sein Verhältnis zu diesen Systemen und deren Veränderungen reflektieren.« Winfried Schulze, »Ego-Dokumente: Annäherung an den Menschen in der Geschichte? Vorüberlegungen für die Tagung ›Ego-Dokumente‹«, in Winfried Schulze, ed., *Ego-Dokumente. Annäherung an den Menschen in der Geschichte*, Selbstzeugnisse der Neuzeit. Quellen und Darstellungen zur Sozial- und Erfahrungsgeschichte, vol. 2 (Berlin 1996), 28. See also Jan Peters, »Zur Auskunftsfähigkeit von Selbstsichtzeugnissen schreibender Bauern«, in ibid.: 175–190 for an analysis of other lower class *Selbstzeugnisse* and related methodological problems.

5 On surrender ceremonies in European warfare, see for instance Barbara Donagan, »Codes and Conduct in the English Civil War«, *Past and Present*, 118 (1988), 65–95 and, for earlier research including North America, John W. Wright, »Sieges and Customs of War at the Opening of the Eighteenth Century«, *The American Historical Review*, 39 (1934), no. 4: 629–644.

6 Public Record Office – The National Archives, Kew, Engl. (PRO): War Office, PRO WO 36/3. See also PRO CO 5/597 for details on the British surrenders to the Spanish at Pensacola in 1781.

7 Livius, *History of Rome*, 9.4.–9.6.

8 *Das Parlament*, June 14, 2002, no. 24.

Most historians, nevertheless, have overlooked these ceremonies. Just when the battles or sieges are over and the victors move on to the next stage in the conflict, it seems, so too do the eyes of historians: they quickly leave the scenes of defeated armies and focus their attention instead on the next exciting event or vital political decision[9]. Those few historians who do not pass over such events altogether commonly explain the ceremonies by merely pointing toward the ›honors of war‹ due to officers and commanders in early modern warfare. Ian K. Steele, for instance, only states that after the middle of the seventeenth century »a new set of elaborate martial conventions had developed« in European warfare. All officers were now educated in »a ritualized, professionalized and ›ennobled‹ military life« in which »the ›law of nations‹, pioneered by scholars like Francisco de Vitoria and Hugo Grotius« was studied extensively. Consequently, Steele concludes, »rituals of siege warfare evolved«[10]. Other eminent historians of the revolutionary period stress that the American revolutionaries, by adhering to European customs and traditions of warfare – including the surrender ceremonies – wanted to gain acceptance, respect, and prestige in the world's and particularly British eyes. Out of strategic and tactical reasons as well as from a concern with the colonies' reputation, according to this view, Washington in particular concluded that the revolutionaries could only win the war if it was conducted with a European-style ›respectable army‹. Not a mere crowd of rebels, so the message should be, but orderly and disciplined *citizen-soldiers* defending a united people fought a just war for their violated rights[11].

This study will show that those explanations, while undoubtedly very useful and valuable, are nonetheless quite deficient in many regards. They certainly shed light on the omnipresent contradictions of a war often described as a »special brew of revolution, civil war, and war of the ancien régime«[12]. Nevertheless, these ex-

9 On a historiography constantly overlooking the events occurring after battles and largely ignoring prisoners of war, particularly in an early modern framework, see Rüdiger Overmans, »›In der Hand des Feindes‹: Geschichtsschreibung zur Kriegsgefangenschaft von der Antike bis zum Zweiten Weltkrieg«, in Rüdiger Overmans, ed., *In der Hand des Feindes: Kriegsgefangenschaft von der Antike bis zum Zweiten Weltkrieg* (Köln, Weimar, Wien 1999), 1–39.

10 Ian K. Steele, *A Captive's Right to Life?: The Interaction of Amerindian, Colonial, and European Values* (Greenville, NC 1995), 13. In their recent accounts on Saratoga, Richard M. Ketchum and Max M. Mintz, for instance, simply follow this trend and explain the surrender ceremonies alongside notions of ›honors of war‹ granted to officers and nobles in medieval and early modern armies. Richard M. Ketchum, *Saratoga: Turning Point of America's Revolutionary War* (New York 1997), 426–435, and Max M. Mintz, *The Generals of Saratoga: John Burgoyne & Horatio Gates* (New Haven 1990), 214–227.

11 Higginbotham, *The War of American Independence* (n. 2 above), 389–419, and James K. Martin and Mark E. Lender, *A Respectable Army: The Military Origins of the Republic, 1763–1789* (Arlington Heights, IL 1982), 40–48. On the American emphasis on *citizen-soldiers* leading to a vicious *rage militaire* in the first years of the war, see Charles Royster, *A Revolutionary People at War: The Continental Army and American Character, 1775–1783*. 3rd ed. (Chapel Hill, NC 1986), 25–54. For the British soldiers' points of view, see Sylvia Frey, *The British Soldier in America: A Social History of Military Life in the Revolutionary Period* (Austin, TX 1981).

12 Armstrong Starkey, »Paoli to Stony Point: Military Ethics and Weaponry During the American Revolution«, *The Journal of Military History*, 58 (1994), no. 1, 11. See also Armstrong Starkey, »War and Culture, a Case Study: The Enlightenment and the Conduct of the British Army in America, 1755–1781«, *War & Society*, 8 (1990), no. 1, 1–28.

planations do not take into account the basic fact that the surrender ceremonies not only celebrated a victory, but also introduced the defeated British and German troops into their captivity in American hands. The very first hours and days following the lost battles undoubtedly had great significance and meaning for these men heading into quite an uncertain future as prisoners of war. Thus, it is not correct to assume that the surrender ceremonies were concerned only with one side – the victors – of the conflict. Moreover, we cannot fully explain the ceremonies by simply pointing to American commanders or revolutionaries gaining, or wanting to gain, respect in their European adversaries' eyes. This does not account for the common soldiers' physical, mental, and emotional involvement in the surrenders as noted by men like Döhla. Finally, for the American War of Independence in particular we have to ask why soldiers from German auxiliary forces such as the Ansbach-Bayreuth regiments expressed these feelings and worries. In the understanding of many contemporaries – and probably for most of us – those men could have simply walked away from the scenes of their defeats without any concern: As *Subsidientruppen*, after all, they had no ›real‹ stake in a war for American independence.

In addressing these problems, this article proposes to analyze the surrender ceremonies depicted in the surviving sources as *ritual performances*, which helped to organize and comprehend the social life in military communities of early modern European and revolutionary American armies[13]. So understood, the *rituals of surrender* provided the vanquished with a proper transition from the state of *soldiers* to that of *prisoners of war*. In this, the rituals also gave the victors a chance to communicate their success. Hence, the so-called ›honors of war‹ developed significant meaning and importance not only for officers, but also for common soldiers on both sides. Ultimately, then, it took more for a soldier to become a prisoner of war in the American War of Independence than merely standing on the wrong side of the battlefield.

[13] For understanding warfare in such terms of a cultural history, see in particular John Keegan, *A History of Warfare* (London 1994), 24–60, and Anne Lipp, »Diskurs und Praxis: Militärgeschichte als Kulturgeschichte«, in Thomas Kühne and Benjamin Ziemann, eds., *Was ist Militärgeschichte?*, Krieg in der Geschichte, vol. 6 (Paderborn 2000), 211–227. In my opinion, the term ›military community‹ best describes armies of the early modern period, which were characterized by a system of organized violence and which consisted of military men, soldiers, and civilians – including females, sutlers and other camp followers. In this regard, see for instance James B. Wood, *The King's Army: Warfare, Soldiers, and Society During the Wars of Religion in France, 1562–1576* (Cambridge, New York 1996) and John A. Lynn, *Giant of the Grand Siècle: The French Army, 1610–1715* (Cambridge, New York 1997). For an assessment of the German context, see Bernhard Kroener, »›Das Schwungrad an der Staatsmaschine‹? Die Bedeutung der bewaffneten Macht in der europäischen Geschichte der Frühen Neuzeit«, in Bernhard Kroener and Ralf Pröve, eds., *Krieg und Frieden: Militär und Gesellschaft in der Frühen Neuzeit* (Paderborn 1996), 1–23. See also Peter H. Wilson, »War in Early Modern German History«, *German History*, 19 (2001), no. 3, 419–439. Regarding the British army in North America during the Seven Years' War, see Stephen Brumwell, *Redcoats: The British Soldier and War in the Americas, 1755–1763* (Cambridge, New York 2002), 3–5, 97–99, 128–136. Among the British troops in America, Brumwell holds, we could even witness a Thompsonian ›moral economy‹ in which common soldiers replied to breaches of the ›contract‹ by slow-downs when building fieldworks. About the Continental Army, Holly A. Mayer, *Belonging to the Army: Camp Followers and Community During the American Revolution* (Columbia, SC 1996), 3 and 271–273 states that the camp followers were essential to create a »Continental Community« with the soldiers during the war.

To fully grasp the ramifications of this thesis, however, we need to look more closely at the characteristics and functions of rituals in society in general and, as one part of this society, armies in particular. According to the classic definition by Emile Durkheim, a ritual is first of all concerned with providing rules of conduct for the behavior of men and women in the presence of the ›sacred‹[14]. But especially for our early modern framework, recent research has questioned Durkheim's rather limited approach. Edward Muir, for instance, defines a ritual as a »formalized, collective, institutionalized kind of repetitive action« which derives its stunning power from evoking »emotional responses« from participants. Rituals are often established in a community at a »ritual moment« when »the terrible insecurity of daily life« creates an »unquenchable demand« for such action. Hence, rituals also helped the individual to go »through difficult transitions«[15]. David Kertzer, furthermore, states that the ›sacred‹ as defined by Durkheim ultimately points toward society, toward »people's emotionally charged interdependence, their social arrangements«. Rituals are actually a powerful way »in which people's social dependence can be expressed«[16]. This notion broadens our view to society at large and opens up the definition of rituals also to include the ›profane‹. A ritual, then, is essential for establishing a community or identity, for introducing structures in a society, for reforming or confirming these structures, and for regulating or controlling transitions, changes, or crossings of political, cultural, and social borders. In short, a ritual helps »to form and reform all social life« in a society or community[17].

Moreover, what makes rituals so powerful is that they combine statements with performances; that is, as Andréa Bellinger and David Krieger have stressed, rituals point to the »praxisorientierte Dimension von Sinngebung [...], bei der das Handeln nicht die Ausführung geistiger Inhalte ist, sondern Sinn verkörpert und konstruiert«[18]. Rituals dissolve the age-old dichotomy of ›thought‹ and ›action‹, or as Kertzer puts it very succinctly: »Socially and politically speaking, we are what we do, not what we think[19].«

As models for people in society, rituals »present a standard or a simplified miniature for society to follow«. As mirrors, they present the »world as it is understood to be«. In the former sense, rituals can be manuals instructing people how to perform certain actions in accordance with the rules the model presents. In the latter sense, rituals represent someone or something in a public way, »inform and incite emotions, clarify a situation, and even enact a passage from on status to another«.

