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The Philosophy of Deception

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Clancy Martin

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Deceit in War and Trade

William Ian Miller

It is believed by a good portion of humankind, and not disconfirmed by the experience of more than a few birds, fish, and insects, that without deceit and dissimulation there would be no sex, no reproduction of the species. Even the gods need tricks to bed their objects of desire. Zeus becomes a swan, a bull, a snake, a stream of gold, an eagle, or even a lowly shepherd, to seduce or rape as the case may be.¹ The first time between mates requires a seducer's arts (or alcohol), even if, and this is a constant theme of many trickster tales, the seducer was himself seduced by arts superior to his own, and the only success he can claim as a deceiver is the self-deception that has him believing that his own artfulness determined the course of events. Add deceits like breast implants, Viagra, hair color, botox, and liposuction to the mix, and we have more people tricked than was ever possible in the good old days. Maybe not: in days of yore mere clothing was felt to be deceitful. Clothes covered an ugly truth beneath and "made the man" out of whole cloth. In Hebrew, the word for clothing and the word for deceit, betrayal, and treachery come from the same root: B-G-D.² But are such cover-ups, props, and enhancements still deceitful if openly owned up to? Sure they are, for falseness owned up to is one of falseness's most common tricks.

It is hard to imagine the world getting started without trickery and dissimulation. If the snake were not in the garden, there would be neither history nor a plausible imagining of human psychology. We would not *be*, or if we were to be, we would not be the least bit interesting. For us post-lapsarian souls, the trick is to find the proper amount of wariness to keep the costs of our foolishness down without becoming paranoid, and, perhaps, to develop the proper amount of wiliness so as to get our way with others without being discovered, or if discovered, discovered in such a

1. See Ovid, *Metamorphoses* 6.113–14.

2. Hebrew gets you every which way, naked or clothed: the word for "naked" (*'rum*) applied to the innocent Adam and Eve in the last verse of the second chapter of *Genesis* is a perfect homonym with the word for "cunning," rendered as "subtil" in the Authorized Version, used to describe the serpent in the next verse beginning *Genesis* 3.

way as to become known either as lovable rogues or as persons to be reckoned with. As with love, so with war, and so, too, with the more modest exchanges of the marketplace. What follows in this essay is a genealogy on deceit in war and trade placed mostly in premodern times, a sketchy genealogy at that, with some bastard children admitted to the inheritance and other legitimate ones excluded.

Sun Tzu, fifth century B.C., says the art of war is the art of deception: "all warfare is based on deception; therefore when capable, feign incapacity; when active, inactivity. When near make it appear that you are far away; when far away that you are near. Offer the enemy a bait to lure him." Easier said than done, for more than the obvious reason that your enemy is reading Sun Tzu too. The reason Sun Tzu is so categorical is that he knows warriors are jealous of their courage, which will lead them to prefer ill-advised charges and refuse practical retreats, lest they be blamed as cowards. The problem is not so much enduring the taunts of the enemy as those of one's companions or the songs your women will sing in mockery.³ Strategies and tactics of deception have to be managed so as not to appear to be motivated by cowardice. Honor requires a certain amount of risk seeking for the sake of risk seeking, within limits to be sure, for one of the great rewards of honor is to live to enjoy the reputation for having it. So courage has to concede some space to guile, and guile has to pay some deference to courage. Odysseus, no less than Achilles, gets his epic. The problem, as always, is how to manage practically. Does one employ feigned flights, ambushes, night attacks? Does one wear the uniform of the enemy? Does one stab in the back, violate a safe conduct? Just what, if anything, is not fair in love and war?

SKILL

Let me start with a frolic and a small detour. Take the case of boxing, football, or any sport that involves facing off against an opponent rather than, say, track or golf, which involves tests that require comparisons of discrete individual performances.⁴ Football is all about making your opponent think you are going to pass rather than run, run here rather than there, throw to this receiver rather than that one. Receivers develop moves to fake out defenders. Boxers and wrestlers feint, set up their opponents. Moves are the name of the game. And while we delight in the player who is so strong and powerful that he need not develop the skills

3. One might secure a reputation for courage with one grand performance early in one's career and thereby gain enough credit to make room for considerable prudence thereafter, but even then there would be gossiping. See, e.g., Polybius (10.3) on Scipio Africanus.

4. Though races longer than four hundred meters involve strategizing, and positioning tactics, and golfers may try to get into each other's heads, the rough distinction survives.

of trickery and fakery and need do nothing more than charge straight ahead and overcome with brute strength, he is the exception; even he will eventually confront someone who is his match in sheer strength and then the one who can trick, feint, and fake will defeat the other. There is no moral problem here. And the analogy with war works.

