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CHAPTER ONE

Introduction

THIS CHAPTER SERVES TWO PURPOSES. First, it provides a summary overview of the thirteen mainland provinces (excluding Nova Scotia) that made up colonial America.¹ (The Caribbean colonies will be mentioned only when relevant for the mainland ones.) Second, it provides a statement of the main theoretical framework of the analysis, with repetitions from volume 1 kept at a minimum.

The Thirteen Colonies

I shall introduce the discussion by presenting James Madison's raw notes from 1783, describing the situation of the thirteen states.² The context was the funding of the confederation. Although it obviously needed *some* "general revenue," the states differed in their interests in what the revenue would fund and, consequently, in the amount of revenue to be raised. In a remarkable memorandum on the interests of each of the thirteen states, Madison lists

1. I shall not be rigorous in my use of the terms "colony," "state," or "province," the last being an umbrella term for the first two. When I refer to "the colonies," it is obviously to the period before 1776.

2. "Notes on Debates, 26 February 1783," Founders Online, National Archives, <https://founders.archives.gov/documents/Madison/01-06-02-0091>. The notes should be read in conjunction with Madison's "Observations Relating to the Influence of Vermont and the Territorial Claims on the Politics of Congress" (Founders Online, National Archives, <https://founders.archives.gov/documents/Madison/01-04-02-0092>). In the words of Brant (1948, 149), "[One] can search in vain for noble attributes in the motives Madison ascribed to the individual thirteen states. Self-interest, prejudice, envy, jealousy, and the intrigues of speculators were the springs of their policies." Brant goes on to say that "it is noteworthy that he did not confine himself to economic motives, even though these predominated. It was this ability to judge actions by motives, combined with his own freedom from unworthy aims and harmful impulses, that lifted Madison's knowledge of government into a genius for the building of it."

a number of reasons why the several states might favor or oppose taxation at the level of the Confederation. Some would support it because an impost duty levied by the confederation would spare them predatory imposts levied by neighboring states. The latter would oppose it for the same reason. Many would support “abatements”—that is, compensation for their disproportionate losses or expenses during the revolutionary war; other states, which could not make a claim for such losses, would oppose measures to satisfy it. Some but not all would support revenue to absorb their debts or the debts of the confederation incurred during the war. Since the revenue was expected to strengthen the authority of the central government over the western lands, states that claimed a prior entitlement to these and states that wanted to acquire them had opposing interests. These issues far from exhaust the lines of conflict and division that existed among the states, but they amount to a solid body of policy preferences.

Madison organized his assessments as follows:

New Hampshire would approve the establishment of a General revenue, as tending to support the confederacy, to remove causes of future contention, and to secure her trade against separate taxation from the States thro which it is carried on. She would also approve of a share in the vacant territory. Having never been much invaded by the Enemy her interest would be opposed to abatements, & throwing all the separate expenditures into the common mass. The discharge of the public debts from a common treasury would not be required by her interest, the loans of her citizens being under her proportion.

Massachussetts is deeply interested in the discharge of the public debts. The expedition to Penobscot [in today’s Maine] alone interests her, she supposes, in making a common mass of expences: her interest is opposed to abatements. The other objects wd. not peculiarly affect her.

Rhode Island as a weak State is interested in a general revenue as tending to support the confederacy and prevent future contentions, but against it as tending to deprive Her of the advantage afforded by her situation of taxing the commerce of the contiguous States. as tending to discharge with certainty the public debts, her proportion of loans interest her rather against it. Having been the seat of the war for a considerable time, she might not perhaps be opposed to abatements on that account. The exertions for her defence having been *previously* sanctioned, it is presumed in most instances, she would be opposed to making a common mass of expences. In the acquisition of vacant territory she is deeply and anxiously interested.

Connecticut is interested in a general revenue as tending to protect her commerce from separate taxation by N. York & Rhode Island: and somewhat as providing for loan office creditors. Her interest is opposed to abatements, and to a common mass of expences. Since the condemnation of her title to her Western claims, she may perhaps consider herself interested in the acquisition of the vacant lands. In other respects she wd not be peculiarly affected.

New York is exceedingly attached to a general revenue as tending to support the confederacy and prevent future contests among the States. Although her citizens are not lenders beyond the proportion of the State, yet individuals of great weight are deeply interested in provision for public debts. In abatements N. York is also deeply interested. In makg. a common mass also interested, and since the acceptance of her cession, interested in those of other States.

New Jersey is interested as a smaller State in a general revenue as tendg to support the confederacy, and to prevent future contests and to guard her commerce agst. the separate taxation of Pennsylvania & N.Y. The loans of her Citizens are not materially disproportionate. Although this State has been much the theatre of the war, she wd. not perhaps be interested in abatements. Having had a previous sanction for particular expenditures, her interest wd. be opposed to a common mass. In the vacant territory, she is deeply and anxiously interested.

Pennsylvania is deeply interested in a general revenue, the loans of her Citizens amounting to more than $\frac{1}{3}$ of that branch of the public debt. As far as a general impost on trade would restrain her from taxing the trade of N. Jersey it would be against her interest. She is interested against abatements; and against a common mass, her expenditures having been always previously sanctioned. In the vacant territory she is also interested.

Delaware is interested by her weakness in a general revenue as tending to support the confederacy & future tranquility of the States; but not materially by the credits of her Citizens: Her interest is opposed to abatements & to a common mass. To the vacant territory she is firmly attached.

Maryland. Having never been the Seat of war & her Citizens being creditors below her proportion, her interest lies agst. a general revenue, otherwise than as she is interested in common with others in the support of the Confederacy & tranquility of the U. S. but against abatements, and against a common mass. The vacant lands are a favorite object to her.

Virginia. In common with the Southern States as likely to enjoy an opulent and defenceless trade is interested in a general revenue, as tending to secure her the protection of the Confederacy agst. the maritime superiority of the E. States; but agst it as tending to discharge loan office debts and to deprive her of the occasion of taxing the commerce of N. Carolina. She is interested in abatements, and essentially so in a common mass, not only her excentric expenditures being enormous; but many of her necessary ones havg. rcd. no previous or subsequent sanction. Her cession of territory would be considered as a sacrifice.

North Carolina. Interested in a general revenue as tending to ensure the protection of the Confederacy agst. the maritime superiority of the E. States and to guard her trade from separate taxation by Virginia and S. Carolina. The loans of her Citizens are inconsiderable. In abatements and in a common mass she is essentially interested. In the article of territory, she would have to make a sacrifice.