14 Emile Durkheim, *Die elementaren Formen religiösen Lebens*. Übers. von Ludwig Schmidts (Frankfurt a.M. 1981), 61–68. Durkheim here discusses his distinction between the *sacred* and the *profane*. He states explicitly that »Riten [...] sind Verhaltensregeln, die dem Menschen vorschreiben, wie er sich den heiligen Dingen gegenüber zu benehmen hat«.

15 Edward Muir, *Ritual in Early Modern Europe*, New Approaches to European History, vol. 11 (Cambridge, New York 1997), 2–3 and 13–17.

16 David I. Kertzer, *Ritual, Politics, and Power* (New Haven 1988), 9. Parts of Kertzer's book have been translated into German as David I. Kertzer, »Ritual, Politik und Macht«, in Andréa Bellinger and David J. Krieger, eds., *Ritualtheorien: Ein Einführendes Handbuch*, 2nd ed. (Wiesbaden 2003), 365–390.

17 Muir, *Ritual in Early Modern Europe* (n. 15 above), 6.

18 Bellinger and Krieger, eds., *Ritualtheorien* (n. 16 above), 9 f.

19 Kertzer, *Ritual, Politics, and Power* (n. 16 above), 67 f. Kertzer also claims that »rituals provide public statements of acceptance of a group's position« without necessarily »requiring conformity of belief«.

In practice, however, rituals tend to blur the differences between the two categories. It is this very ambiguity that is also a source of the ritual's great power, »because anyone who can successfully pull off a ritual performance is playing with danger, and those who survive dangerous situations are feared and followed[20].«

For the military and its state or ruler, rituals are essential in many regards. Particularly important for this study are at least three aspects: first, within a military community, rituals help to organize and structure the social life of all its members. Second, only through participation in rituals, the citizens of a state – or the soldiers of an army – can identify with larger forces that normally remain ›invisible‹. Indeed, one could go even further and state: »No organization [...] can exist without symbolic representation. [...] Ritual is one of the important means by which [...] views of organizations are constructed and through which people are linked to them[21].« Third, especially for delicate procedures such as approaching a defeated enemy or taking and dealing with prisoners of war, rituals provided the diverse groups of soldiers participating in the American War of Independence with common rules of conduct – without constituting written international ›law‹. Moreover, although historians usually regard rituals as merely legitimizing existing systems in society, Kertzer argues that rituals, through their very legitimizing power, can also be valuable for revolutionary forces in society. By communicating their messages through the old order's own rituals, revolutionaries assume authority in a contested social, cultural, and political sphere and evoke ›rites of rebellion‹ which lend power to their revolutionary cause[22].

That the officers and soldiers of the American Continental Army were well aware of such concepts of culture and society commonly studied in a European setting becomes apparent when examining, for instance, George Washington's military education. A quick look into his personal library and the books he recommended to others reveals that the commander of the Continental Army frequently read European treatises on warfare and military matters – including advice on how to behave properly as a soldier and officer. In particular, one would have to emphasize Humphrey Bland's *Military Discipline*, which Washington ordered from England in 1755 and Count Turpin de Crissé's *Essay sur l'Art de la Guerre*, published in 1754. In addition, Washington seems to have read the memoirs of Marshall Saxe, the works of Frederick II of Prussia, and histories of Marshall Turenne[23].

Moreover, many soldiers of the American Continental Army served with the British forces in North America during the French and Indian War and thus learned

[20] Muir, *Ritual in Early Modern Europe* (n. 15 above), 4–6.

[21] Kertzer, *Ritual, Politics, and Power* (n. 16 above), 15 f.

[22] On such newer approaches and older interpretations of rituals as ›conservative‹ forces, see ibid., 37–55.

[23] Oliver L. Spaulding, »The Military Studies of George Washington«, *The American Historical Review*, 29 (1924), 675–680. See also John Wright, »Some Notes on the Continental Army (First Installment)«, *William and Mary Quarterly*, 2nd Ser., 11 (1931), no. 2, 83–86 and Wright, »Sieges and Customs of War« (n. 5 above), 632–640. On Washington's service as a provincial officer in the British army during the Seven Years' War, see for instance Fred Anderson, *Crucible of War: The Seven Years' War and the Fate of Empire in British North America, 1754–1766* (New York 2000), 42–66. For an early print of Bland's *Military Discipline*, see Humphrey Bland, *An Abstract of Military Discipline; More Particularly With Regard to the Manuel [sic] Exercise, Evolutions, and Firings of the Foot*, Early American Imprints. First Series, no. 5133 (Cornhill 1743).

European-style customs of war from first-hand experience[24]. The American commander at Saratoga, Horatio Gates, and the British commander there, John Burgoyne, even served together as lieutenants in the regiment of the Duke of Bolton during the 1745 uprising of ›Bonnie‹ Prince Charlie Stuart. Both appear as No. 15 and No. 16 on the regimental rooster among the officers[25]. One can safely conclude that the American and European soldiers engaged in the American War of Independence could speak the same ›language‹ of rituals, because these ideas, convictions, and personnel, were continuously exchanged across the Atlantic.

To explain all of these observations, this article focuses on three major British surrenders in the American War of Independence: the Siege of Yorktown in October 1781; the capitulation of General Burgoyne's British army to the Americans under Horatio Gates at Saratoga in October 1777; and the capture of roughly 1,000 Hessian troops in British service after the Battle of Trenton in December 1776. These battles and sieges were chosen because all were decisive for the outcome of the war and because the American revolutionaries, not their European opponents, staged the rituals of surrenders.

I. Yorktown

The American and French allies' investment of Yorktown, as many historians have pointed out, was »performed by the book, by the maxims and rules that had remained standard since the days of Vauban«[26]. About 6,000 Continentals, 3,500 militia, and 7,800 French equipped with about 100 siege guns stood against roughly 9,500 British, loyalists, and Germans (including the seamen). On October 7, the days of ›open trenches‹ began. Now, day and night the guns on both sides blasted away at each other. Soon, however, Lord Charles Cornwallis realized that he had no chance of escape or relief. On October 17, he sent a flag of truce to Washington and asked for the cessation »of Hostilities for twenty four hours [...] to settle terms for the surrender of the Posts of York and Gloucester«[27]. On October 19, the belligerents agreed on terms of capitulation and the British garrison was made prisoners. On this day, the Ansbach-Bayreuth soldier Döhla noted:

> »Nachmittags, den 19. Oktober zwischen 3 und 4 Uhr sind alle Truppen mit Sack und Pack, Ober- und Untergewehr mit verdeckten Fahnen, aber mit Trommeln und Pfeifen aus unserer Linie und dem Lager ausmarschiert; [...] Wir marschierten [...] in Zügen mit geschultertem Gewehr durch die ganze feindliche

[24] See Brumwell, *Redcoats* (n. 13 above), 54–137.

[25] Mintz, *The Generals of Saratoga* (n. 10 above), 17 f., 225; Ketchum, *Saratoga* (n. 10 above), 429.

[26] Higginbotham, *The War of American Independence* (n. 2 above), 382. See also Robert Harvey, *A Few Bloody Noses: The American War of Independence* (London 2001), 407 who even speaks of the »eerie ritual« of eighteenth-century siege warfare.

[27] Lord Cornwallis to George Washington, October 17, 1781, Charles Cornwallis Papers, PRO 30/11/74, 118. Gloucester was a small post on the other side of the York River. The British forces there surrendered to the American and French troops under the Duc de Lauzun and M. de Choisy.

Armee durch, wobei unsere Tambours Marsch schlugen. Die ganze Armee der konjugierten Mächte, Franzosen und Amerikaner, stund regimenterweiße unter Gewehr en parade; vor der Front jeden Regiments hielten die Generäle und Stabsoffiziere, welche zum Teil, bei den Franzosen, so bei unserem Durchmarsch den rechten Flügel ausmachten, prächtig gekleidete Läufer zur Seite hatten. [...] Uns zur Linken bei unserem Ausmarsch [...] stunden die amerikanischen Truppen und paradierten mit ihren Generälen [...]. Wir, nun Gefangene, sahen diese Truppen alle [...] mit Verwunderung und großem Erstaunen an [...]. Wie wir nun die 2 Linien der beiden Armeen passiert hatten, kamen wir rechts auf einen ebenen Platz oder eine große Haide, wo ein Schwadron französischer Husaren einen Kreis geschlossen hatte. Zu diesem Kreis marschierte ein Regiment nach dem anderen, streckte das Gewehr und legte alle Waffen ab. Als unser Herr Obrist v. Seybothen sein Regiment in den Kreis geführt hatte, ließ er uns aufmarschieren in einer Front, stellte sich vor die Mitte desselben und kommandierte zum Präsentieren, hernach: ›Streckt das Gewehr und legt Patronentaschen und Säbel ab!‹, wobei es bei ihm und uns nicht ohne Tränen ablief. [...] Wie nun alles zu Ende war, marschierten wir wieder durch beide Armeen, aber in der Stille und in unsere Linie und Lager ein, hatten nichts mehr als unsere wenige Equipage im Tornister auf dem Buckel. Aller Mut und Herzhaftigkeit, die sonst den Soldaten belebten, war uns entfallen [...][28].«

Clearly recognizable, this account tells of three steps that led the British and German troops into captivity at Yorktown: First, the defeated troops marched out of the city and camp and passed the victors lining the route. Second, the soldiers grounded their arms on a specially designated and prepared field. Third, the newly-made prisoners marched back into their camp.

Understood as a ritual, this ceremony almost perfectly presents us with rites of passage as first defined by Arnold van Gennep in his classic *Les rites de passage* and further developed by Victor Turner in his *The Ritual Process*[29]: The soldiers underwent rites of separation when marching out of the city. They left behind their previous state as soldiers and fighters. Then the soldiers exercised rites of transition on the field where they grounded their arms. Here they existed in a liminal phase between their old state as soldiers and their new state as prisoners of war. For a moment, signified in Döhla's account by the joint weeping of officers and common soldiers, the men on the field formed a Turnerian *communitas*. The given social and psychological structures dissolved and the potential for the transformation of the individual and its society arose. The ritual absorbed the power of this ›chaos‹ and channeled it into the reconstruction and renewal of society. Now, the soldiers' march

[28] Waldenfels, *Tagebuch eines Bayreuther Soldaten* (n. 3 above), 150–152, and Kestler, »Geschichte des Nordamerikanischen Krieges« (n. 3 above), 346. For a similar description, see Johann Ernst Prechtel, *Beschreibung derer vom 7. Mart: 1777 bis Decembr: 1783 in Nord-Amerika mitgemachten Feld-Züge*, Bayerisches Hauptstaatsarchiv, Abt. IV., Kriegsarchiv, HS 580/1, 514.

[29] Arnold van Gennep, *Les rites de passage: Étude systématique des rites* (Paris 1909); Victor W. Turner, *The Ritual Process: Stucture and Anti-Structure* (Chicago 1969). For this article, I have worked mainly with the English translation of Arnold van Gennep's *Les rites de passage*, published as Arnold van Gennep, *The Rites of Passage* (Chicago 1960). For Victor Turner, I have used the German translation of parts of his book, published as Victor W. Turner, »Liminalität und Communitas«, in Bellinger and Krieger, eds., *Ritualtheorien* (n. 16 above), 251–262.

back to the camp marked the rites of incorporation, which fully received the former fighters in their new state as prisoners[30].