What if, however, the big strong brute, a Goliath, gets taken down from afar by someone who brings a different technology to bear, not quite within the rules of the game Goliath thinks he is playing, but within the rules of the game his opponent thinks is the real game at hand? A moral problem begins to emerge, rather different from the one that arises when a man nine cubits and a span tall decked out in armor from head to toe bearing a spear crafted with the latest Iron Age metallurgy goes against an untested youth without armor still using Stone Age technology. Asymmetry of force raises different moral problems from those raised by guile and deceit, though one of the goals of deceit may be to gain a local advantage so that you become, relatively speaking and for a brief exploitable moment, the one holding the winning hand.

For us, drugging one's opponent is clearly outside the game, yet more than a few athletes think that drugging oneself can do nice work if you can sneak it in: thus the tawdry tales that are the daily fare of baseball, swimming, cycling, cross-country skiing, track and field, even golf. The fact that we recognize a distinction between the deceit that is openly part of the skill set of a particular game and the deceit of juicing oneself up with undetectable chemicals has a history. Witness the *Iliad*, and many a medieval romance, in which it is not yet clear that actions like bribing judges, enlisting the gods on your side, sticking poles in the spokes of the other's wheels, poisoning your sword in a duel, using magic weapons, and claiming a privilege that entitles you to win a race by virtue of your social rank rather than your speed were not clearly outside the game. Though some advances have been made, sometimes it is one step forward, two back.

The boundaries separating one game from another, or the inside from the outside, are often in dispute. Archers, though very effective at killing at relatively small risk to themselves, like Paris or the English longbowmen, were looked down on by the men who fought *mano a mano*, like Hector or knightly men-at-arms. That David could stay well out of reach of Goliath's javelin and hit him from afar with a force-multiplying sling—is that a move, a tactic in the game; or not the same game? Bald trickery and cheating if you are a Philistine, a glorious triumph if you are a Judean. In the age of chivalry, a thirteenth-century French legal compilation defines treachery in war, “treason” in his idiom, as hitting someone who could not see what hit him.⁵ This was meant to give a bad name to a

5. “Treachery is when one attacks a man so that he cannot see the blow coming...or when one surprises another and strikes him when he cannot defend himself”; *Li livres de Justice et de Plet*, ed. Rapetti [sic], in *Collection de Documents Inédits sur l'Histoire de France* (Paris: Firmin Didot, 1850), bk. 19, ch. 19, p. 297. (Thanks to Stephen D. White for this citation, and see his “Alternative Constructions of Treason in the Angevin Political World:

An assassin by night, Diomedes even makes out like a bandit in gift-exchange in broad daylight, as a trader of sorts. When Diomedes meets Glaukos in battle, Diomedes, appealing to their grandfathers' close friendship, takes off his armor and offers it to Glaukos, suggesting that they exchange armor as their ancestors had exchanged gifts two generations earlier. The trouble for Glaukos is that his armor is gold, whereas Diomedes' is bronze, and the difference in value is, as Homer hastens to tell, one hundred bulls to nine. To Homer's dismay, Glaukos agrees to the exchange: "Zeus must have stolen Glaukos's wits away."¹⁴ But what was poor Glaukos to do? Diomedes traps him in a web of piety and takes him to the cleaners. And remember, Diomedes is not even famed for cunning; that is Odysseus's honor.

There is a strange moral economy here. Surely, those who believe in face-to-face battle fair and square are not all operating in bad faith; but they are not about to disown the advantage of having some Odyssean sorts on their side, and they surely do not want such sorts in the high command of the enemy. Then, too, the cunning types, like Odysseus or David, are not weaklings either. Is it that they (and we) tolerate Odysseus and David, and even the wily Jacob, because they are tough guys, too? Odysseus and David are hardly cowering poltroons. Both are consummate warriors; they stop at nothing. And even Jacob, though quaking in his sandals when informed that Esau and his band are approaching, is, like Odysseus, a very good wrestler.¹⁵

The Icelandic sagas add more nuance. They show that if one was a cagey trickster, one need not be much of a warrior: one could be sneaky and wily and even enjoy a certain threat advantage that came with that reputation. As long as they did not scare easily, these wily souls would even be respected, feared, and admired, and be counted men of honor.¹⁶ But they still needed steely nerves.

The ancient moralists counseled that *fortitudio* needed an assist from *sapientia*, that without the latter the first would kill itself with grand charges and heroic action, and without the former the wise would be more akin to university professors than to either Odysseus or David.