South Carolina is interested as a weak & exposed State in a general revenue as tending to secure to her the protection of the confederacy agst. enemies of *every* kind, and as providing for the public creditors, her citizens being not only loan offices creditors beyond her proportion, but having immense unliquidated demands agst. U. States. As restraining her power over the commerce of N. Carolina, a general revenue is opposed by her interests. She is also materially interested in abatements, and in a common mass. In the article of territory her sacrifice wd. be inconsiderable.

Georgia as a feeble, an opulent, & frontier State is peculiarly interested in a general revenue, as tending to support the confederacy. She is also interested in it somewhat by the credits of her Citizens. In abatements She is also interested, and in a common mass, essentially so. In the article of territory She would make an important sacrifice.³

These dense notes refer to issues that will be revisited throughout this book as well as in volume 3. At this stage, we can note the overall impression of the huge heterogeneity of interests among the states, a fact noted by many contemporaries. In 1760, a visiting Anglican clerk, Andrew Burnaby, wrote that “such is the difference of character, of manners, of religion, of interest, of the different colonies, that I think, if am not wholly ignorant of the human mind,

3. “Notes on Debates, 26 February 1783,” Founders Online, National Archives, <https://founders.archives.gov/documents/Madison/01-06-02-0091>.

were they left to themselves there would soon be a civil war from one end of the continent to the other, while the Indians and Negroes would with better reason, impatiently watch the opportunity of exterminating them altogether.”⁴ In the same year, Benjamin Franklin wrote that the colonies were “not only under different governors, but have different forms of government, different laws, different interests, and some of them different religious persuasions and different manners.”⁵ Many other statements to the same effect, contemporaneous and more recent, could be cited. They all suggest the problem of *interest aggregation*: how could these disparate and often conflicting provinces unite around a *common cause*? As we shall see in chapter 6, their history provides examples of failure, of partial success, and, finally, of durable success. The final stage is left for volume 3.

The thirteen colonies came into existence at different times:

Virginia 1607

Massachusetts 1620

New Hampshire 1623

Maryland 1624

Connecticut 1636

Rhode Island 1636

Delaware 1638

Carolina 1653; divided into North Carolina and South Carolina 1729

New Jersey 1664

New York 1664

Pennsylvania 1682

Georgia 1732

Their borders were sometimes ill defined, a fact that could give rise to controversies.⁶ Conventionally, they are often aggregated into three regions: New England (Massachusetts, New Hampshire, Connecticut, Rhode Island), the Middle Colonies (New York, New Jersey, Pennsylvania, Delaware), and the Southern Colonies (Maryland, Virginia, North Carolina, South Carolina, Georgia). They can also be classified as landlocked versus seaboard colonies, as having small versus large populations, and as slavery-based versus non-slavery-based economies. These distinctions all gave rise to different economic or political interests, generating many struggles. In some colonies,

4. Burnaby (1798) 1904, 153.

5. “The Interest of Great Britain Considered, [17 April 1760],” Founders Online, National Archives, <https://founders.archives.gov/documents/Franklin/01-09-02-0029>.

6. “Happy are the people whose territories are encircled by obvious natural boundaries, *easily distinguished but not easily passed*,” such as rivers, lakes, and mountains (Ramsay [1809] 1858, 83). See also Governor Bernard’s proposal to divide the colonies by “natural boundaries instead of imaginary lines” (Slaughter 2013, 222).

the distinct interests of the seaboard and the backcountry also gave rise to many controversies.

According to the census of 1790, the thirteen colonies occupied a territory of 827,844 square miles. Today, the mainland United States, excluding Alaska, occupies 3,119,884 square miles. The “western lands” were the territories beyond the Appalachian mountain range, all the way to the Pacific. English kings had granted some colonies territorial rights to parts of these lands, which became the object of struggles among the colonies and between settlers and the Indian tribes that occupied huge areas on the continent.

From their inception, the colonies were regulated by charters modeled, roughly, on the English system. In Merrill Jensen’s summary:

The structure of government in every colony was essentially the same, whether royal, proprietary, or corporation. At the head was a governor with executive authority. . . . Governors were appointed by the crown or proprietor and were elected only in Connecticut and Rhode Island. The second common feature was a council which acted as both an advisory body to the governor and as an upper house to the legislature. The proprietors appointed the councils in their colonies and the Crown those in the royal colonies, with the exception of Massachusetts, where the council was elected annually by lower house and the outgoing council. In Connecticut and Rhode Island the councils were elected by the voters. [Finally, there were] the elective or lower houses of the colonial legislatures.⁷

England (after 1707, Great Britain)⁸ was not only a model, but also the sovereign of the colonies. I discuss the complex and evolving transatlantic politics in chapter 4. In many respects the Seven Years’ War with France and Spain (1756–63) was a tipping point in the development of the colonies. One the one hand, it transformed British colonial policy from what Burke referred to as “a wise and salutary neglect”⁹ to one of rigorous and often harsh regulations and even harsher practices. On the other hand, France’s defeat in that war created a strong desire for revenge, which motivated heavy financial and military support to the colonists in the Revolutionary War.¹⁰ Although the American

7. Jensen 1968, 21. Many more details will be provided in chapter 4.

8. I shall not be rigorous in my use of “English” and “British,” since many comments apply to events before as well as after 1707.

9. PDNA 5:605.

10. “Congress knew, that a diminution of the overgrown power of Britain, could not but be desirable to France. *Sore with the loss of her possessions* on the continent of North-America by the peace of Paris in the year 1763, and also by the capture of many thousands of her sailors in 1755, antecedent to a declaration of war, *she must have been something more than human*, not to have rejoiced at an opportunity of depressing an antient and

colonies would almost certainly have gained their independence sooner or later without that support, the defeat of the British in 1781 and the subsequent peace in 1783 would not have occurred without it. The cost of the support was an important cause of the bankruptcy of 1788 that led to the calling of the Estates General in 1789 (see volume 3). It is not too much of an exaggeration to say that the American Revolution caused the French Revolution.

If the French had anticipated that the colonists would eventually separate from Great Britain, cool interest should have led them to let things take their own course (and spare themselves, or postpone, the revolution of 1789). However, for an angry agent it is not enough that an opponent suffer: he must suffer *at the hand of the agent*.¹¹ Moreover, an angry agent may not have the composure needed to reflect before acting: reflection takes time, but an angry agent wants to act *at once*.¹² Cooler heads could take a longer view. “Long before the imperial crisis broke out in the 1760s the expectation that the colonies would some day become independent had been considered *in the abstract* by numerous writers on both sides of the Atlantic.”¹³ In France, Turgot observed in 1750 that “colonies are like fruits that remain attached to the tree only until they are ripe: once they are self-sufficient they do what Carthage did [when gaining its independence from the Phoenicians in 650 BCE] and what *America will do one day*.”¹⁴

David Ramsay wrote in 1789 that “The supposition of the Americans receiving aid from France or Spain, was on this and several other occasions ridiculed, on the idea that these powers *would not dare to set to their own colonies the dangerous example* of encouraging those of Great-Britain, in opposing their sovereign. It was also supposed, that they would be influenced by considerations of *future danger to their American [Caribbean] possessions*, from the establishment of an independent empire in their vicinity.”¹⁵ As the “occasion” was a debate in the House of Commons, I conjecture that these considerations were due to wishful thinking on the part of defenders of the war.

formidable rival” (Ramsay [1789] 1990, 2:60–61). Herbert Lüthy (2005, 593) remarks that “it would probably have been *superhuman* to resist the temptation” to humiliate Britain; see also volume 1, 173–74.