These rites of passage at Yorktown made perfectly clear the various changes in status and command for the vanquished and the victors, for their baggage trains and camp followers – not to forget the many civilian spectators. When marching past the American and French enemies, the British and German common soldiers in particular could easily comprehend and perform the *defeat* with their own legs, hands, eyes, and ears. Considering the fact that many soldiers engaged in a battle or siege could not witness personally the decisive maneuver or attack that would lead to their defeat – because, for instance, they fought somewhere away from the center of action, or served in a regiment not engaged at all at this time[31] – this act is even more important. Before, they might only have been informed about their defeat by orders of their commanders. Now, in the ritual, the men finally experienced their defeat with their own senses. On the said field, moreover, they had to ground their arms under the eyes of the enemy's officers. Here, in reference to Turner's concept of the structure-anti-structure-structure sequence of the rites of passage, one should add that the grounding of arms by the British and German soldiers at Yorktown briefly gave way to a flinging down of these weapons – the defeated soldiers apparently attempted to destroy the tools of their ›former‹ profession[32].

The ritual furthermore allowed the vanquished to relinquish the relative security of their camp in the city and the protection that their weapons provided. They could pass safely through the precarious moments of insecurity following the battles. What else, if not a ritual and the strict obedience of the rules of the ›game‹ – constituting such a powerful social and moral code of conduct – could guarantee the defeated soldiers that they would not be butchered and slaughtered immediately after their surrender? While performing the ritual, both sides trusted the respective enemy and relied on his acknowledgement of the rules of warfare and capitulation. For the defeated soldiers, of course, this trust was highly asymmetric – after all, the Americans and French had surrounded them[33]. But they did not approach the victors unarmed or humiliated: The British and German soldiers marched out of the city of Yorktown with their weapons in hand. If worse came to worst, they

30 Gennep, *The Rites of Passage* (n. 29 above), 2 f. and 11–20; Victor W. Turner, »Liminalität und Communitas« (n. 29 above), 251–253 and 260.

31 See John Keegan, *The Face of Battle* (New York 1976), 128–133 where the author describes how different »the personal angle of vision« could be for various groups of soldiers on the battlefield.

32 See for instance the diary of James Thacher, a physician in the Continental Corps of Light Infantry, who watched the scene at Yorktown. He noted that the British and German soldiers on the field, when grounding their arms, »performed this duty in a very unofficerlike manner, and that many of the soldiers manifested a sullen temper, throwing their arms on the pile with violence, as if determined to render them useless«. James Thacher, »Diary of the American Revolution«, in Richard M. Dorson, ed., *America Rebels: Narratives of the Patriots* (New York 1953), 282–284.

33 On asymmetric relationships based on trust, see Ute Frevert, »Vertrauen – eine historische Spurensuche«, in Ute Frevert, ed., *Vertrauen. Historische Annäherungen* (Göttingen 2003), 16–18.

could still have fought for their life[34]. Seen in this light, the rites of passage also incorporated into the performance the personal honor and self-respect of the defeated common soldiers[35].

At the same time, the events also had a considerable impact on the American and French soldiers. For them, the rituals were visible manifestations of the *victory*. Hence, the American Private Martin from the Corps of Miners and Sappers stated:

> »The next day [sc. October 19, 1781] we were ordered to put ourselves in as good order as our circumstances would admit, to see [...] the British army march out and stack their arms. The trenches where they crossed the road were leveled and all things put in order for this grand exhibition. After breakfast, on the nineteenth, we were marched onto the ground and paraded on the right-hand side of the road, and the French forces on the left. We waited two or three hours before the British made their appearance. They were not always so dilatory, but they were compelled at last, by necessity, to appear, all armed, with bayonets fixed, drums beating, and faces lengthening. They were led by General O'Hara, with the American General Lincoln on his right, the Americans and French beating a march as they passed out between them. It was a noble sight to us, and the more so, as it seemed to promise a speedy conclusion to the contest. The British did not make so good an appearance as the German forces, but there was certainly some allowance to be made in their favor. [...] They marched to the place appointed and stacked their arms; then they returned to the town in the same manner they had marched out, except being divested of their arms[36].«

Obviously, Martin very much stresses the soldiers' preparations for the ritual, the long hours of waiting on the road – culminating in the appearance of the British and German soldiers – and his satisfaction upon seeing the defeated British and Ger-

[34] In the days of the matchlock musket, Wright emphasizes, it was common that surrendering troops marched out of their camp, with muskets loaded, balls in their mouth, and the match lightened; ready to fire at every moment. Wright, »Sieges and Customs of War« (n. 5 above), 643, and Wright, »Some Notes on the Continental Army (First Installment)« (n. 23 above), 101–103.

[35] Sometimes, however, surrenders could go terribly wrong. A very prominent example is the famous ›Massacre at Fort William Henry‹ in 1757. There, according to the terms of capitulation, the surrendering British regulars and provincials were to march out of the Fort unharmed, with all the ›honors of war‹ including a safe passage to Fort Edward. The Indian allies of the French troops, however, could not understand such strange »European conventions of war and military professionalism« and simply wanted to take the spoils of war they were denied by the agreement: prisoners and booty. Once the British marched out of the Fort on August 9, the Indians immediately rushed to the Fort and searched the buildings for anything valuable. Upon finding nothing – the French had allowed the British »to retain their personal effects« – the Indians began to massacre the seventy or so wounded and sick men in the Fort. In doing so, they gained at least some scalps. On the next morning, the British, who had spent the night in an entrenched camp away from the Fort, started their escorted march toward Fort Edward. The Indians, still not satisfied in their own understanding of honorable warfare, attacked the rear of the column and »within minutes [...] seized, killed, and scalped« as many English and provincials they could lay their hands on. Anderson, *Crucible of War* (n. 23 above), 195–201. See also Brumwell, *Redcoats* (n. 13 above), 187 f., and Ian K. Steele, *Betrayals: Fort William Henry and the ›Massacre‹* (New York 1990).

[36] George F. Scheer, ed., *Private Yankee Doodle: Being a Narrative of Some of the Adventures, Dangers, and Sufferings of a Revolutionary Soldier* (Boston 1962), 240 f. Private Joseph Plumb Martin entered the Continental Army in the 8th Connecticut Regiment. He served later in the Corps of Miners and Sappers and was probably promoted to Corporal or Sergeant.

mans marching to the field to lay down their arms. Yet, this sight also leads him to reflect on the war in general and the appearance and situation of both the British and German soldiers in particular. Most important for our context, however, is that Martin and his American and French comrades saw the defeated troops march past them twice: Once as defeated, but brave fighters with arms; a second time as newly-made prisoners of war without arms.

An even more detailed examination of the events at Yorktown on this afternoon furthermore reveals that the rites of passage enacted there still allowed considerable room for maneuvering. That is, it was possible to emphasize or de-emphasize certain messages and purposes within the rites of passage. One has to regard this multivocality or ambiguity of a ritual, as said earlier, as one of its great sources of strength[37]. At Yorktown, the Americans and French not only used the rituals to guide the vanquished from one state to another safely, or as a performance and great show of their victory, but also as a subtle retaliation for the revolutionaries' surrender of Charleston to General Henry Clinton in 1780. There, the British did not allow the Americans to march out with colors flying and drums beating a British march – all signs of an honorable defeat. In turn, at Yorktown General Washington imposed on the British and German soldiers exactly the same terms of capitulation: the British and Germans had to march out of the city with cased colors and without drums beating a British or German march[38]. Furthermore, the American General commanding the British and German troops to ground their arms on the field at Yorktown was the same Major General Lincoln who had to surrender to the British at Charleston. The American physician James Thacher wrote on this occasion that General Washington, upon seeing the British and German soldiers marching out of Yorktown under the command of General O'Hara, pointed to Major General Lincoln »with his usual dignity and politeness« and had him give the surrendering troops the necessary directions. Lincoln conducted the »British army [...] into a spacious field where it was intended they should ground their arms«. For the American General, Thacher continued, »this must be a very interesting and gratifying transaction [...], having himself been obliged to surrender an army to a haughty foe last year«. General Washington »now assigned him the pleasing duty of giving laws to a conquered army in return«[39].

These acts were the result of detailed negotiations preceding the events of October 19, 1781. What becomes apparent in these negotiations is Washington's will to make sure that this surrender became a clear-cut visualization of an all-out

[37] See Gennep, *The Rites of Passage* (n. 29 above), 28.

[38] On such terms, see Wright, »Sieges and Customs of War« (n. 5 above), 641. Wright states that »to march with drums beating, trumpets sounding, and colors flying was a distinction; flags furled and the drums and trumpets silent was humiliating.« Customarily, a surrendering garrison would march out with drums beating an enemy's march. Probably this was meant to show respect for one's opponent. To order a garrison to march out beating one of their own marches was regarded as impolite.

[39] Thacher, »Diary of the American Revolution« (n. 32 above), 282–284. In a letter to General William Irvine on October 22, 1781, Colonel Richard Butler wrote: »About 3 o'clock P.M., the British & Foreigners march[ed] out to a place ass[igned], & was ordered by General Lincoln to ground their Arms«. William Irvine, »Extracts from the Papers of General William Irvine«, *Pennsylvania Magazine of History and Biography*, 5 (1881), 275. General Irvine was commander of the Pennsylvania 2nd Brigade; Colonel Butler commanded the 9th Pennsylvania Regiment.

American victory. After Cornwallis had asked Washington for terms of surrender on October 17, 1781, Washington wrote back on the same day that he would gladly »listen to such Terms of Surrender of [the British] Posts & Garrisons at York and Gloucester, as are admissible« and suggested further meetings of commissaries[40]. To answer, however, he granted Cornwallis only two hours. Cornwallis then proposed »that the Garrisons of York and Gloucester shall be Prisoners of War with the customary honours, and, for the convenience of the individuals which [he has] the honour to command, that the British shall be sent to Britain, & and the Germans to Germany« on parole[41]. The next day, Washington wrote back that such terms were not at all acceptable. Instead, »the Garrisons of York and Gloucester, including the Seamen [...] shall be received prisoners of War [and] marched to such parts of the Country as can most conveniently provide for their Subsistence, and the benevolent treatment of prisoners.« He continued by stating explicitly, that the »same honors will be granted to the Surrendering Army as were granted to the Garrison of Charleston«[42]. Again, »either to accept or reject the proposals now offered«, Washington granted Cornwallis only two hours[43]. Cornwallis had no chance of altering these terms and agreed »upon a treaty of Capitulation« without »annexing the condition of their [sc. the British and German soldiers] being sent to Europe«[44]. The written Articles of Capitulation thus stipulated that all British and German troops »surrender themselves Prisoners of War to the combined forces of America and France. The Land Troops to remain prisoners to the United States. The Navy to the Naval Army of His Most Christian Majesty[45].« At 12 o'clock on October 19, the

> »two Redoubts on the left Bank of York to be delivered [...]. The Garrison of York will march out to a place to be appointed in front of the posts at 2 o'clock precisely with shouldered arms – Colours cased and Drums beating a British or German march. They are then to ground their arms, and return to their encampment where they will remain until they are dispatched to the places of their destination. [...] The Soldiers to be kept in Virginia, Maryland, or Pennsylvania, and as much by Regiments as possible, and Supplied with the same Rations of provision as are allowed to Soldiers in the Service of America[46].«

This latter specification also shows the new character of the American War of Independence. We have to acknowledge the fact that in the late eighteenth century, the taking of prisoners of war and keeping them imprisoned was a relatively new concept of warfare. Previously, troops that surrendered or were taken prisoners were usually soon released on an oath not to continue fighting, ransomed, exchanged, or simply incorporated into the victors' troops. States and armies regarded the support of captive soldiers as too costly. Everybody tried to discharge prisoners as

40 George Washington to Lord Cornwallis, October 17, 1781, PRO 30/11/74 (n. 27 above), 120.

41 Lord Cornwallis to George Washington, ibid., 122. To remain a prisoner ›on parole‹ describes the fact that a captured soldier, based on various conditions (staying in certain towns or regions, not again taking up service against the capturing state, etc.), was not detained in a certain place or camp.