14. *Iliad* 6.232; Robert Fitzgerald, trans. (Garden City, NY: Anchor, 1974). Homer's joke at Glaukos's expense is more complex than it appears at first glance. The difference in value between Diomedes and Glaukos's armor would only be one hundred to nine in an armorer's shop, and that is part of the wit of the joke, for it wryly introduces hard mercantile concerns that both fund and are the object of much glory seeking. Back in the Trojan camp, the bronze armor of Diomedes, because it had belonged to the great Diomedes, would have a premium attached to it. In the Greek camp, the gold armor gains little for having been Glaukos's, though its value might still be enhanced beyond comparable gold armor by its now having the comic tale of its acquisition attached to it.

15. See for fuller discussion my *The Mystery of Courage* (Cambridge: Harvard University Press, 2000), 162–67.

16. Thus Snorri the Priest in *Eyrbyggja Saga* and *Laxdæla Saga*; Sturla in *Sturlu Saga*. Gudrun in *Laxdæla Saga*. Compare the easier-to-scare Mord Valgardsson in *Njál's saga*.

How much *sapientia* was needed, though, if the Trojans, after holding out behind walls and in battle for ten years, could fall for the Trojan horse? But then the Trojans had as yet no proverb saying "Fear Greeks bearing gifts," until Laocoön coined it on the spot, though the spot was in the *Aeneid*, and thus too late to help Troy; moreover, in the *Aeneid* it did not have the force of a proverb but of an impious novelty, and within an hour Laocoön and his sons were devoured by sea-serpents.

How could a trick like that work? Virgil has to devote considerable effort to make the tale told by Sinon, the Greek "deserter," convincing enough for the Trojans to appear as something less than idiots for having believed him. Virgil could hardly wish his Romans to be descended from Trojan fools, no matter how heroic the escapee Aeneas might be. Surely, the Trojans had their own trickster tales that expressed the same proverbial wisdom as the tale of the horse. Everyone does. The Trojans had their moralists and comedians who either warned against or complained about the wiliness of their slaves, their women, and their enemies and coined proverbs about the poison that lurked within the benignest of gifts, but still the deceit worked.

Deceit works as well as it does because humans are so easy to set up for the fall. Warnings of doom go unheeded. And why shouldn't they? Cassandra raises the same problems all prophets raise: it is very hard to tell the false doomsayer from the true, for even the false one gets it right some of the time, given that we get sick, have accidents, grow old, and die. It might thus be rational not to listen to Cassandra, unless she can come up with some hard evidence that the straits are more dire than usual.¹⁷ Besides, doomsayers are a dime a dozen. Why should Caesar have been wary about the Ides of March, when he no doubt had been treated to years of being warned to beware the Nones of February, the Kalends of June, and so on. He had to ignore doomsayers, or he would never have left the house, and would never, for certain, have been the world historical figure he was.

But even if the Trojans had the story of the Trojan horse or believed Cassandra, the fact is that the same trick can work again and again. Like the plots of novels, there are a limited number of tricks, and they merely have to trick themselves out in slightly different costumes to work in every generation. The very predictability of known deceits that have been employed for the umpteenth time give the trickster the advantage of his or her mark's complacency with regard to that particular trick: no

17. Obviously, reason alone does not block our ears to Cassandra's panicky predictions. Our deafness to her doomsaying is also a sign of what in the sixteenth century was called the sin of security, a culpable looking on the bright side of things, "a forgetting mortalitie," in Thomas Nashe's words; see my *Faking It* (Cambridge: Cambridge University Press, 2003), 28. But we also may, not unjustly, mistrust the doomsayer as motivated by a dispositional pessimism that resents the pleasure of those who are eating, drinking, and being merry, who may be doing so not out of a culpable sense of security but because that is how they are choosing to meet their ends, not how they are choosing to live their lives.

one is going to get me on *that* one, and so we lower our defenses and get fooled again.¹⁸

But war raises the stakes: if the standard trickster makes us pay for our greed and our vanity, the emotional backdrop of war is dominated by fear for life. Lighting more campfires than you have men to warm in order to make the enemy believe you have a larger force has been employed hundreds of times in scores of wars. It is not as if the enemy does not know the trick (they have employed it more than a few times themselves, and perhaps at the same time you are employing yours); it is just that they are scared and likely to err on the side of nonconfrontation. And on occasion, they have lit fewer campfires than needed to entice you into battle when they have the advantage in numbers. So what do those campfires mean?