11. Elster 2015a, 73.

12. Elster 2015a, 149.

13. Christie and Labaree 1976, 268.

14. Turgot 2018, 1:201. De Witt (1861) provides an abundant documentation of French views in the 1760s and 1770s about the prospects of American independence.

15. Ramsay (1789) 1990, 1:286. He repeats the idea in volume 2, adding that “Transported with indignation against their late fellow subjects, [the British] were so infatuated with the American war, as to suppose that trifling evils, *both distant and uncertain*, would induce the court of France to neglect an opportunity of securing great and immediate advantages” (67).

Uncertainty

An important part of the story I shall be telling in subsequent chapters concerns the beliefs of agents on each side of the Atlantic about those on the other side—about their motivations as well as about their likely actions or reactions. A fuller discussion is reserved for chapter 3. Here, I shall consider a subset of British beliefs about America to make some conceptual points about belief formation.

Sometimes, the British calculated that the Americans would react to British policies along the lines of rational self-interest, and were proven correct. When the British provided bounties to the Americans for producing goods needed in England, the colonists responded. For instance, when in 1705 “Parliament offered substantial bounties for tar, pitch, resin, turpentine, hemp, masts, yards, and bowsprits produced in the colonies . . . , the naval stores in South Carolina grew rapidly.”¹⁶ Innumerable such examples could no doubt be cited.

Responding to incentives is indeed a paradigm of self-interested rationality. Yet the British miscalculated dramatically the impact on Americans of the Tea Act. Commenting on the Boston Tea Party, Lord North said in Parliament:

that it was *impossible for him to have foreseen* the proceedings in America respecting the tea; that the duty had been quietly collected before; that the great quantity of tea in the warehouses of the East-India company, as appeared by the report of the secret committee, made it necessary to do something for the benefit of the company ; that it was to serve them that nine-pence in the poundweight draw back was allowed ; that it was *impossible for him to foretell the Americans would resist at being able to drink their tea at nine-pence in the pound cheaper.*¹⁷

The reduced price of tea was the net effect of two oppositely directed measures: a tax on tea in America and a drawback (subsidy) on exported tea in Great Britain.¹⁸ North viewed the Americans as *customers*, who would respond only to the net effect. In Franklin’s words, North had “no Idea that any People can act from any Principle but that of Interest; and [he believes] that *3d.* [three pence] in a Pound of Tea, of which one does not drink perhaps 10 lb in a Year, is sufficient to overcome all the Patriotism of an American!”¹⁹ In other words, North neglected the possibility that the tax was not merely an

16. McCusker and Menard 1985, 279–80. For a similar response to bounties on indigo, see *ibid.* (187) and Rabushka (2008, 760).

17. PDNA, 5:299.

18. Rabushka 2008, 758–65.

19. Letter to Thomas Cushing, June 4, 1773, Franklin Papers, vol. 20, <https://franklinpapers.org/framedVolumes.jsp>. Italics in original.

injury—as *citizens* the Americans might view the tax as an *insult*.²⁰ I shall discuss this mind-set further in chapter 2. Here I shall only point out that North was not wrong in asserting after the fact that it was impossible to foresee the effects of his measures; he was wrong only in assuming, before the fact, that he could. In other words, he neglected the fundamental and radical *uncertainty* that is a pervasive, if very often underestimated, feature of political life.²¹ This neglect, although irrational, is intelligible, since the psychological state of uncertainty can be very unpleasant. Some individuals may be characterized by what Otto Neurath called “an emotional disposition for which the elimination of doubt means a release from a feeling of displeasure.”²² We may think of this disposition as *uncertainty aversion*, related to, but distinct from, *inaction aversion*.²³

The impact of the Tea Act illustrates the attitudinal difference and behavioral divergence between *economic man* and *political man*.²⁴ One cannot assume, however, that the motivations of the latter will *always* trump those of the former. “Six weeks after King George III assented to the repeal of the Stamp Act, the news reached the American colonies. . . . Americans drank to the repeal and ignored the accompanying Declaratory act,”²⁵ which asserted that Parliament had absolute power to legislate for the colonies “in all cases whatsoever.” Emotions are manipulable by leaders, transient, and with a short

20. The fear of the citizens at large was not the only source of opposition to the Tea Act. Smugglers worried that they would not be able to undersell the new price, and merchants that they would lose their trade to the East India Company (Ramsay [1789] 1990, 1:90). Moreover, to an indeterminate extent these agents may have contributed to shaping popular reactions.

21. For a recent survey, see J. Kay and King (2020). The classical statement appears in Keynes (1936, ch. 12).

22. Neurath (1913) 1983, 6.

23. There is a considerable literature on the effects of uncertainty aversion. The most relevant for present purposes is Dicks and Fulghieri (2019).

24. In the present book and, I believe, in most primary and secondary sources, the tension between economic and political man is treated as a mainly American dilemma. However, in a letter from Boston dated November 20, 1774, the author exhorts the British to resist the American tactic of using nonimportation to pressure them: “It is evident, that the proceedings of the continental Congress, that they are intended to create an influence at the general election in favour of America, by interesting your merchants and manufacturers in their behalf. They are encouraged to expect, from their success on former occasions, that the Legislature will be forced into a compliance with their unreasonable demands. I hope, however, that *motives of resentment, if not of policy, will induce them to forgo a temporary interest*, rather than continue an ignominious commerce” (Willard 1925, 11).

25. Cook 1995, 106. See also Botta (1834, 1:97): Americans “saw the consequences of the confirmation of the authority of parliament only in the distance; and considered the assertion of certain rights of parliament merely as speculative principles thrown out to spare its dignity, to soothe British pride, and facilitate the digestion of so bitter a morsel.”

half-life, whereas interests are more permanent. Only when the former are activated can they trump the latter.

In the context of Anglo-American conflicts, the impact of emotions can be illustrated by considering three ways of trying to force compliance: deterrence, compellence, and punishment.