42 George Washington to Lord Cornwallis, October 18, 1781, ibid., 124.

43 George Washington to Lord Cornwallis, ibid., 125.

44 Lord Cornwallis to George Washington, ibid., 126.

45 »Articles of Capitulation«, ibid., 128.

46 »Articles of Capitulation«, ibid., 129 f.

soon as the generals and statesmen deemed it reasonable. The cartels – that is, the treaties concluded to that end – prescribed precisely who would be exchanged for whom (according to rank), or how much had to be paid for each ransomed soldier. Yet, at Yorktown the revolutionaries planned for a long-term imprisonment of their captured enemies. At least, as the Articles of Capitulation at Yorktown show, they tried to reassure the British and Germans that their captives would receive adequate treatment and support during their confinement[47].

Finally, Washington saw to it that the Continental Congress and the American population at large also received their share of the victory and sent to Philadelphia the twenty-four British and German standards captured at Yorktown. These flags had become symbols of American military strength and prowess and, as the Pennsylvania Gazette reported, were »met on the Commons by the city Troops of Horse, and by them paraded through two or three streets of the city, preceded by the colours of the United States and France, to the State House, and there laid at the feet of Congress, to the great joy of a numerous concourse of spectators[48].«

II. Saratoga

Similar to Yorktown in 1781, rituals of surrender also guided the defeated British and German troops at Saratoga in 1777 into American captivity. Contrary to Yorktown, however, the rites of passage enacted there on October 17, 1777 turned a British defeat on the battlefield into a victory in the realm of ritual performances.

These events marked the end to a British campaign hampered from the outset by unexpectedly strong American resistance, a forbidding terrain, and numerous strategic mistakes by British commanders. The original plan was to send General Burgoyne with his British-German force of about 7,500 down south from Canada toward Albany. From New York, Major General William Howe was to march north

[47] During a war, the eighteenth-century legal scholar Emer de Vattel stipulated, belligerents should try to agree on a cartel to ransom or exchange prisoners. At least, the prisoners' liberty »must if possible make an article in the treaty of peace.« Emer de Vattel, *The Law of Nations: Or, Principles of the Law of Nature Applied to the Conduct and Affairs of Nations and Sovereigns. A Work Tending to Display the True Interest of Powers* (Northampton, MA 1805), 414 and 421–426. Emer de Vattel first published his *Le droit des gens ou principes de la loi naturelle appliqué á la conduite et aux affaires des nations et des souverains* in 1758. In this regard, see also Steele, *A Captive's Right to Life?* (n. 10 above), 8–14 and Starkey, »Paoli to Stony Point« (n. 12 above), 11. On international law in prisoner matter, see William E.S. Flory, *Prisoners of War: A Study in the Development of International Law* (Washington, DC 1942) and Stefan Oeter, »Die Entwicklung des Kriegsgefangenenrechts: Die Sichtweise eines Völkerrechtlers«, in Overmans, ed., *In der Hand des Feindes* (n. 9 above), 41–59. For further information on the early modern states' habit of not keeping prisoners of war imprisoned, see also Auerbach, *Die Hessen in Amerika* (n. 2 above), 171–173, and George G. Lewis and John Mewha, *History of Prisoner of War Utilization by the United States Army, 1776–1945* (Washington, DC 1955), 1. For a detailed discussion of cartels, see Daniel Hohrath, »In Cartellen wird der Werth eines Gefangenen bestimmet«: Kriegsgefangenschaft als Teil der Kriegspraxis des Ancien Régime«, in Overmans, ed., *In der Hand des Feindes* (n. 9 above), 141–170.

[48] »Published by Order of Congress, Charles Thompson, Sec.«, *Pennsylvania Gazette*, November 7, 1781.

with his troops to meet Burgoyne's army. From the west, Lt. Colonel St. Leger was to carry out a divisionary offensive through the Mohawk Valley with about 1,700 British, Loyalist, and Indian forces. Thus, New England and indeed all of the rebellious northern colonies would have been isolated and cut off from the rest of the newly-founded United States. However, all British plans failed. Lt. Colonel St. Leger unsuccessfully besieged Fort Stanwix in August where his Indian allies fled before General Arnold's relief column. Howe did not turn north after leaving New York, but moved toward Philadelphia and General John Burgoyne's army, following initial success in July, was slowed down more and more by increasing American resistance from regular and militia units under the command of Horatio Gates. By October, Burgoyne had lost to the Americans a strong detachment at Bennington on August 16 and his logistical situation was becoming hopeless. Wrecking roads on their way, the American forces repeatedly delayed the British for weeks and seriously threatened the overstretched British supply lines. While we could still interpret the Battle of Freeman's Farm on September 19 as a draw or stalemate, the Battle of Bemis Heights near Saratoga on October 7 was an all-out American victory. By now, it became obvious that the British and German soldiers could no longer fight their way south to Albany. Large American forces of about 20,000 flocking to the scene from all directions had surrounded Burgoyne's troops. Finally, Burgoyne decided to surrender with his remaining 6,000 troops[49].

On this occasion, the official war journal of the Brunswick Colonel Johann Friedrich Specht[50] noted:

> »At 10:30 in the morning, all the regts. of the army had to leave their entrenchments. [...] Around 3 o'clock in the afternoon, the regts. stacked their muskets together and laid down their side arms without the presence of a commissary or an American officer. The officers kept their swords. [...] The surrendered army then marched off to the right. The regts.' commanders led their regts. and the officers stayed in their companies. The brigadiers rode in front of their brigades. The baggage followed in the order in which the regts. marched. [...] The regts. had to march through the Fishkill and passed the camp of the Americans where all the [American] regts. had moved out and stood under arms. The ar-

[49] Higginbotham, *The War of American Independence* (n. 2 above), 175–203. On the fate of the so-called Convention Army, see William M. Dabney, *After Saratoga: The Story of the Convention Army* (Albuquerque, NM 1954). For recent research on the Brunswick troops, see in particular Stephan Huck, »Die Braunschweiger Truppen im amerikanischen Unabhängigkeitskrieg«, in *Brücken in eine neue Welt. Auswanderer aus dem ehemaligen Land Braunschweig*, Ausstellungskataloge der Herzog August Bibliothek, vol. 76 (Wiesbaden 2000), 201–214. We are to keep in mind that the surrender at Saratoga was called a ›convention‹ rather than a ›capitulation‹ – hence the term ›Convention Army‹ denoting the defeated British and German troops under Burgoyne's command. However, instead of allowing the ›Convention Army‹ to leave North America on parole, as agreed on by Burgoyne and Gates at Saratoga, the Continental Congress detained these troops as ›regular‹ prisoners of war and later marched them south into Virginia.

[50] The journal was actually not written by Colonel Specht himself, but by his adjutant Lieutenant Anton Du Roi. Helga Doblin [et al.], eds., *The Specht Journal: A Military Journal of the Burgoyne campaign.*(Westport 1995), xiii–xix. For this article, I have used the translated version of Specht's regimental journal. The first part of the original German document can be found as *Handschriften des Lieutenants Du Roi* at the Niedersächsisches Staatsarchiv Wolfenbüttel (NdsStA Wf), VI HS 11 Nr. 76. A copy of the second part of the journal ought to be found in the Bancroft Collection of the New York Public Library. To this day, I was not able to locate this second part at the Niedersächsisches Staatsarchiv Wolfenbüttel.

tillery had likewise gone out and the artillerymen stood at their cannon. In spite of no [American] regt. being properly attired with regimentals and most regts. being but militia, the men nevertheless stood straight and in orderly lines under arms. There was absolute silence in those regts. as can only be demanded from the best disciplined troops. Many officers were wearing any old uniforms and the regts. were made up as they came: cloths of any color would do. [...] To the regts.' [sc. American] credit, it must be said that not a single man gave any evidence or the slightest impression of feeling hatred, mockery, malicious pleasure or pride for our miserable fate. Their modesty rather filled us with amazement. [...] The regts [sc. British and German] [...] marched to Freeman's Farm where they had to bivouac. Here we found our abandoned hospital still there, and all the sick and wounded in it praised the generosity and care of our former enemy[51].«

Particularly striking in this passage is how much the journal emphasizes the excellent appearance of an American army that, without proper uniforms and training, behaved properly and knew how to approach defeated enemies with dignity. The German Commander of the Brunswick forces, Major General Friedrich Adolph Baron von Riedesel even remarked that history offered very few instances »where troops could be reconciled to a capitulation with so much honor«[52]. We witness American revolutionaries who were more than able to live up to the expectations of European regular officers trained in a society and a military in which the ruling class was eager to publicly present characteristics like chivalry and courtesy in warfare.

Once again, we learn much from this account about how rituals of surrender were performed in the American War of Independence and what their major characteristics were. Just like at Yorktown, the rituals performed at Saratoga stressed the three stages comprising the rites of passage: First, the defeated soldiers marched out of their camp and entrenchments; second, they put down their arms at a designated place; third, the British and German troops marched off as newly-made prisoners of war and passed through the American army lining the road. On their way, the British and German soldiers also crossed a river, the classic form of a boundary marking the spatial passage of the ritual. Not only do such physical and symbolic movements figure prominently in the accounts, but also the rituals' emotional power[53]. The British officer Lieutenant William Digby, for instance, wrote about the surrender:

[51] Doblin [et al.], eds., *The Specht Journal* (n. 50 above), 101 f.

[52] William L. Stone and Max von Eelking, *Memoirs and Letters, and Journals of Major General Riedesel During his Residence in America. Transl. from the orig. German of Max von Eelking* (Albany 1868), 1:187.