If you are being tricked into more wariness than it was wise to have at a particular moment, and you thus let a small enemy force slip away under the cover of darkness, you at least are alive to get it right, or wrong again perhaps, the next time. But even without fear as the backdrop, in mere matters of anticipation and reading another's intentions, as in a basketball game, for instance, the same crossover move works again and again, against people who are skilled players themselves and have seen it a thousand times: it is not the move itself but the timing of it that bears a good portion of its guile.

Though both *sapientia* and *wisdom* are words that indicate a virtue and bring virtuous associations to mind, the "wise" in wisdom, even the *sapiens* in *sapientia*, can end up partaking of the more dubious world of feints and double moves—that is, of craft, cunning, and sleights—as much as of the world of wise counsel, prudence, and subtle strategy. The kind of "wisdom" that was required in the midst of ancient battle shared more with the skill of crossover dribbles and how to anticipate them, when to fake right and go left, than with high matters of strategy. Thus, in the *Battle of Maldon*—an Anglo-Saxon poem of extraordinary power composed shortly after the battle (991 A.D.) it commemorates—the English leader is called *fród*, a word bearing the meanings "wise, skillful, sage, old," for spearing a Viking through the neck in close combat, after that same Viking has wounded him. *Fród* applies to him in part as an epithet for being the leader of the English troop, an elder, but the nearest referent for *fród* in the text is the spearing. The Old English says the hand of the *fród* warrior "guided" his spear through the neck of the Viking ("Fród wæs sé fyrdrinc"; he let his "francan wadan / þurh ðæs hysses hals, hand wisode").¹⁹ He is *fród*

18. Some betrayals are so openly negotiated that it boggles the mind that they can work; one needn't even build a horse. In eleventh-century Byzantium, we see people who are guarding city walls having "cautious" but obviously quite loud conversations with besiegers below about opening the gates, and this after the besiegers have walked around shouting up to various defenders to find out who could be bought; see Anna Comnena, *The Alexiad* 2.9, trans. E. R. A. Sewter (London: Penguin, 1969), 95–96.

19. *The Battle of Maldon*, vv. 140–42.

because he knows how to make the moves to maneuver a spear through soft, exposed neck tissue in the heat of the action, while wounded, rather than running his spear up against a shield or armor. In short, he fakes the Viking out of his linen undergarments, deceives him as to some subset of his intentions.

Here is why philology is seductive, for it tricks me into letting it bear too much argumentative weight, but that does not mean I will not continue to be beguiled by it (or disown being beguiled when I recognize that I am). The word in Old English that in this passage means “to guide,” “to aim,” is, in its infinitive form, *wisian*,²⁰ and is formed from the same root that yields the word *wise* in Modern English. So the wise person is he who knows the way to guide a spear to its target, so as to guide another to his doom: wisdom here can encompass skill with spears in close combat as well as wisdom in counsel.

Wise, to return to a theme presented earlier, has the same dark side to it as *craft*, *cunning*, and *sleight* do: thus *wise*, in the early modern period, no less than *cunning*, meant skilled in magic, particularly in the black arts, so that the village “wise woman” was the witch,²¹ whom one consulted about one’s impotence or infertility, until one decided to blame the disorder on her cunning and then betray her to the magistrate for burning. Nor should it be surprising that in Middle English *philosopher* meant, in the words of the *Oxford English Dictionary*, “an adept in occult science, as an alchemist, magician, diviner of dreams, weather-prophet, etc.”²²

THE HALF-MACHIAVELLIANISM OF MONTAIGNE

Surely, in the golden age when men were men and met in battle the way Hector met Achilles (though Hector started running) and not quite as David met Goliath, there was no perfidy, no tricksterism. Why? Because our forefathers were too honorable, too virtuous—or too dumb—to set the other one up with a stab in the back or with poison in the night. Or was it only that they liked to tell stories of grand virtue, which on occasion they aspired to, but, mercifully, still kept a few tricks up their sleeve, about which they also told tales? Montaigne takes on these issues right at the start of his *Essays*, devoting essays 5 and 6 of Book I to them.

Essay 5 bears the title “Whether the Leader of a Besieged Place Should Go Out to Negotiate.” The answer is no, by gum, don’t do it! unless you want to see your walled town breached while you are talking peace outside. Hence the title of essay 6, which continues the theme of 5: “The Hour of Negotiations Is Dangerous.”