Deterrence is based on threats: agent A tells agent B to do X on pain of A punishing B if B fails to comply. The threat has to be *credible*, in the sense that B has to believe that A will be motivated—by interest or by emotions—to implement the threat if B doesn't comply.²⁶ The threat of ostracizing violators of nonimportation or nonconsumption agreements (chapter 6) was credible because everybody knew that emotions were running high, and also because nonostracizers might themselves be subject to ostracism.²⁷ A major issue at the Federal Convention concerned the credibility of threats by the small state delegations to withdraw from the assembly and secede from the Union unless they got their way. A rehearsal for this process took place in June 1776, when some delegations to the Continental Congress made it clear that if the Declaration of Independence was adopted at that time, they “must retire & possibly their colonies might secede from the Union” (chapter 7).²⁸ The threat seemed credible at the time, for reasons to be discussed in volume 3.²⁹

Compellence (see volume 1, 167) is intended to apply when A makes life so hard for B that B eventually decides to comply with A's demands. As originally formulated by Thomas Schelling in the context of the Vietnam War, the key assumption is that B is so strongly motivated by material interest that increasing material deprivation will ultimately force compliance. This assumption undergirded many British measures in the 1760s and 1770s. Defending his policy toward the Americans, George III wrote in 1774 that “nothing but feeling the inconvenience of their situation can bring their pride to submit to” compliance.³⁰ Three years later, writing to Lord North, he persisted:

26. Credibility of *promises* is also an important issue, which I discuss in chapters 3 and 4.

27. Credibility may also be affected by social norms about what constitutes acceptable punishment. Some threats are so disproportionate to the issue at hand that they are easily ignored. In 1774, an American customs officer ignored a threat to be hanged, “but gave in later when the mob threatened to cut his ears off—as if he believed it might follow through on that lesser threat but not on the more serious” (Maier 1991, 129n.). See also an example from France in volume 1 (168).

28. “Notes of Proceedings in the Continental Congress, 7 June–1 August 1776,” Founders Online, National Archives, <https://founders.archives.gov/documents/Jefferson/01-01-02-0160>.

29. See also Elster (2021a) for a preview.

30. George III 1927–28, 3:156.

If [General Howe] and his brother will act with a little less lenity, which I really think cruelty, as it keeps up the contest, the next campaign will bring the Americans in a temper to accept such terms as may enable the Mother Country to keep them in order; for we must never come into such as may patch for a year or two, and then bring on new boils; the regaining of their affections is an idle idea; it must be the convincing of them that it *is in their interest to submit*, and then they will dread further boils.³¹

In 1765, Governor Bernard predicted that if the courts and ports were closed, “economic necessity would force the people of Massachusetts to accept the Stamp Act,” on pain of famine.³² Conversely, American boycotts of Britain in the 1760s and 1770s (chapter 6) were intended to bring Britain to its knees (which they did).

David Ramsay accurately diagnosed the British strategy when he wrote that the “British supposing the Americans to be influenced by the considerations which bias men in the languid scenes of tranquil life, and not reflecting on the sacrifices which *enthusiastic patriotism* is willing to make, proceeded in their schemes of distress.”³³ If the British had had more *sympathy* with the Americans, they would not have tried to starve them into submission.³⁴ If they had had more *empathy*, they would have understood that the strategy wouldn’t work, unless perhaps if it were carried out in a nonconfrontational manner. Thus in 1775, the British secretary of war Viscount Barrington argued that compellence would work, but only if it took the form of a “bloodless” naval blockade that would not stimulate the colonies to fight: “If these ideas are well-founded, the colonies will in a few months feel their distress; their spirits not animated by any little successes on their part or *violence of persecution on ours*, will sink.”³⁵ His proposal was not accepted.

Whereas deterrence and compellence aim at modifying behavior in a given case, *punishment*, as far as it is motivated by instrumental considerations, aims at setting an example to the punished agent or to others in the future. The behavior of Britain toward Massachusetts is an important case, to be discussed in chapter 6. The efficacy of punishment as a tool of behavior modification is of course disputed. Similarly to the threat of punishment, actual punishment is indeterminate *ex ante* in its consequences. It may achieve its

31. Quoted in Black 2008, 439.

32. Morgan and Morgan 1995, 136–37.

33. Ramsay (1789) 1990, 2:101.

34. Not everybody did. Among the causes of Britain’s defeat, Phillips (2012, 538) cites “the 1775–1778 reluctance of the Howe brothers to crush the Patriots and the Howe family’s preference for trying to win in a way that kept the 13 colonies’ attachment.” For a full discussion, see Mackesy (1992, 32–37).

35. Barrington 1814, 146. See also Shy (1990, 106) for an appreciation of his assessment.

aim, have no effect, or backfire. Two eighteenth-century observers doubted its efficacy:

In a letter to his son, Lord Chesterfield commented on “the affair of our American Colonies, relatively to the late imposed Stamp duty, which our Colonists absolutely refuse to pay. The Administration are for some indulgence and forbearance to those froward children of their mother country; the Opposition are for taking vigorous, as they call them, but I call them violent measures; not less than ‘les dragonnades’; and to have the tax collected by the troops we have there. For my part, *I never saw a froward child mended by whipping.*”³⁶

David Hume, using the same metaphor (but applied only to grown-ups), wrote that in conversation at Lord Bathurst’s he had observed “that Nations, as well as Individuals, had their different ages, which challeng’d a different Treatment. For Instance, My Lord, said I to the old Peer, you have sometimes given your Son a Whipping, and I doubt not, but it was well merited and did him much good: Yet you will not think proper at present to employ the Birch: *The Colonies are no longer in their Infancy.*”³⁷

Above, I discussed cases where material interest and passion for a cause suggest different courses of action, and politicians miscalculated the effects of their action by focusing only on the first of these motivations. In chapter 2, I shall consider the fine grain of the second. Here, I want to consider another issue: the *indeterminacy* of American responses to British policy decisions. The problem was not that the British miscalculated these responses, but that *to calculate was a mistake.*³⁸ I am not suggesting they could have done better, but they could have abstained from basing highly consequential decisions on sharp assumptions that amounted to little more than guesses born of pride or prejudice.

Uncertainty obtains when an agent is unable to form a well-grounded belief that can serve as the basis for a *uniquely determined rational choice*. The belief need not take the form of the sharp probabilistic assessments we

36. Chesterfield, Letter CCLXXXIII in *The PG Edition of Chesterfield’s Letters to His Son*, Project Gutenberg, 2004, last updated August 8, 2016, <https://www.gutenberg.org/files/3361/3361-h/3361-h.htm>. He voted for repeal of the Stamp Act (Hume 2011, 2:22). On the “dragonnades,” see Hume (2011, 1:162). They were tools both of compellence and of punishment.