[53] On spatial passages during rituals, see Gennep, *The Rites of Passage* (n. 29 above), 22 and 192, and Bellinger and Krieger, eds., *Ritualtheorien* (n. 16 above), 13. For bodily and emotional involvements during rituals, see Muir, *Ritual in Early Modern Europe* (n. 15 above), 31. On ritual boundaries and taboos, see in particular Mary Douglas who states: »Ich bin nämlich der Meinung, dass die Vorstellungen vom Trennen, Reinigen, Abgrenzen und Bestrafen von Überschreitungen vor allem die Funktion haben, eine ihrem Wesen nach ungeordnete Erfahrung zu systematisieren. Nur dadurch, dass man den Unterschied zwischen Innen und Außen, Oben und Unten, Männlich und Weiblich, Dafür und Dagegen scharf pointiert, kann ein Anschein von Ordnung geschaffen werden.« Mary Douglas, »Ritual, Reinheit und Gefährdung«, in Bellinger and Krieger, eds., *Ritualtheorien* (n. 16 above), 79.

»About 10 o'clock we marched out, according to treaty, with drums beating & the honours of war, but the drums seemed to have lost their former inspiring sounds, and though we beat the Grenadiers march, which not long before was so animating, yet then it seemed by its last feeble effort, as if almost ashamed to be heard on such an occasion. As to my own feelings, I cannot express them. Tears (though unmanly) forced their way, and if alone, I could have burst to give myself vent. I never shall forget the appearance of their troops on our marching past them; a dead silence universally reigned through their numerous columns, and even then, they seemed struck with our situation and dare scarce lift up their eyes to view British troops in such a situation[54].«

For the moment, we thus have to record the fact that these rites of passage, similar to Yorktown, helped to guide the British and German soldiers, as part of a defeated military community, in their transition from being soldiers to being prisoners of war. Regarding such processes, in addition to the observations noted above, David Krieger and Andréa Bellinger have emphasized that »Persönliche, soziale und kulturelle Identität, d.h. die Zugehörigkeit zu einer Gruppe oder einer Gesellschaft, wird durch Handeln in Form von Ritualen zugleich ausgedrückt und verwirklicht[55].« Moreover, for the surrendering common soldiers and officers in the British and German regiments, the establishment of the rituals of surrender and their actions within these performances meant that they, in the language of the contemporaries, were received in all honor[56]. In other words, all of them, the highest-ranking nobles and officers as much as the lowest-ranking common soldiers, could maintain their self-esteem and self-respect during defeat.

For the Americans, next to announcing their victory and making possible the experience of it, the proper staging of the rituals also brought much needed and wanted respect from their adversaries. The regimental journal of the Specht regiment and General Riedesel's comments demonstrate clearly that the American fighters had proven their ability to adhere to the established traditions and customs of war in the eyes of European professional soldiers. Ultimately, the proper performance of such rituals also provided the revolutionaries with legitimacy in their struggle against the motherland[57].

In another account, however, the British officer Thomas Anburey reveals some details about the rituals of surrender at Saratoga, which let us see the events in a slightly different light. At first, in typical fashion, this British officer takes recourse to history and compares the surrender of Saratoga with the capitulation of the Duke of Sachsen-Eisenach to the French Marshal de Crequi in 1677. The Marshal on that occasion had allowed the Duke »to pass with his army by a particular route,

54 James Phinney Baxter, ed., *The British Invasion From the North: Digby's Journal of the Campaigns of Generals Carleton and Burgoyne From Canada, 1776–1777* (New York 1970), 319 f.

55 Bellinger and Krieger, eds., *Ritualtheorien* (n. 16 above), 31.

56 See also Roy A. Rappaport who states: »Wenn ein Ritual nicht ausgeführt wird, ist es kein Ritual. Dies soll nicht bloß darauf hinweisen, dass ein Ritual kein Buch, kein Mythos oder kein Fernsehgerät ist, sondern es soll damit vielmehr betont werden, dass die Ausführung selbst ein Aspekt dessen ist, was sie ausdrückt und nicht bloß eine Art etwas mitzuteilen.« Roy A. Rappaport, »Ritual und performative Sprache«, in Bellinger and Krieger, eds., *Ritualtheorien* (n. 16 above), 192.

57 On this notion, see also Peter Shaw, *American Patriots and the Rituals of Revolution* (Cambridge, MA 1981) and Kertzer, *Ritual, Politics, and Power* (n. 16 above), 153.

and all the officers, troopers, and common soldiers of the French army, were expressly forbidden to offer the least injury or insult, either to the Duke or his army, in their return to Germany.« Following this retrospective, however, Anburey states explicitly what Col. Specht or Lt. Digby only indicate: General Gates, »being fully sensible of the mortification attending our reverse of fortune, [...] kept his army within their camp during the time we were piling up our arms, that they might not be spectators of so humiliating a scene[58].« Even more pronounced, an anonymous German soldier noted: »Ohngefehr 1 Uhr Nachmittages ging darauf die teutsche Linie zum letzten mahle zum Gewehr, kein Feind näherte sich uns, wie sonst gebräuchlich ist[59].«

Thus the ritual performed at Saratoga differed in a small, but very significant detail from the events at Yorktown. The key to understanding the consequences of this difference, I think, is to study what Gennep called the »length and intricacy« of each stage in the ritual process of the rites of passage[60]. In case of the Saratoga surrender, the British and German soldiers' march past the Americans after laying down their arms was clearly given preference over the liminal phase on the field. Indeed, as Anburey's account of the surrender emphasizes, not a single American officer or soldier was present when the British and Germans grounded their arms on the field[61]. Hence the transformation of the armed British and German fighters into unarmed prisoners of war remained (symbolically and physically) invisible to American eyes. Compared to Yorktown, then, this change in state and status of the British and German soldiers had a different character. Instead of placing the emphasis on a final acknowledgement, understanding, and experience of defeat for the vanquished (or victory for the Americans), the rituals of surrender performed at Saratoga gave priority to the rites of incorporation of the British and German soldiers on their march past the American troops. In other words, unlike the events at Yorktown in 1781, the ritual at Saratoga on October 17, 1777 did not correspond fully to the events on the battlefield where the Americans had won a clear-cut victory and the British and Germans had suffered a complete defeat.

That the rituals of surrender were performed in this way was the result of the »principle articles of the Convention« as the American Captain Rufus Lincoln noted in his diary. General Burgoyne and General Gates had agreed: »The army Should march out of their Camp with all the honours of war, and its Camp Artillery, to a fixed piece of ground were they were to Deposit their arms.« Then the British and Germans were to »be allowed a free Embarkation to Europe from Boston upon Condition of their not Serving again in America during the present war.« Significantly, Lincoln also mentioned that »all persons of whatsoever Country appertain-

[58] Thomas Anburey, *Travels Through the Interior Parts of America*, 2 vols. (Boston, New York 1923), 2: 2.

[59] Anonymus, *Fragment eines Tagebuchs über die braunschweigischen Truppen im amerikanischen Kriege*, NdsStA Wf VI HS 5, Nr. 23, 119 f.

[60] Gennep, *The Rites of Passage* (n. 29 above), 28.

[61] See also Charles Neilson, *An Original, Compiled, and Corrected Account of Burgoyne's Campaign and the Memorable Battles of Bemis's Heights, Sept. 19, and Oct. 7, 1777: From the Most Authentic Sources of Information, Including Many Interesting Incidents* (Bemis Heights 1926), 210–223. Ray W. Pettengill, *Letters from America, 1776–1779; Being Letters of Brunswick, Hessian, and Waldeck Officers with the British Armies During the Revolution* (Boston, New York 1924), 109–113 includes several anonymous letters sent to Germany on this occasion.

ing to or following the Camp to be fully Comprehended in the terms of Capitulation«[62].

This arrangement was far from predetermined. Instead, a closer look at the negotiations between Burgoyne and Gates before October 17 tells us much about an ongoing power-contest over the proper staging and form of the surrender. At first, Gates proposed as article six of the terms of surrender that »the Troops under his Excellency Gen. Burgoyne's Command may be drawn up in their Encampment, when they will be ordered to ground their Arms, and may thereupon be marched to the River Side.« But Burgoyne replied in harsh words: »This Article inadmissible in an Extremity. Sooner than this Army will consent to ground their Arms in their Encampment, they will rush on the Enemy determined to take no Quarter.« He got his way: Gates accepted Burgoyne's demand that the British and German soldiers were to march out to »the Verge of the River, where the old fort stood, where the Arms and Artillery are to be left; the Arms to be piled, by Word of Command by their own Officers«[63].

For many historians, these negotiations simply show that Gates initially attempted to force an unconditional surrender on Burgoyne's army but failed[64]. Instead, I would like to suggest that the commanders at Saratoga were very much aware and conscious of the fact that the surrender's appearance and the particular emphases that were placed on certain stages in the process had a great impact on their meanings for them and their soldiers as well as on the messages that were sent out to the world far away from the battlefield[65]. Hence, General Gates actually attempted at first to reduce the rites of separation (the march to the field) – so important for the British and German soldiers but not for the American victors – into virtual non-existence (grounding arms *in camp*). This would have rendered the British and German soldiers' rites of passage incomplete and was completely unacceptable to Burgoyne. In turn, Burgoyne proposed rites of passage that were especially advantageous for his troops. Once Gates retreated from his suggestions and accepted Burgoyne's counterproposals without changes (to lay down the weapons outside of the camp, out-of-sight of Gates' army, and on orders of British and German officers), the American commander had lost the entire struggle over the powerful meaning of the rituals of surrender.

Under these circumstances, the congressional decision not to ratify the Convention of Saratoga and not to allow the British and German soldiers to go on parole to Europe, but instead to effectively detain them as prisoners of war in Massachusetts and Virginia, has to be understood as much in terms of this British ›ritual victory‹, as in terms of political, strategic, and financial considerations. One might even go so far as to state that such a ritual, such a symbolic British victory and American defeat, might have been more important in the minds and eyes of the contemporaries than the actual events on the battlefield. At the very least, it allowed

[62] James M. Lincoln, ed., *The Papers of Captain Rufus Lincoln of Wareham, Mass.* (New York 1971), 22.

[63] The exchange was made public as Horatio Gates and John Burgoyne, *The Following Messages &c. Passed Between Major General Gates and Lieutenant General Burgoyne, Previous to the Convention of Saratoga*«, Early American Imprints. First Series, no. 43247 (Yorktown, PA 1777).

[64] Ketchum, *Saratoga* (n. 10 above), 420, and Mintz, *The Generals of Saratoga* (n. 10 above), 221.

[65] See Muir, *Ritual in Early Modern Europe* (n. 15 above), 269–274, and Kertzer, *Ritual, Politics, and Power* (n. 16 above), 184.

the defeated soldiers to march away from the sight of their surrender without actually feeling defeated. For the victors, unlike at Yorktown in 1781, the ›Convention of Saratoga‹ – while certainly bringing France into an alliance with the revolutionaries – retained a somewhat negative flavor.

III. Trenton

The Hessians of Colonel Rall's brigade would have preferred missing Christmas at Trenton in 1776. Washington's lightning raid over the Delaware during the night of December 25 took nearly one thousand prisoners – the first large group of German soldiers in the American War of Independence – and brought about a much-needed victory for the otherwise often defeated Continental Army.