20. OED, *wise* v.1, 2b.

21. OED, *wise* a. 2b.

22. OED, *philosopher* 2.

This leads Montaigne to musings on fair play versus deceit and expedience. First he takes on the issue of a glorious past, when men were too honorable to be so treacherous as to win wars while pretending to make peace. He tells of a Roman legate, Marcius,²³ who secured a truce with his opponent, Perseus, the king of Macedonia, in order to buy time to reinforce his troops. But the Senate disapproved of Marcius's behavior as contrary to the ancient practice of their fathers, which was "to fight with courage, not with sleights, not by surprise or night ambushes, nor by feigned flight and unexpected about-faces, nor to have undertaken a war unless it was first declared, and often designating the hour and place of battle." To behave as Marcius did was to act, they said, with "Greek craftiness or Punic cunning, for whom it was actually less glorious to win by force than by fraud."

The view attributed to the Senate was not all tough talk, easy for old men safe in Rome to engage in. Some policy was alleged for the old virtuous way of no feints and sleights: "Only those recognize themselves defeated who know they have been beaten by valor, troop by troop, in a fair and just war."²⁴ In other words, you gain threat advantage by tromping the smithereens out of an enemy when they are ready for you and are giving their best. They will then come away with no easy excuses to prime a self-deceiving belief in their own superiority. They will be very reluctant to try again and will accept defeat as the order of things. Winning on the sly with deceit is not as destructive of the other side's will to take up the cause again.

A point before continuing with my theme: it appears to be an oft-occurring, anxious fantasy of the powerful to believe that some subset of peoples whom they have defeated and abused are all cunning and craft, and defiling, loathsome and dangerous for being so. Thus in the Roman view the Carthaginians and the Greeks were all guile and deceit, and thus, though sometime later, in just about everyone's paranoid fantasies, the Jews, who for more than a thousand years have served as the universal cunning and guileful Other. Guile gets you only so far, as I suppose the old men of the Senate well knew. Guile may get you a victory here and there and at lower cost than if it were gained without guile but we need only look at the lot of the Greeks, Carthaginians, and Jews, that is, at the big-time wily losers. Guile needs more than guile: it also needs

23. Montaigne, *Oeuvres Complètes*, ed. Maurice Rat (Paris: Gallimard, 1962). Montaigne actually has Lucius Marcius, which must be an error for Quintus Marcius. It was Lucius Aemilius Paulus who defeated Perseus in the Third Macedonian War, who had the highest reputation, not Quintus Marcius, who was known for deceitfulness. Translations are mine.

24. A nearly opposite argument is made in Thucydides 4.19: an outnumbered party suggests to the opposition that an honorable peace will bring much better consequences than one side overwhelming the other, for then the overwhelmed will want to get even, whereas honor will require them not to break a peace they negotiated. The argument is, not surprisingly, made by those who are about to get overwhelmed.

a durable fist to secure the advantage guile gains (unless, like the more conventional small stakes conman, you skip town before the dupe knows he has been fleeced).²⁵ Though the guileful might have contempt for the lack of subtlety of the mighty whom they see as big dumb brutes, the mighty brutes are not so dumb; that they are is a fantasy of the defeated. The mighty rightly suspect—precisely because they are smart—that the cunning fear brute toughness, more rightly than the mighty do wiliness. The cunning weak have rather less margin for error than the mighty. Nor are the mighty victors averse to recruiting the cagiest of the losers as, yes, *trusted* advisors.

It seems, Montaigne says, that “these good men [the Senators] had not yet learned of this *belle sentence* [quoting Virgil]: ‘Trick or courage . . . between enemies, it doesn’t matter.’”²⁶ Virgil notwithstanding, the Florentines more than a thousand years later would give their enemies, says Montaigne, a month’s notice before engaging in battle.²⁷ Now, he observes, we are harder-nosed realists, we are less “superstitious,” and we believe that he has “the honor in war, who has the gains. . . . Where the skin of the lion doesn’t work, better sew on a bit of the fox’s.” And no time is riper for deceit than during peace negotiations, especially for those under siege, who might have to leave the security of their walled fortress to parley: “and for this reason all military men in our times give voice to the rule that a governor of a place under siege should never, himself, go outside to negotiate.” Mistrust and cynicism are current, and the proverbial wisdom that sustains them is ancient.

’Twas ever thus, whether among Homeric heroes, the virtuous Romans of the Republic, or the knights at the dawn of the chivalric age. William of Malmesbury (c. 1120) says of William the Conqueror early in the Conqueror’s career: “How can I do justice to the incredible courage and self-confidence he showed in never stooping to a surprise attack, always naming the day beforehand, as though his proud spirit disdained *the normal practice of our times*.”²⁸ Similarly, most people were pretty sharp about making sure hostages were exchanged *before* negotiating, but then even

25. Before Jews acquired a reputation for cunning, they first tried taking on the Romans the good old Roman way, by force. The Romans incurred considerable losses in finally crushing Bar Kochba’s rebellion in 135 CE. That was the last time a Jewish army would take the field until 1948. The Punic example notwithstanding, one would almost be tempted to see a correlation between the attribution of cunning to an entire people and their lack of an army.