37. Hume 2011, 2:287–88. Mossner (1954, 553) writes that “Hume was on the side of the colonies . . . with a consistency that perhaps cannot be found in any of his leading contemporaries.” For other family metaphors, see Bumsted (1974, 535–37).

38. Some forty years ago, I made the same point with respect to the choice among different energy sources: “I do not attempt to answer the substantial question: what will happen if we choose one or the other of the proposed energy forms? Rather, I am arguing that for important parts of the energy issue this question *cannot be answered*, and that *this impossibility is the substantial result which must be the basis for choice*” (Elster 1983a, 185).

meet in economic textbooks, but virtually never in actual decisions.³⁹ For practical purposes, an intuitive judgment such as “more likely than not” can be good enough (at least if the two possible outcomes are deemed more or less equally good). When even that minimal test fails, the agent is in a state of uncertainty. When the agent knows the full set of options and all their possible consequences but is unable to attach numerical probabilities to them (known unknowns), some weak rationality criteria apply. They are consistent with the agent choosing the option with the best worst consequences, the best best consequences, or some weighted average of the two.⁴⁰ As these criteria fail the uniqueness test, they can serve only to *tell the agent what to avoid*, not what to do. Any positive choice will be decided by temperamental factors such as pessimism or optimism or, as Keynes said, by “animal spirits.”

To illustrate, consider the decision to go to war against another country. A decisive factor can be the *morale* or fighting spirit of the troops on both sides. Unless both countries have a track record from past wars fought under similar conditions, *the only way to discover the facts is by actually fighting*. The poor performance of Italian troops against Greece in World War II was perhaps to be expected, at least by neutral observers, but there was no way decision-makers in Whitehall could form a well-founded belief at a distance about the morale of American regulars and militia or of that of the loyalists.⁴¹ They tried, to be sure, often relying on poor analogies and reaching opposite conclusions (see chapter 3).⁴² In 1775, George III’s self-image shifted “to that of George the strong, first soldier of the Empire, whose army faced disgrace at the hands of an armed rabble. The change was encouraged by the warrior-courtiers, men who had acquired their opinions, at first or second hand, of colonial ability in the Seven Years War. They remembered the volunteer regiments, recruited by high enlistment bounties or occasionally by draft from the militia, that gave more trouble than assistance in the conduct of the

39. J. Kay and King 2020, ch. 3 and *passim*.

40. Arrow and Hurwicz 1971. Their theorem is somewhat artificial, since in the presence of known unknowns a rational agent should *suspect the existence of unknown unknowns*: the agent may not know the *full* set of options nor *all* their possible consequences. Also, if the deciding agents know the situation so well that they *do* have that knowledge, it is hard to imagine that they would not be able to form *some* probabilistic estimates, at least of the ordinal kind (e.g., “more likely than not”). The analysis calls for the “Madisonian caveats” against excessive precision that I discuss in volume 1 (9). Most fundamentally, any attempt to formalize decisions must ignore *creativity* (J. Kay and King 2020, 47).

41. In chapter 3, I discuss a remarkable “experiment” that General Cornwallis conducted to test the commitment of the North Carolinian loyalists. For a recent discussion, see “How to Forecast Armies’ Will to Fight: What Motivates the Dogs of War?” (*Economist*, September 5, 2020, 63–64). The collapse of the Afghan army in August 2021 provides a spectacular example. The Russian invasion of Ukraine on February 24, 2022 provides another.

42. For a case study of the use of analogies in the Vietnam War and its disastrous results, see Khong (1992), summarized in Elster (2015a, 49–50).

war. . . They unwisely equated these units with the angry militia Gage faced in Massachusetts.”⁴³

Edmund Burke was by far the most acute commentator on the pervasive uncertainty in colonial matters. In a speech in the House of Commons on the Boston Port Bill, he asked Lord North, “Sir, can anything in the world be more *uncertain* than the operation of [this bill]? Whether it will *increase* these combinations, or *lessen* [them], whether it will *irritate* or whether it will *terrify*, are things in the womb of time. . . I beg leave to have it observed that this remedy will have an *uncertain* operation.”⁴⁴ In the “Speech on Conciliation with America” given on March 22, 1775, he responded to Lord North’s proposals as follows:

First, Sir, permit me to observe, that the use of force alone is but temporary. It may subdue for a moment, but it does not remove the necessity of subduing again; and a nation is not governed which is perpetually to be conquered. My next objection is its *uncertainty*. Terror is not always the effect of force, and an armament is not a victory. A further objection to force is that you *impair the object* by your very endeavors to preserve it. The thing you fought for is not the thing which you recover, but depreciated, sunk, wasted, and consumed in the contest.⁴⁵

I shall place Burke’s observations within a larger set of issues, that of the uncertainties associated with a spectrum of policy choices:

- Severe repression
- Moderate repression
- Concessions
- Deliberate inaction
- Preemption

The common features of each of these options are simple: it might work, it might not, and one can’t know.

Severe repression. The uncertainty stated in the first passage quoted from Burke can be dubbed the *autocrat’s dilemma*. When faced with actual or potential opposition, an autocratic ruler may be tempted to enact measures of severe repression. A ruler who reflects, as autocrats sometimes do, may wonder whether the repression might not *trigger hatred rather than fear*; or (see also volume 1, 20, 115, 116), in Burke’s terms, repression can increase rather than lessen the forces of opposition. This idea can occur quite spontaneously. A drawing from the London *Observer* on January 4, 2009, shows a boy sitting

43. Shy 1965, 415–16.

44. PDNA, 4:124.

45. Burke 1981–2015, 3:118–19; Burke’s italics. The second objection is unrelated to the objection from uncertainty but perhaps equally important.

on a heap of rubble, asking himself whether the bombing by the enemy fighters in the sky will make him *more or less likely* to fire rockets at them when he grows up. On one reading, there is *no right answer* to the question. The boy just can't know; nor, more relevantly for my purposes, can the generals on either side of the conflict.