Over the course of this year, after all, the revolutionaries had lost New York City and Fort Washington to the British. In November, General Washington and the main body of the Continental Army had barely escaped the British over the Hudson River into New Jersey. Yet, the British and German armies under Lord Charles Cornwallis and Major General Howe immediately followed the Americans. The next weeks up to the battle at Trenton saw Washington's continuous retreat through this state, over the Delaware River, and into Pennsylvania[66].

While it remains debatable whether the state of the Continental Army and ultimately the American Revolution in these days was truly as miserable as many historians – and Washington himself[67] – have described it, there is no doubt that the British in December 1776, before Trenton, had the upper hand in the war. Washington knew that the revolution badly needed a success. Thus, by mid-December, according to Higginbotham, he set out to »plan his only really brilliant stroke of the war«. The idea was to cross the Delaware around Christmas and attack the 1,400 Hessians stationed at Trenton in New Jersey. General James Ewing would take another group of Pennsylvania militia and prevent the Germans from escaping on the road to Bordentown. A third body of troops, led by Colonel John Cadwalader, would take on Bordentown directly[68].

Washington's raid succeeded, and this victory was more than just a relief from constant British pressure. It was a manifestation of the revolutionaries' endurance in the conflict. Unfortunately, neither Ewing nor Cadwalader had been able to reach their objectives. Hence, about 400 Hessians were able to escape toward Bordentown and alert Colonel von Donop's troops there. Realizing the threat, Donop retreated toward Princeton. Back in Pennsylvania on December 27, Washington, by now burdened with many captives, decided that the affair was not yet over. He was still on the ›warpath‹. On December 30, using the momentum of the success at Trenton, he crossed the Delaware again with his troops. He wanted to attack more British garrisons in New Jersey. Nevertheless, the British reaction to the Con-

[66] Higginbotham, *The War of American Independence* (n. 2 above), 159–165.
[67] John C. Fitzpatrick [et al.], eds., *The Writings of George Washington From the Original Manuscript Sources, 1745–1799*, 39 vols. (Washington, DC 1931–1944), 6: 398.
[68] Higginbotham, *The War of American Independence* (n. 2 above), 166 f. See also David Hackett Fischer, Washington's Crossing (Oxford, New York 2004).

tinentals' crossings of the Delaware was, so Higginbotham observed, »more swift and decisive than Washington had imagined«. Cornwallis already hurried toward Trenton with about 6,000 soldiers and arrived there around New Years' Day. Hence, the Americans had to swing boldly behind Cornwallis' army on their second march deeper into New Jersey. This maneuver was successful and Washington pushed toward Princeton where he successfully attacked the British garrison of about 1,400 men on January 3, 1777. Enraged, Cornwallis turned around his men immediately and tried to catch the Americans. But Washington and particularly his men had seen enough fighting, chasing, and maneuvering in a cold New Jersey winter. They retreated toward Morristown to settle in for winter quarters[69].

Compared to Yorktown or Saratoga, then, the situation at Trenton in December 1776 was very different. Instead of witnessing an end to a single, long, and protracted campaign, New Jersey in November and December 1776 was the scene of repeated, quick movements and maneuvers of various larger and smaller units on both sides. Therefore, it was no wonder that the Hessian Private Johannes Reuber described the immediate aftermath of the Battle at Trenton with a great sense of urgency:

> »So geschwind als nur möglich war an der Dällewa hin nauf, dranschportirt[en] Sie uns Hessen Krigsgefange 900 Mann, ohne was Dott und pleßiert [war] und bei Neu Frangfort, setzten Sie uns über die Dällewa, auf die phieledelfie[sche] Seide, in ein schlimmes gefängnis[70].«

The Hessian Captain Jakob Piel depicted these moments and hours after the battle in a similar tone when reporting:

> »Gleich nach unserer Gefangennehmung wurden wir bei Johnsons Ferry über den Delaware nach Pennsylvanien übergesetzt. Die Gemeinen wurden noch denselben Tag nach Newtown gebracht und wir Officiers 25 an der Zahl blieben in einem Hause, nicht weit vom Delaware, in einem kleinen Zimmer beisammen, wo wir die Nacht sehr elend zubrachten[71].«

Here the American's acted under full order of General Washington. In a letter subsequently published in the *Pennsylvania Packet*, an anonymous officer wrote:

> »I was immediately sent off with the prisoners to McConkey Ferry[72], and have got about seven hundred and fifty safe in town. [...] The success of this day will greatly animate our friends, and add fresh courage to our new army[73].«

[69] Ibid., 165–171.

[70] Johannes Reuber, *Tagebuch des Grenadiers Johannes Reuber. Eingefügt Bericht eines anderen über die Belagerung Gibraltar's 1782 und die Eroberung von Mannheim 1795, von Reubers Hand geschrieben*, Landesbibliothek und Murhard'sche Bibliothek Kassel (LB Kassel), 8° Ms. Hass. Nr. 46/1, entry of December 25, 1776. Reuber made two copies of this diary for his sons. One of these copies can be found at the Stadtarchiv Frankfurt am Main, the other one was sold to the United States in a 1961 auction at Sotheby's. Two more copies of the diary (by different copiers) remain today at the New York Public Library. See also Inge Auerbach, *Die Hessen in Amerika* (n. 2 above), 311.

[71] Jakob Piel, *Geschichte des hochlöblichen Fusilier-Regiments von Lossberg in Form eines Tagebuchs angefangen, 1776–1778*, LB Kassel, 4° Ms. Hass. Nr. 188, 28. See also Bruce E. Burgoyne, ed., *Defeat, Disaster and Dedication: The Diaries of the Hessian Officers Jakob Piel and Andreas Wiederhold* (Bowie, MD 1997).

[72] At the time, there was confusion about which ›ferry‹ was actually used by the Continentals to cross the Delaware with their prisoners. It seems that Jakob Piel was right when speaking of Johnson's Ferry.

[73] »Extract Of A Letter From An Officer Of Distinction At Newton, Bucks County, Dated December 27, 1776«, *Pennsylvania Packet, Or The General Advertiser*, January 4, 1777.

Instead of a ceremony and ritual like that of Saratoga in 1777 or Yorktown in 1781, we thus witness at Trenton in 1776 a group of approximately one thousand Hessian prisoners of war being hurried across the land and river. A ceremony was nevertheless not forgotten, just delayed. Private Reuber stated:

> »Des nachmittags [sc. December 30, 1776] kahmen wirs vor Hauptstatt pfilledelfiea an [...] und weil wir vor diese schöne Stadt kahmen, da sahen wir uns einmal wilt um, weill wir die vielen Menschen [sahen]. Den die ganzen Menschen wahren aus der Statt ausgerückt, die alten und die jungen, um uns zu sehen, was wirs vor Menschen währen. Weil wir ihnen recht vor die augen kahmen, so sahen sie uns recht an. Die alten weiber, diete da wahren, deils schreiten, deilsch schümpften, schröcklich über uns und wolten uns erwürgen, das wir nach Amerika kähmen, und wollten ihnen ihre Freyheit, Rauben, theils brachten Brott, und Brandewein. Die alten Weiber waren der Grimmigste über uns. Wen die ameriecahnische Wacht welche bey uns wahr, nicht gar zu gutt, gegen uns war, deils hätten uns erwürgett, den solten uns in der ganzen Statt rum führen, allein durch ihre Bittrigkeit sprach der wacht Commandante, Nein und lie[ß] die Caßärne öffnen, uns rein Marschieren zu laßen, ihr lieben Hessen, ich will euch in Versicherunge bringen. Seit ruhig und stille [...][74].«

More succinctly, the Hessian Capitain d'armes Jeremias Kappes noted: »d. 30ten nach Philadelphia, alwo wir [erst] in der gan[tsen] Stadt zum Spectacul wurden, herein geführt«[75]. Similar to these men, Captain Piel also did not have pleasant memories of his entrance into the city as a prisoner of war. He stated that the officers reached Philadelphia in the late afternoon »unter einem gewaltigen Zusammenlauf von Menschen, deren Zuruf kein Kompliment für uns war«[76]. As officers, they could ride on wagons, but this did not relieve them of the filth that the population threw at them. Luckily, as the Hessian Captain Wiederhold wrote in his journal, many wagons were covered[77]. To both men, this unfriendly greeting in Philadelphia came as a great surprise because they and some of their comrades in the Hessian officer corps had been frequently invited for dinner by American officers over the past couple of days[78].

On the side of the revolutionaries in Philadelphia, the staunch Whig Christopher Marshall described the turbulent arrival of the Hessian prisoners in the city. He wrote that »near eleven, the Hessian prisoners, to the amount of nine hundred, arrived in this City, and made a [...] despicable appearance«[79]. Even more jubilantly the Committee of Transacting Continental Business reported to Congress on December 31:

[74] Reuber, *Tagebuch des Grenadiers Johannes Reuber* (n. 70 above), entry of January 1, 1777.
[75] Jeremias Kappes, *Notizbuch des Captain d'armes Jeremias Kappes aus dem amerikanischen Feldzug 1776–1778*, LB Kassel, Tagebuch-Nr. 77/76, 64.
[76] Piel, *Geschichte des hochlöblichen Fusilier-Regiments von Lossberg* (n. 71 above), 30.
[77] Andreas Wiederhold, *Tagebuch des Hauptmanns Wiederhold 1776–1780*, LB Kassel, 4° Ms. Hass., Nr. 216, 45 f.
[78] Including George Washington and Lord Stirling. See Piel, *Geschichte des hochlöblichen Fusilier-Regiments von Lossberg* (n. 71 above), 29, and Wiederhold, *Tagebuch des Hauptmanns Wiederhold* (n. 77 above), 43 f.
[79] William Duane, ed., *Extracts From the Diary of Christopher Marshall: Kept in Philadelphia and Lancaster, During the American Revolution, 1774–1781* (Albany 1877), 109 f.

»We had yesterday the pleasure to see the Hessian prisoners paraded in Front Street. They formed a line two deep up and down Front Street from Market to Walnut Street, and most people seemed very angry they should ever think of running away from such a set of vagabonds. We have advised that both the officers and men should be well treated, and kept from conversing with disaffected people as much as possible[80].«

Yet, as the Committee's reference to ›disaffected people‹ shows, not everybody in the city was as glad to see the Hessians paraded through town as were Christopher Marshall, the Committee members, or Congress. The loyalist Sara Fisher, for instance, noted in her diary that on this day she wanted to visit some friends, but could not go there because the streets were filled with a »multitude of people« who went and watched the prisoners marching into town. These men, she states, looked »poorly clad« and had many pitiful looking women and children among them[81].

Recalling the emphasis placed on the proper celebration of rituals of surrender – or the intense negotiations about their appearance – after Saratoga or Yorktown, it is surprising that following the Battle of Trenton we do not witness anything resembling a ritual performance. Instead, all accounts emphasize the great hurry in which the newly-made Hessian prisoners of war were ferried over the ice-ridden Delaware into Pennsylvania immediately after the battle. There, the Hessian common soldiers were separated from their officers and put into a prison. Thereafter, at a time when Washington and his army were on their way back into New Jersey to fight the British at Princeton, the prisoners were led toward and through Philadelphia in a parade.