26. *Aeneid* 2.390.

27. Giving a month’s notice is not a grand gesture against Florence’s interest: though it may give the enemy time to prepare, it also gives time for at least one political faction among the enemy to betray their cause or time to undermine the courage of those who have a month to sleep on the prospect of a fight. The month’s warning, of course, is really only available to the side that already has the threat advantage.

28. William of Malmesbury, *Gesta Regum Anglorum* [The history of the English kings], trans. R. A. B. Mynors (Oxford: Clarendon Press, 1998), sec. 234.

these exchanges could be tricks, as when the hostage you thought you were getting, a person of high value and closely connected to the commander on the other side, turned out to be one of low value, about whom they could care less if he got butchered when they violated the truce, as they had always meant to do. Despite the cynicism and mistrust and despite the ancient wisdom of wolves donning sheep costumes, guards were dropped yet again and again.²⁹

Even guard-dropping may not be irrational, for wariness can be excessive. One needs to decide how costly one's wariness is as against the risk of passing up golden opportunities, only some of which may turn out to have been thinly gilded. Yet the deceits that work are lamented precisely because one was so stupid not to have seen through them, not to have taken precautions, because in fact the trick would have been so cheap to insure against, so easy to discover—please make sure the sentry is a natural insomniac, and do not out go out to parley if you are the leader of the fortress. Send a proxy, preferably a distinguished man of your entourage whose wife you covet.

Montaigne continues the discussion in the next essay, giving an example from his own neighborhood during the religious wars. One party complained of the treachery of the other, but Montaigne seems to think that given the norms of the time, each was foolish to have trusted the other. He comes pretty close to embracing, or at least accepting, the hard truth that this is how the game is played, so one had better wise up: "For it is not said that, at a given time or place, we are not permitted to take advantage of the stupidity of our enemies just as we do of their cowardice."

If you can slaughter cowardly enemies, why not also the fools who trust your white flag, who believe your overtures of peace?³⁰ As regards the enemy's gullibility, his trust in appearances, his susceptibility to being tricked, Montaigne gives the practical view: in "a given time or place," stupidity should get no special treatment from our consciences. Exactly when and where these given times and places are he does not say. He means to suggest that the privilege granted to take advantage of stupidity is not as broad as the right to benefit from the enemy's cowardice, but it is not much narrower either. Yes, to take advantage of the enemy's stupidity is ugly business, and we have bad words for it, like deceit, treachery, guile, fraud, but we also have to contend with winning versus losing; and the stakes are so high: our very lives, our freedom or our slavery, which means mostly the enslavement of our wives, mothers, and daughters. So you pass up the opportunity to steal the war because your opponent was stupid enough to trust you without taking precautions. Will you gain your

29. Thus, to some, it is naively complacent to seek negotiated assurances from North Korea or Iran not to build nuclear weapons.

30. Considering no mercy was shown to cowards in one's own ranks, it was hard to expect it to be shown to ones in the enemy's. Culpable stupidity is the sin of commanders. The private soldier's stupidity hardly matters, unless he is a stupid, sleepy, and gullible sentry.

enemy's gratitude, or just his sigh of relief while he thinks you an even greater fool for not cashing in on the opportunity than he was for so carelessly providing you with it? One posts sentries as a routine matter against the deceit of night attack;³¹ why, too, shouldn't figurative sentries be posted during peace parlays or when the enemy comes out waving a white flag?

TRADE

Deceit was a necessary player in war, but it was not officially supposed to be there. Deceit ran against war's high moral grain; it was dishonorable. If courage alone could be counted on to win, then courage was morally preferable to winning by deceit (unless you were, in Roman eyes, a Greek or a Carthaginian who preferred to win by deceit even when you could win by force). War was, by one moral theory, supposed to be a testing ground of the purest virtue—courage. In fact virtue—*virtù*—was courage itself, before the word got expanded and generalized to cover goodnesses of a more peaceful stripe. Never mind, as noted, that wiser heads were more than able to work around the official ideology of courage—but I would be surprised if even those heads were consistently cynical. Odysseus cares no less than Ajax that people respect his fighting ability, his straight-up martial skills.