In *De clementia* (I.8), Seneca urges rulers to reflect on this issue: "Kings by clemency gain a security more assured, because repeated punishment, while it crushes the hatred of a few, stirs the hatred of all."⁴⁶ Even when politicians ignore this advice, officers may follow it. In 1765:

[Lieutenant Governor Cadwallader] Colden virtually challenged the New York mob to attack Fort George by ordering extensive preparations for defense, and it was only the coolness of the officers within that prevented the American Revolution from beginning on November 1, 1765, with an attack on it. . . . Major James, in command at the time, testified before Parliament that if he had fired he could have killed 900 of the mob on that night, but he added that the opposition could thereupon have assembled 50,000 fighting men from NY and NJ alone, and that it would have been impossible to holdout against such a force.⁴⁷

In 1774, "Lord North may have believed that [the Coercive Acts] would dampen dissent. As with so many imperial policies that only make sense thousands of miles from the places where they were implemented, this one interrupted routine business while *inflating universal anger*."⁴⁸ In 1777, General Gates asked a British peace commissioner: "Is it thus [by destruction and massacres] your king's generals think to make converts to the royal cause? It is no less surprising than true, that the measures they adopt to serve their master, have a *quite contrary effect*."⁴⁹

To repeat, the lesson from these and many similar episodes is not that the British politicians or officers miscalculated, but that they *made the mistake of calculating*. After unsuccessfully opposing the Boston Port Bill of 1774 in Parliament, Rose Fuller commented: "I will now take my leave of the whole plan; you will commence your ruin from this day! I am sorry to say that not only the House has fallen into this error, but the people approve of the measure. The people, I am sorry to say, have been misled. But a short time will prove the evil tendency of this bill. If ever there was a nation rushing headlong to ruin, it

46. General Burgoyne made a similar observation when "at the surrender ceremony on October 17, 1777, [he] complimented [the American general] Gates of having an inexhaustible fund of men who were 'like the Hydra's head, when cut off, seven more spring in its stead'" (O'Shaughnessy 2013, 162–63).

47. Morgan and Morgan 1995, 206.

48. Breen 2019, 35.

49. Ramsay (1789) 1990, 2:50. Clearly, Gates refers to *behavioral* conversion caused by fear, not to inner conversion.

is this.”⁵⁰ In the same debates, Isaac Barré said that the government had “been continually goading and teasing America for these ten years past. I am afraid, you will, by these acts of violence, drive them to rebellion.”⁵¹ If my argument is valid, Fuller and Barré weren’t *right*; they were *lucky*.

One might suppose that the uncertainty was due to lack of information about the true state of the colonies, and that the actions taken were due to the fact that this lack itself was ignored.⁵² I believe, however, that the problem runs deeper, as also suggested by John Shy: “That political chaos [at the accession of George III] was the result is not surprising, and historians have labored to reduce it to some sort of order. Their efforts can’t wholly succeed, because *the chaos was real* and not an illusion born of complexity.”⁵³ As he writes elsewhere, “What was the intricate interplay and feedback between attitude and behavior, events and attitude? Did people get *war weary and discouraged*, or did they become *adamant* toward British efforts to coerce them? . . . The essential difficulty in answering these questions lies less in the lack of evidence than *in the nature of the subject*.”⁵⁴ Reliable causal theories rather than facts were the crucial missing ingredient.

Moderate repression. A second source of uncertainty is the numerous attempts throughout history to deal with a problem by adopting what in retrospect appears as a half-measure, getting the worst of two worlds rather than, as expected, the best of both (volume 1, 169, 233). The first and one of the best historians of the Revolutionary War, David Ramsay, wrote in 1789 that “instead of persevering in their own system of coercion, *or indeed in any uniform system* of colonial government, [the rulers of Great Britain] struck out a middle line, embarrassed with the consequences of both severity and of lenity, and which was without the complete benefits of either.”⁵⁵ He had been preceded in this view by General Gage, who in 1770 “advised that it was better to do nothing than to do it halves.”⁵⁶ Ministers in London, too, thought that “partial severity was general mercy.”⁵⁷ Referring to the same facts, Burke said in

50. PDNA, 4:404–5.

51. PDNA, 4:175.

52. Dunning and Kruger 1999.

53. Shy 1965, 46–47.

54. Shy 1990, 167.

55. Ramsay (1789) 1990, 1:85. In theory, a policy that is “without the complete benefits” of either of two desiderata could well be an optimal trade-off. However, Ramsay implies that single-minded pursuit of *either* (a “corner solution”) would have been better than the “middle line” compromise. For other comments on the inefficacy of half measures, see Botta (1834, 1:83, 115, 123).

56. Shy 1965, 320. Commenting on British policy in Boston in the same period, Phillips (1999, 90) writes that the “effectiveness of the propaganda of men like Sam Adams . . . could be traced to unprecedented peacetime employment of British military forces in numbers sufficient to *outrage* the colonists, but not to *control* them.”

57. Ramsay (1789) 1990, 1:85.

the House of Commons that “you showed your ill will to America, at the same time you dared not execute it.”⁵⁸ Some years before, however, Gage had offered a hundred soldiers to each of the governors of Massachusetts, New Jersey, and Maryland. They did not accept the offer, thinking that “100 men was a number which might be *provocative without being effective*.”⁵⁹

Concessions. Commenting in 1770 on the effects of the repeal of the Stamp Act in 1766, Burke referred to uncertainty by the same phrase, italicized below, that I cited from his speech in 1774: “However peace was restored—whether the condescension of this country would encourage them to the same violence in resisting other laws and that their success in defensive would embolden them to offensive measures; or would operate to make them more ready to obey was in the *womb of time*.”⁶⁰

Three crucial episodes in Boston from 1765, 1770, and 1774 show how the presence of a crowd could turn concessions into defeats. As a prelude to the repeal of the Stamp Act, a crowd wrecked the mansion of Andrew Oliver, secretary of the colony. “Lieutenant Governor Thomas Hutchinson made an effort to calm the crowd, [but] he and the sheriff were driven away in a hail of stones. The next day Oliver resigned [his] commission . . . and the crisis appeared resolved. . . . But instead of satisfying the crowd Oliver’s resignation seemed only to *whet its appetite* for larger game: Thomas Hutchinson.”⁶¹ Franklin “had hoped that the Americans would show proper appreciation when the Stamp Act was repealed, but remained disappointed.”⁶² Episodes of this kind fueled the worry in London “that the Americans would never be satisfied, that they were really after independence, not legislative autonomy, so *repeal of one statute would just encourage them to demand more*.”⁶³

In the aftermath of the Boston Massacre on March 5, 1770, a committee that included Samuel Adams demanded the withdrawal from the city of the two British regiments. The lieutenant governor answered “that the troops were placed in the town by order from the King, and that he had no authority to remove them. This increased the temper of the people, and upon a second application Col. Dalrymple, the commanding officer, offered to *remove one regiment*, to which the soldiers on guard [who were involved in the massacre] belonged. *This was giving up the point*. It was declared not satisfactory; and Mr. Adams said to him *if he could remove one he could remove both*, and it was at his peril to refuse it.”⁶⁴

58. PDNA, 3:258. See also Bourke (2015, 317): “The threat of trying Boston radicals for treason or misprision of treason . . . was *at once galling and half-hearted*.”