Could these observations lead one to the conclusion that rituals of surrender did not constitute such an important tool in the revolutionaries' warfare as the previous discussions of the surrenders at Yorktown and Saratoga have suggested and claimed? For the Americans, at least, the successful Battle of Trenton would have constituted a perfect opportunity to send out powerful messages by way of a ritual modeled after the rites of passage. The ritual could also have been a performance for a Continental Army that, following a series of defeats, came back, defeated the Hessians, and saved the Revolution. However, nothing even remotely similar happened.

An answer to these questions might be found in the military situation as briefly described earlier: Immediately after the Battle of Trenton, there was simply no time for rituals of surrender. Washington knew of Cornwallis' army hurrying toward Trenton in order to intercept the Continentals and had plans of his own. Time was of essence. At this moment in the campaign, any delay might have brought ultimate defeat to the Americans. All that Washington had in mind after Trenton was to get rid of his prisoners as soon as possible, regroup his army, and move on. Furthermore, the enlistments of most of Washington's soldiers were about to expire on January 1, 1777. It was actually quite uncertain if they would even remain with

[80] Peter Force, ed., *American Archives: Consisting of a Collection of Authentick Records, State Papers, Debates, and Letters and Other Notices of Publick Affairs, the Whole Forming a Documentary History of the Origin and Progress of the North American Colonies*, 9 vols. (Washington DC 1837–1853), Fifth Series, 3: 1484.

[81] Sara Fisher, »›A Diary of Trifling Occurrences‹, Philadelphia, 1776–1778«, *The Pennsylvania Magazine of History and Biography*, 82 (1958), 82.

him for the second attack into New Jersey. Any delay in Washington's plans, therefore, might have resulted in the complete disintegration of the Continental Army[82].

At this point, instead of setting aside or dispensing with ritual performances altogether, Washington and the revolutionaries in Philadelphia merely postponed their staging for a few days. Then they led their prisoners of war through Philadelphia in a parade on December 30. Yet, as the accounts by Reuber, Kappes, Piel, Wiederhold, and the report from the Committee of Transacting Continental Business in Philadelphia attest, this parade had little to do with rituals of surrender but emphasized the humiliation of the German enemies[83]. We do not observe Hessian troops grounding arms, or marching past the Continental Army, but witness frightened common soldiers and disturbed officers being led through the city while being threatened by the population. Their public display lacked any reassuring rites of passage similar to those that we observe at Saratoga or Yorktown.

These rites of humiliation, as one might call the parade, had different meanings from rituals of surrender and they were aimed at different audiences. In Philadelphia, the parade emphasized less the proper *making of and becoming* prisoners of war than the public *showing and humiliation* of the captives. The parade thus provided the American population with an even more powerful moral boost. They could see in person the very men, defeated by their own army under General Washington, who had attacked their ›liberties‹ so viciously. The parade of defenseless prisoners of war sought to belittle the enemy in order to make the revolutionaries feel stronger. *Outsiders* – that is, all foreign and domestic observers or opponents of the Revolution – could recognize and acknowledge that it was not a weak, uncivilized crowd of rebels fighting the British, but a powerful, united body of people. For *insiders* – that is, foreign and domestic supporters of and participants in the revolution – the public parade of the Hessians showed that the Germans were not invincible, that American patriots could defeat them. After seeing the prisoners in the streets of Philadelphia, everybody could believe in the strength and might that Americans could develop and successfully employ.

To reach these goals in Philadelphia, however, the Hessians needed to be ›true‹ enemies of the revolution. Without such an enemy, after all, the entire parade would not have worked or made sense. The problem with the German *Subsidientruppen* was that they, as the revolutionaries knew perfectly well, were only employed by the British to fight the colonists. In the contemporaries' understanding, hence, the German soldiers had no ›real‹ stake of their own in the war[84]. One solution to this dilemma was offered by the Hessians' march through New Jersey toward Trenton, which was portrayed in the angriest terms. According to one account, the Hessians committed »barbarous atrocities«, arbitrarily burned houses, and pillaged farms[85].

82 Higginbotham, *The War of American Independence* (n. 2 above), 168.

83 See also Rodney Atwood, *The Hessians* (n. 2 above), 98 who states that Washington, »to display his triumph and the lost invincibility of the Hessians, [...] paraded his prisoners through Philadelphia«.

84 In a *Kabinettkrieg* this would not have mattered that much, but this was a revolutionary war (and civil war) in which the revolutionaries not only fought for independence, but also for a republican government of their own making.

85 Force, ed., *American Archives* (n. 80 above), Fifth Series, 3: 1188. See also *Relationen vom nordamerikanischen Krieg unter dem Kommandeur General v. Heister (Bd 1: 1776–1777)*, Staatsarchiv Marburg, Best. 4h, Nr. 3098, 499–502 and *Papers and Affidavits Relating to the Plunderings, Burnings, and Ravages Committed by the British, 1775–1784*, Item 53, Papers of the Continental Congress, National Archives and Record Administration, Washington, DC.

Under these circumstances, then, it was only right and just for Americans to humiliate those troops once they had defeated them.

Such action, however, brought the revolutionaries in conflict with other policies enacted earlier, in August 1776, when the first Hessian troops set foot on the American shore at Staten Island. At that time, Congress had appointed a committee »to devise a plan for encouraging the Hessians, and other foreigners, employed by the king of Great Britain, and sent to America for the purpose of subjugating these states, to quit that iniquitous service.« The idea behind the plan was that »such foreigners, if appraised of the practice of these states [sc. the United States of America] would choose to accept of lands, liberty, safety and a communion of good laws, and mild government, in a country where many of their friends and relations are already happily settled.« Thus, Congress would »provide, for every such person, 50 acres of unappropriated land in some of these states, to be held by him and his heirs in absolute property«[86]. This message was to be quickly printed and distributed among the Germans, and General Washington expressed his hope that, so induced, many Germans would soon desert from the British armies[87].

One of the committee members, however, discovered a flaw in the address. James Wilson remarked on August 22, 1776 that no distinctions were made between the foreign soldiers »in proportion to their rank and file«[88]. Immediately Congress acted and a new committee – this time including such illustrious public figures as Thomas Jefferson, Benjamin Franklin, and John Adams – sat down to draft a new message. It offered lands

> »in the following quantities and proportions [...], to wit, to a colonel, 1,000 Acres; to a lieutenant colonel, 800 Acres; to a major, 600 Acres; to a captain, 400 Acres; to a lieutenant, 300 Acres; to an ensign, 200 Acres, to every non-commissioned officer, 100 Acres, and to every other officer [or] person employed in the [said] foreign corps and whose office or employment is [not] specifically named, land in the like proportion to their rank or pay.«

Again, this new message was to be translated, printed, and quickly distributed among the Germans. In a letter to Thomas McKean on August 28, 1776, Benjamin Franklin even told of a particularly imaginative plan for the distribution of the handbill among the German soldiers: in drift canoes, the handbills with »Tobacco Marks on the Back« should be brought to Staten Island. There the smoking soldiers would gladly take the broadsheets and read them »before the officers could know the Contents of the Paper and prevent it«[89].

In other words, the revolutionaries also recognized that the foreign troops in their hands had great potential. As immigrants, they could play a significant role in building a new country or help fighting the War of Independence. They just would have to follow the footsteps of many thousands of their countrymen from other German states who had already come to North America years and decades

[86] Worthington Chauncey Ford [et al.], eds., *Journals of the Continental Congress, 1774–1789*, 34 vols. (Washington 1904–1937), 5: 640 and 654 f.

[87] Lyman H. Butterfield, »Psychological Warfare in 1776: The Jefferson-Franklin Plan to Cause Hessian Desertions«, *Proceedings of the American Philosophical Society*, 94 (1950), 237.

[88] Force, ed., *American Archives* (n. 80 above), Fifth Series, 1: 1110.

[89] Ford [et al.], eds., *Journals of the Continental Congress* (n. 86 above), 5: 707 f.; Edmund C. Burnett, ed., *Letters of Members of the Continental Congress*, 8 vols. (Washington, DC 1921), 2: 59 f.

before. Humiliating the prime targets of this campaign on a parade in Philadelphia, however, was certainly quite detrimental to these aims. The parade, after all, might alienate the newly-made prisoners of war to a point where they would no longer consider switching sides in the conflict. How both plans might work already became evident in a letter Washington wrote to the Pennsylvania Council of Safety on December 29:

> »I leave the place, where they [sc. the Hessian prisoners of war] are to be quartered, to your better Judgments. But I think the Officers and Men should be separated. I wish the former may be well treated, and that the latter may have such principles instilled into them during their Confinement, that when they return, they may open the Eyes of their Countrymen, who have not the most cordial Affection for their English fellow soldiers [...]. P.S. It would be well to distribute some of the Papers printed and published by Congress among them[90].«

Obviously, in this letter Washington no longer gave instructions on how to deal with an enemy who had to be humiliated, but talked about Hessian prisoners of war who had to be attracted to the American cause[91]. Moreover, he believed that there is a good chance that the soldiers, once they had been exchanged, would tell their comrades about the great opportunities America offered for immigrants. Thus, he considered the German common soldiers in particular to be able to act as catalysts and disseminators of such ideas. The entire plan was all the more likely to succeed because, so Washington thought, the German and British soldiers did not get along with each other very well.

Prepared in this way, one might say, the revolutionaries approached the Hessian prisoners of war in Philadelphia – once their first aim, the construction and subsequent humiliation of an enemy as well as the bolstering of American morale was achieved – in a different manner. On January 2, 1777, Philadelphia's German newspaper, the *Pennsylvanischer Staatsbote* observed:

> »Letzten Montag wurden den 1000 Mann hessen, welche zu Trentaun gefangen genommen worden, nach dieser stadt gebracht. Der elende zustand dieser unglücklichen leute, von welchen die meisten, so nicht alle, von ihren weibern und kindern auf befehl eines eigenmächtigen und geldgetzigen Fürsten, weggeschippet worden sind, muß jedes elde gemühth mit der schrecklichsten vorstellung von den wirkungen willkührlicher gewalt auf das empfindlichste erfüllen[92].«

Instead of barbarians who had carried out the most outrageous crimes, we suddenly read of poor men, sold into the British Army by greedy princes. Such men, the author stresses, deserve the Americans' pity, not their hate. On January 8, 1777, the same newspaper published a German version of a broadsheet written and published by the Pennsylvania Council of Safety following Washington's letter to them. In regard to the Hessian soldiers it said:

[90] Fitzpatrick [et al.], ed., *The Writings of George Washington* (n. 67 above), 6: 453.

[91] Here, one should emphasize that the guards, as Reuber wrote, protected the prisoners on their march through the city. Reuber, *Tagebuch des Grenadiers Johannes Reuber* (n. 70 above), entry of January 1, 1777.

[92] »Philadelphia, den 2 Jenner. Die letzten Nachrichten aus den Jerseys ...«, *Heinrich Millers Pennsylvanischer Staatsbote*, January 2, 1777. See also Force, ed., *American Archives* (n. 80 above), Fifth Series, 3: 1512.