Trade was quite the other way around. Deceit was the name of the game. And no virtue was held to inhere in chaffering, except ones like prudence that suspiciously mimicked cowardliness if you scraped away the makeup and paint. Long before it fell to Marxian academics to sneer at traders, the role of sneerer was played by aristocrats, from the high-caste warriors of Homer, to medieval nobles, to *fainéant* impoverished lords at fancy watering holes in the nineteenth and early twentieth centuries. Traders have gotten even worse treatment from lowly peasants, who occasionally rose up and murdered them in pogroms, whether they were Chinese in Southeast Asia, Germans in the Slavic hinterlands, Armenians in Turkey, or Jews pretty near anywhere.

There was much self-serving self-deception in the ancient aristocratic views of the cowardly trader, especially about those traders who were involved in long-distance trade. A merchant needed to be a tough guy back then to defend his goods, since the warriors who sneered at him tended to be, not to put too fine a point on it, pirates;³² while other traders, your competitors, were not averse to piracy themselves, and that meant you

31. The Trojan allies whom Diomedes butchered are said to have counted on the Trojans to post a watch. The children and wives of these allies were safe far away, so they felt less sense of urgency to post their own sentries, trusting to the Trojans, who had more at stake. The Trojans, however, were keeping a very lax watch; *Iliad* 10.415–22.

32. See, e.g., *Iliad* 1.366.

weren't either. In the Scandinavian north, it was often hard to tell from one week to the next whether a Viking ship carried traders or raiders. If the place they were approaching looked well defended, they put on their trading hats; if it looked ripe for plundering, they put on their helmets (not horned, despite nineteenth-century depictions to the contrary).³³ What they plundered in one place became the cargo—often women—they sold in the next. One way or another, raiding involved some trading.

In war, the victim of a stratagem or deceit was “surprised.” Indeed, the noun *surprise* first comes into English with the specifically military meaning of being taken unawares by the enemy.³⁴ In trade, a buyer could not be “surprised” as a man of courage might be in war, because the buyer expected to be cheated by the seller, and the seller in his turn to be stiffed by the buyer. The mutuality of the feeling, however, was not quite congruent. Sellers who purveyed to the nobility could end up stiffed, with the noble, if he cared to give an answer to someone so beneath him, claiming that no payment was justified because the seller had cheated him. Sometimes a buyer showed up in force to “buy” the goods with muscle, coming very close to piracy, but would leave behind a payment at a “fair” price he determined.³⁵ But let's leave kings and barons, raiders and long-distance traders out of it and take instead a simple transaction in the county market on market day. There the belief was that sellers held all the cards. Buyers expected, quite simply, to be tricked; that is what it meant to buy until only rather recently.

If the satirists and moralists of the fourteenth through the seventeenth century are to be believed,³⁶ the odds were that the merchant's scale was biased in his favor, that he kept one set of weights to measure the goods bought and another to measure the goods the buyer handed over in payment.³⁷ Were his goods watered down, adulterated, shoddy? Probably, but

33. See *Egil's Saga*, chs. 47–48.

34. *OED*, *surprise* sb. 1. Earlier Anglo-Norman French usage of the word was also military. Surprises were night attacks, ambushes, stealing a march; see, e.g., the early thirteenth-century *L'Histoire de Guillaume le Maréchal*, ed. Paul Meyer (Paris: Renouard, 1891), vv. 189, 400–11, cited in Gillingham, “War and Chivalry in the *History of William Marshal*,” (though his citation is off by two hundred lines); see also, notes 5–6 above. Strickland (*War and Chivalry*, 41) notes an agreement, c. 1150, between Rannulf, earl of Chester, and Robert, earl of Leicester, in which it was stipulated that neither would “for any cause or chance lay snares” for the other unless he gave fifteen days notice. “Guile and ruse in warfare were thereafter considered perfectly, legitimate, but there was mutual concern to avoid falling victim by surprise to a damaging ‘first strike.’”

35. See my discussion of *rán* or strong arm purchases in the sagas: *Bloodtaking and Peacemaking* (Chicago: University of Chicago Press, 1990), ch. 3.

36. Deceit, fraud, gulling the mark, and hypocrisy make up much of the substance of *Piers Plowman*, more than a few of the *Canterbury Tales*, and Ben Jonson's comedies.

37. Medieval weights, even the official ones maintained by governmental authorities, were notoriously inaccurate; for a general introduction, see Bruno Kisch, *Scales and Weights: A Historical Outline* (New Haven: Yale University Press, 1965).

then so were everyone else's. At least everyone thought that such was the case. Was the meal wormy, the meat tainted? If it wasn't, the price would have been still higher. When prices—obeying inexorable laws of supply and demand—went up, buyers felt sellers were cheating and gouging, but when abundance drove prices down, buyers gave sellers no credit whatsoever. The feeling of being had was programmed into the buyer's position.