59. Shy 1965, 211.

60. Burke 1981–2015, 2:326.

61. Christie and Labaree 1976, 59.

62. Kammen 1974, 187.

63. Reid 1986–93, 4:129.

64. Hutchinson 1883, 79. For a detailed narrative, see Hutchinson (1828, 273–76).

In the aftermath of the Boston Tea Party on December 16, 1773, the Massachusetts House of Representatives initiated proceedings against the judges of the Supreme Court for having received their salary from the king rather than from the assembly. In a letter to Lord Dartmouth in February 1774, Governor Hutchinson asserted that “advantage was taken of the weak state of body, by which the mind was also affected, of one of the Judges, and he was induced, in consequence of the resolves of the last Session, to send a letter to the Speaker, expressing his determination to comply with the demand of the House. *Having carried this point with one*, the others were afraid of increasing the rage of the people against them, if they refused to comply with the renewed demand made upon them.”⁶⁵

Thus, while in 1770 one man’s concession triggered the crowd’s demand for more, in 1774 one man’s concession triggered more concessions because of fear of the crowd. There were probably many other occasions on which the crowd was a virtual actor.

Deliberate Inaction. When a government faced with various options ends up doing nothing, it is often, perhaps usually, because of stalemate among the actors.⁶⁶ For instance, when Pennsylvania failed to respond to Indian threats in 1756, it “did not happen, as many contemporaries charged, because the Quaker oligarchs in the assembly preferred watching defenseless backwoodsmen die to troubling their own consciences by making military appropriations. . . . The most significant *cause of Pennsylvania’s inaction* lay instead in the character of provincial politics, which had been *deadlocked* since 1740 over the question of taxing proprietary lands.”⁶⁷ Deliberate inaction seems to be rare. Seneca (*De ira* I.11) provides a classical example: “How else did Fabius restore the broken forces of the state but by knowing how to loiter, to put off, and to wait—things of which angry men know nothing? The state, which was standing then in the utmost extremity, had surely perished if Fabius had ventured to do all that anger prompted.” In America, as we shall see in chapter 2, John Adams admitted that “Fabius’s *Cunctando* was wise and brave,”⁶⁸ but fretted over the inactivity that Washington’s strategy imposed upon him. In later chapters I shall also cite examples of deliberate inaction that take the form of *giving an opponent rope to hang himself* (see also volume 1, 116).

65. Hutchinson 1883, 113. For a detailed narrative, see Hutchinson (1828, 442–43).

66. Observers can be tempted to read *intentions into inaction* that were not in fact there. Thus when Governor Hutchinson failed to receive a response to his repeated cries of wolf to the English authorities, the reason was “perhaps, he argued in his endless efforts to impute rationality to the impenetrable silence of the deities that ruled his political existence, perhaps to the politically sophisticated in England *silence was a proper expression of the contempt* that was felt for such petty defiance” (Bailyn 1974, 304).

67. Anderson 2001, 160–61.

68. “From John Adams to Mercy Otis Warren, 25 November 1775,” Founders Online, National Archives, <https://founders.archives.gov/documents/Adams/06-03-02-0170>.

Inaction aversion is a fundamental tendency that can arise from a variety of mechanisms that I shall now analyze and illustrate. The list is probably not exhaustive, nor are the mechanisms necessarily mutually exclusive.

Emotions can induce inaction aversion, by two mechanisms. First, as I shall argue in the next chapter, an agent in the grip of a strong emotion such as enthusiasm or anger may have an almost irresistible urge to act at once. Second, a prudent and rational agent who is tempted to do nothing may be deterred by the contempt of others. “In the revival of newspaper appeals after the fall of Charleston [in 1780], one writer warned, ‘In times of public danger like the present, I hold every species of inaction of the nature of treason.’”⁶⁹ In the next chapter, I shall give other examples of rational prudence being castigated as pusillanimity.

Keynes argued that *uncertainty*, too, can induce inaction aversion: “Even apart from the instability due to speculation, there is the instability due to the characteristic of human nature that a large proportion of our positive activities depend on spontaneous optimism rather than mathematical expectations, whether moral or hedonistic or economic. Most, probably, of our decisions to do something positive, the full consequences of which will be drawn out over many days to come, can only be taken as the result of animal spirits—*a spontaneous urge to action rather than inaction*, and not as the outcome of a weighted average of quantitative benefits multiplied by quantitative probabilities.”⁷⁰

Along a different line of argument, Keynes, misquoting Paul Valéry, argued in 1933 that in the movements toward national self-sufficiency:

An even worse danger than silliness is Haste. Paul Valéry’s aphorism is worth quoting—“Political conflicts distort and disturb the people’s sense of *distinction between matters of importance and matters of urgency*.” The economic transition of a society is a thing to be accomplished slowly. What I have been discussing is not a sudden revolution, but the direction of secular trend. We have a fearful example in Russia today of the evils of insane and *unnecessary haste*. The sacrifices and losses of transition will be vastly greater if the pace is forced.⁷¹

69. Royster 1979, 286.

70. Keynes 1936, 161–62. Pascal (2011) put it differently and more strongly: “All of humanity’s problems stem from man’s inability to sit quietly in a room alone.” For putative examples of animal spirits in politics, see Elster (2013, 182–83). Taleb (2012, ch. 7) has a wide-ranging discussion.

71. Keynes 1978, 22:245. The original reads: “Le résultat des luttes politiques est de troubler, de falsifier dans les esprits la notion de l’ordre *d’importance* des questions et de l’ordre *d’urgence*. Ce qui est vital est masqué par ce qui est le simple bien-être. *Ce qui est d’avenir par l’immédiat*. Ce qui est très nécessaire par ce qui est sensible. Ce qui est profond et *lent* par ce qui est *excitant*” (Valéry 1960, 948).

Even when an agent confronted with a major decision knows that there is nothing to be gained and something to be lost by acting immediately, its *sheer importance* may create a momentum that tolerates no delay. Just like emotions, the importance of a decision may generate a sense of urgency.

Finally, inaction aversion might be triggered by the intolerable *burden of waiting* to carry out a scheduled and dangerous action, such as a suicide mission. According to one Kamikaze pilot, the *stress of waiting* was “*unbearable*.” To counteract the urge to take immediate and premature action, “the first rule of the Kamikaze was that *they should not be too hasty to die*. If they could not select an adequate target, they should return to try again later.”⁷² In Afghanistan, organizers sometimes prefer the technique of remote detonation, which “*reduces mistakes caused by attacker stress, such as premature detonation*.”⁷³ George Ainslie argues that urgency or inaction aversion “names the effort of using mental suppression to defer action” and that “the anguish of Kamikaze pilots came from this process raised to a power.”⁷⁴ In the conclusion, I cite George Lefebvre’s suggestion that the psychology of crowd members preparing for action owes much to this mechanism.