> »Der General empfiehlet diesem Rath, sie mit bequemen Quartieren zu versehen, und es ist sein ernstliches verlangen, daß sie wohl behandelt und ihnen solche grundsätze beygebracht werden mögen, so lange sie gefangene bleiben, damit, wenn sie ausgewechselt werden, und zurück gehen, sie ihren landsleuten im dienst des Königs von Großbritannien, die gegenwärtig nicht wenig eifersüchtig über ihre Englische mit-soldaten sind, die augen völlig eröffnen mögen. Diese elenden geschöpfe erregen jetzt mit recht unser mitleiden. – Sie haben keine Feindschaft gegen uns[93].«

The text even continues by stating that the poor Hessians had been »weggeschleppt« from their families in Germany and were sold into the army like »vieh«[94]. Moreover, fully excusing the allegedly committed atrocities, the broadside pointed out that the Hessians earned so little money in British service that they were »zum plündern ermuntert und genöthiget worden«. It ends with stating: »Allein von dem augenblick an, da sie der gewalt der Brittischen Officiers entrissen sind, sollten wir sie nicht länger als unsere feinde ansehen [...]. Brittannien allein ist unser feind[95].«

Almost immediately, one could sense the effects of such appeals. On January 15, 1777, for instance, the *Pennsylvanischer Staatsbote* ran an advertisement for a young German soldier from Berlin, captured at Trenton, who offered his service as a secretary or schoolmaster to German immigrants living in town. The publisher assured the reader that the soldier could write and speak French and German very well and had nice handwriting. Yet, since he was officially a prisoner of war, »wo er sich aufhält« could only be found out by contacting the publisher[96].

Already on December 31, 1776, concerning the Hessians' time in captivity at Lancaster, the Pennsylvania Council of Safety had written to the Committee there:

> »They [sc. the prisoners] seem perfectly ignorant of the nature of our present contest, and greatly dissatisfied with the service. [...] It will be necessary to prevent our weak and overzealous friends insulting or putting them in mind of their past behavior. It is our interest to improve the present opportunity to make them our friends. [...] The Germans [sc. the German immigrants living in Lancaster], by treating them as brethren and friends, may do the most essential service to our cause[97].«

All of these statements show that the revolutionaries had come far from portraying the Hessian soldiers as enemies and belittling them in rites of humiliation by mid-January 1777. Instead, the soldiers had become a tool and target of propaganda efforts attempting to induce them to desert from the British lines. The Ame-

93 »An das Publicum«, *Heinrich Millers Pennsylvanischer Staatsbote*, January 8, 1777. See also »Address of Council of Safety, 1776«, *Pennsylvania Archives*, First Series, 5: 146.

94 For research on the so-called *Soldatenhandel*, see for instance Auerbach, *Die Hessen in Amerika* (n. 2 above), 15–91; Charles W. Ingrao, »Kameralismus und Militarismus im Deutschen Polizeistaat: Der hessische Söldnerstaat«, in Georg Schmidt, ed., *Stände und Gesellschaft im Alten Reich* (Wiesbaden 1989), 171–197; Samuel F. Scott, »Foreign Mercenaries, Revolutionary War, and Citizen-Soldiers in the Late Eighteenth Century«, *War & Society [Australia]*, 2 (1984), no. 2, 41–58; Michael Sikora, »Söldner – historische Annäherung an einen Kriegertypus«, *Geschichte und Gesellschaft*, 29 (2003), no. 2, 210–238; Peter K. Taylor, *Indentured to Liberty: Peasant Life and the Hessian Military State, 1688–1815* (Ithaca 1994). Peter H. Wilson, »The German ›Soldiertrade‹ of the Seventeenth and Eighteenth Centuries: A Reassessment«. *International History Review*, 18 (1996), 757–792.

95 »An das Publicum«, *Heinrich Millers Pennsylvanischer Staatsbote*, January 8, 1777.

96 »Ein junger Mensch ...«, *Heinrich Millers Pennsylvanischer Staatsbote*, January 15, 1777.

97 Force, ed., *American Archives* (n. 80 above), Fifth Series, 3: 1511.

rican population should recognize that the Hessians were as much victims of British tyranny as were the colonists. To that end, the revolutionaries even encouraged the local authorities at Lancaster to take the German immigrants into service[98].

Conclusion

This study has attempted to explain the surrender ceremonies staged by American revolutionaries after the Siege of Yorktown in 1781, the battles around Saratoga in 1777, and the Battle of Trenton in 1776 by interpreting them as rituals of surrender. These rituals were designed to provide the vanquished with a proper transition from the state of soldiers to that of prisoners of war and to allow the American victors to celebrate and communicate their success on the battlefield. A thorough examination of such phenomena in general and on a broader basis requires a much larger, diachronic analysis of surrenders and wars in different centuries.

Hence, many questions must remain unanswered. For instance, did rituals of surrender in the eighteenth century, as it seems, really substitute for hard and fast rules and regulations laid down later in written, international law of warfare? If this was true, we should witness a decline of such practices over the nineteenth and twentieth century. On the contrary, however, making and becoming prisoners of war is nowadays still a highly complex and complicated process, governed to a large part by certain ceremonies – dare we call them rituals? – such as defeated troops walking up to the victors, then grounding their arms before marching off to a guarded site.

Due to its limited scope, this study did not seek to provide a fully adequate answer to the question, what kind of situation exactly inaugurated a ritual of surrender and why. From the examples discussed, one might imagine a correlation between the type of battle or the tactical situation and the performance of rituals of surrender. Sieges or larger surrenders of armies following a decisive battle or campaign, such as the events at Saratoga or Yorktown, almost certainly called for a ritual performance, whereas smaller, quicker skirmishes or encounters between enemies, such as the Trenton affair, often ended without a ritual. Furthermore, only an in-depth analysis of surrenders covering different wars could attempt to answer the question of whether some kind of general framework for such rituals of surrenders modeled on rites of passage existed.

[98] On immigration into Pennsylvania, particularly through the means of indentured servitude and the so-called redemptioner system, see for instance Cheesman A. Herrick, *White Servitude in Pennsylvania: Indentured and Redemption Labor in Colony and Commonwealth* (Freeport 1970); Sharon V. Salinger, *»To serve well and faithfully«: Labour and Indentured Servants in Pennsylvania, 1682–1800* (Cambridge, New York 1987). See in particular Aaron S. Fogleman, *Hopeful Journeys: German Immigration, Settlement, and Political Culture in Colonial America, 1717–1775* (Philadelphia, PA 1996) and Hans-Jürgen Grabbe, *Vor der Großen Flut – Die Europäische Migration in die Vereinigten Staaten von Amerika 1783–1820* (Stuttgart 2001).

Yet, even these few examples from the American War of Independence have shown that making prisoners of war was a more complicated and complex process than one might think when merely looking at the outcome of a siege, battle or skirmish. Vice versa, it was more complicated and complex to become a prisoner of war than merely standing on the wrong side of the battlefield once the fighting was over.

When concentrating on the defeated soldiers, a first glance shows how important is was for the officers to be received with honor and as gentlemen. But those men, as my research suggests, were not the sole subjects of interest. The experience of and participation in rituals of surrender during the aftermath of battles was just as significant for the defeated common soldiers to fully understand and accept the shifts in their social and military roles. Moreover, in the dangerous situation of a surrender, these rituals, through their rigid structure, offered the defeated troops a way to overcome safely the precarious moments when they had to lay down their weapons and were stripped of their means of defense. As such, it is striking how much commanders of all armies were concerned with the honor and sense of well-being of their common soldiers. One cannot observe a glimpse of contempt for these men. Instead, the soldiers became an essential, active part of ritual performances. If such a reassuring ritual could not be performed, the defeated soldiers felt insecure, even threatened. Their captivity started under much different prospects.

For the Americans, the proper staging of the rituals of surrender was an important means by which they could prove that they were able to wage war according to established customs and norms. With rituals of surrender, the often-reviled revolutionaries could establish for themselves a respected position among the warring factions in the War of Independence. They employed the rituals of the old order to transport their new, revolutionary message. Moreover, we have to keep in mind the principle of ›reciprocity‹: By properly treating and approaching the captured enemies, one could expect to be treated well and fair in case one met the same fate later.

These rituals of surrender, however, also always offered room for maneuvering. They did not constitute a conservative force. Many details of the rituals remained open to negotiation. The way and manner in which certain stages of the rituals of surrender were emphasized or de-emphasized had a significant impact on the meaning of the ritual for both sides and on the messages that were sent out to the public. In this sense, then, it is obvious that the history of a conflict does not end with a battle – however hard many historians in the past may have tried to portray it in this way. For most participants, meaning the soldiers who became prisoners of war, the ending of a battle merely opened up a new phase in their life. The examination of rituals of surrender, I believe, can open up new venues to better comprehend this shift.

Abstracts

Focusing on the aftermath of battles in the American War of Independence, one discovers that the revolutionaries did not merely haul away defeated German and British soldiers as prisoners of war, but staged rather elaborate surrender ceremonies. In analyzing the battles at Trenton in 1776, Saratoga in 1777, and Yorktown in 1781, this article proposes to interpret the ceremonies as *rituals of surrender* designed, on the one hand, to guide the defeated soldiers from one state of their social life as *soldiers* to another state, that of *prisoners of war*. For the victors, on the other hand, the rituals made possible a realization, celebration, and communication of their success. These rituals always offered a lot of room for maneuvering and they did not constitute a conservative force. Many details of the rituals remained open for negotiations. The way in which certain stages of the rituals of surrender were emphasized or de-emphasized had a significant impact on the meanings of the rituals for both sides. In this sense, the article is also part of a larger effort to find out more about the often-neglected history of captivity during military conflicts of the early modern period.

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Untersucht man eingehend die ersten Stunden und Tage, die sich für britische und deutsche Soldaten an Niederlagen in Schlachten und Belagerungen des amerikanischen Unabhängigkeitskrieges bei Trenton (1776), Saratoga (1777) und Yorktown (1781) anschlossen, so entdeckt man, daß die amerikanischen Revolutionäre ihre Gegner keineswegs nur vom Schlachtfeld abführten, sondern häufig sehr komplexe Zeremonien veranstalteten, um die Gefangennahmen zu besiegeln. Diese Studie schlägt vor, die Zeremonien als *Rituale der Kapitulation* zu verstehen, deren Hauptziele es waren, die Unterlegenen vom Zustand des *Soldaten* in den eines *Kriegsgefangenen* zu überführen und den Erfolg des Siegers zu kommunizieren. Sie bezogen sich auf beide Seiten im Krieg und entwickelten für Offiziere und einfache Soldaten große Bedeutung. Die Rituale waren dabei aber nicht starr an ein Muster gebunden, sondern konnten der jeweiligen Situation oder einzelnen anderen Zielen angepaßt werden und entwickelten so besondere Betonungen. Damit wird auch ein Beitrag dazu geleistet, das vernachlässigte Phänomen Kriegsgefangenschaft in der Frühen Neuzeit besser kennenzulernen.