In Great Britain, decision-makers were largely incapable of waiting. Without suggesting any specific explanation, Ian Christie and Benjamin Labaree comment on the inaction aversion of British decision-makers: “In making their decisions, the British politicians did not perceive the full range of choice before them. The grounds for action seemed compelling, and action followed. *The grounds for inaction at first hardly obtruded upon their notice at all*.”⁷⁵ By contrast, George Washington’s deliberate adoption of a quasi-Fabian strategy was among the main reasons for the success of the Americans in the war, even though he was to some extent constrained by the enthusiasm of his troops (see below).⁷⁶

Preemption. This strategy—the satisfaction of latent or potential demands—requires a degree of foresight rare among politicians. In May 1848, Tocqueville, who knew more about revolutions than anyone before or since, wrote to Lord Radnor that “the only way to attenuate and postpone [the] revolution is to do, *before one is forced to do it*, all that is possible to improve

72. Peter Hill 2005, 28, 25.

73. UNAMA 2007, 50.

74. Ainslie 2021, 335.

75. Christie and Labaree 1976, 52.

76. Of the main American generals, Horatio Gates was the only one to explicitly advocate a Fabian strategy (D. Fischer 2004, 79). Washington’s strategy of a “war of posts” (see chapter 2) also relied, however, on avoiding “a general attack on open ground” (chapter 2). For my purposes here, the distinction seems unimportant.

the situation of the people.”⁷⁷ In other words, the *timing of concessions* can be crucial. Commenting on the role of a governor suspended between instructions from Britain and his colony’s resistance, Leonard Labaree writes that “a conscientious governor was likely to hesitate so long before disregarding an instruction that the assembly would look upon any indulgence that he finally showed them as *a forced surrender rather than a voluntary act of generosity*. His concession, therefore, would *weaken rather than strengthen his position* in the province.”⁷⁸ Burke, too, stressed the importance of timing: “early reformations are made in cold blood; late reformations are made under a state of inflammation.”⁷⁹

Among British officials, one can cite, as a plausible example of preemption, extracts from the “Principles of Law and Polity” that Governor Bernard of Massachusetts wrote in the spring of 1764, probably *before* he knew about the adoption of the Sugar Act.⁸⁰ The document included notably the following clauses:

62. A Representation of the American Colonies in the Imperial Legislature is not impracticable: and therefore
63. The propriety of a Representation of the American Colonies in the Imperial Legislature, must be determined by expediency only.
64. A Representation of the American Colonies, in the Imperial Legislature, is not necessary to establish the authority of the Parliament over the Colonies. But
65. It may be expedient for quieting disputes concerning such authority, and *preventing a separation in future times*.⁸¹

77. Tocqueville 2003, 630. The best-known successful attempt to implement his recommendation is perhaps Bismarck’s social insurance program. Workers, he said, “will think that if the state comes to any harm, I’ll lose my pension” (Ritter 1983, 35). Alexander II of Russia also perceived that “the only means of avoiding revolution—and what Louis XVI did not do—was to preempt [*devancer*] and prevent it” (Carrère d’Encausse 2008, 454). In volume 3, I discuss attempts by the French privileged classes to defang the revolution by preemption; they were too late.

78. Labaree 1964, 436.

79. Burke 1981–2015, 3:492.

80. The Act was adopted by Parliament on April 11. The first reference in Bernard’s correspondence to the “Principles of Law and Polity” occurs in a letter dated June 23 (Bernard 1774, 23). In a resolution that I cite in chapter 2, on May 24 the Bostonian representatives in the Massachusetts assembly adopted a protest against impending taxes, but the text seems to refer to the Sugar Act itself and not to its intimation of future taxation. More importantly, perhaps, Bernard’s document does not mention the Sugar Act.

81. Bernard 1774, 80.

In 1764, American demands for representation in the British Parliament were at most marginal.⁸² Once the demand was made, most came to recognize that the mechanics of colonial representation did in fact make it “impractical,” but Bernard did show unusual foresight in trying to prevent separation. In their comment on the document, the Morgans write that “no one in England felt the urgency of the situation as Bernard did,” but that “they would have been *wise to listen* to [him].”⁸³

Conclusion

In conclusion to this chapter, it seems appropriate to quote from two letters by Thomas Hutchinson, both from his time as lieutenant governor of Massachusetts.

The first was written in 1765, a few days after his house in Boston had been ransacked and destroyed by a mob that, wrongly, believed he was somehow responsible for the passage of the Stamp Act, a measure of which “he had strongly disapproved from the time he first heard of it.”⁸⁴ After describing the events and the damage, he concludes: “On the one hand it will be said if concessions be made the parliament *endanger the loss of their authority over* the colonies on the other hand if external force should be used there seems to be danger of a total *lasting alienation of affection*. Is there no alternative?”⁸⁵

The second letter was written on May 11, 1770, two months after the Boston Massacre, in which British soldiers killed five people in a crowd that were harassing them. Writing to a British friend, he charged that “You [Britain] *never ought to have mad[e] any concessions from your own power* over the colonies and you *ought not to have attempted an exertion of power* which caused such a general dissatisfaction thro the Colonies.”⁸⁶ Like the earlier letter, the second reads like the cri de coeur of a man who feels damned if he does and damned if he doesn’t.

Finally, I shall illustrate the dilemma between interest and emotion by a dialogue from *The Maltese Falcon*. Stating that he is in possession of the falcon, Sam Spade refuses to hand it over to Mr. Gutman, who has spent years looking for it:

Spade: “If you kill me, how are you going to get the bird? If I know you can’t afford to kill me till you have it, how are you going to scare me into giving it to you?”

82. Reid 1986–93, 4:99.

83. Morgan and Morgan 1995, 19.

84. Bailyn 1974, 62.

85. Hutchinson 2014–22, 1:293.

86. Hutchinson 2014–22, 3:220–21.

Mr. Gutman: “That is an attitude, sir, that calls for the most delicate judgment on both sides, because, as you know, sir, men are likely to forget in the heat of action where their best interest lies and let their emotion carry them away.”

Spade, too, was all smiling blandness. “That’s the trick, from my side, to make my play strong enough that it ties you up, but yet not make you mad enough to bump me off against your better judgment.”⁸⁷

The “trick” that haunted the British was to find a level of pressure on the Americans that would make them comply out of self-interest while not triggering emotions that would override interest. They did not and could not know what that level was.

87. Hammett 1999, 553-54.

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