This is not the deceit of a sneak attack during a truce, in which one had a rosier view than the situation turned out to warrant. In the regime of brutal scarcity that characterized preindustrial economies, deceit in trade, unlike deceit in war, was expected, and perceived whether it was there or not. It was the product of a distinctly unrosy view that characterized any commercial transaction. Deceit was the devil's way, and thus the way of the world, for the fallen world was the devil's domain. Where there was plenty, it was possessed not by the just but by the unrighteous.

Several factors helped add fuel to the fire of these suspicions, even beyond their confirmation by fact:

1. Prices did go down when supplies increased relative to demand, and then lower prices set a benchmark from which any upward variation meant deceit.
2. Aristotle, Christianity, and the law (Islam was no better), all self-deceptively clueless about the time value of money, raised impossible expectations that loans and credit should be interest free, that interest was unnatural and a swindle.
3. There was a sense, fostered by the ubiquity of poverty, that transactions were zero-sum at best. A buyer could see that some people were doing better than he was, and they were not distant lords and ladies but people close by who were selling or extending credit to him. In fact, these sellers were not much better off than he, but he believed they were getting more than their fair share of the very small pie. We might condemn this as envy, but given the poverty levels, envy might have been the form a desperate life-force was forced to take.
4. There were fantasies of plenty, but they just frustrated the buyer. For if there had been an Eden, and there was somewhere a Land of Cockayne, he was not about to be an invitee. Better to engage in petty thievery, secretive and unneighborly, to be a cheat yourself. Mostly, though, the peasant's deceit took the form not of *taking* from but of *keeping* from: keeping his best cheese from the tithe-hungry priest, his largest eggs and fattest hen, if such he had, from his lord's bailiff when he came to collect rents in kind. And if the peasant unloaded his shoddiest goods on the priest and the bailiff, well, then he, too, could smirk the smirk of the guileful. Such, such, were the joys.

And what of the seller, who knew that the buyer loathed him? He might maintain a pretense of honesty; might even be honest and kind and extend credit to hard-strapped buyers, hoping that when the next bad

harvest came, as it inevitably did, they would refrain from burning him in his home. Buyers, he knew, refused somehow to recognize that the seller had himself been a buyer when dealing with his purveyor—that he had incurred costs. And like any buyer, the seller believed he was being cheated by his vendor. The baker knew that the prices he charged buyers, who believed he was cheating them, were a function of what he himself had to pay the miller, who he in turn believed was cheating him. The laws of supply and demand were thus both known and not known by the same person, depending on whether he was situated as a seller or a buyer.

To this day, it takes several undergrad economics courses to come to understand that when gasoline prices jump, it is not the gas-station owner, or even some evil corporation, swindling us (though it might be the effect of the OPEC cartel) but that it is the predictable effect of ups and downs in supply caused by hurricanes, war, refining capacity, and increased or decreased demand in China and India. The politician believes that the voters think like our medieval buyers, so he claims the gasoline purveyors are gouging. Is the politician deceiving or self-deceiving when he does so? Like the medieval seller, he seems to have only an intermittent understanding of supply and demand. Notice, too, that for us, the politician is occupying a position the modern seller has largely vacated: that of the structural deceiver, the sleight-of-hand chiseler, the devil's familiar—though we excuse some if they are charming. And no differently from the medieval buyer, we do little more than grumble and occasionally, but very rarely, rise up in a modest jacquerie and throw the bums out; mostly we just get fooled again.

But a miracle happened: if deceit did not quite vacate the domain of trade, it ceased to be its presiding deity. Finally, buyers' fantastic expectations of the bargain they felt justly entitled to started to be met for a widening segment of the population in some parts of the world. We might start with seventeenth-century Holland or eighteenth-century England, but by the mid-twentieth century in the now rich Western world, members of a very broad middle class, which included significant numbers of those by other estimations deemed to be working class, accepted sellers, with no resentment at all, as respectable members of their community. We now believe in Best Buy, Tesco, and IKEA, and we are not fools for so believing. We can even return what we have bought and get our money back at our whim.³⁸

Of course, all that wealth spontaneously generated myriad swindlers and deceits the costs of which were to be measured in amounts heretofore unthinkable.³⁹ In an earlier draft of this piece, before the collapse of world financial markets I could write this: "But with wealth and abundance,

38. For items of greater economic moment, like cars, lemon laws came to the rescue.

39. In the mid-nineteenth century, Herman Melville, no different from a medieval moralist, could envisage American society as a series of nested and infinitely generative cons; Melville, *The Confidence Man* (1857).

people came to think of swindlers and conmen as an aberrant subset of sellers, a deviation from a new norm: the honest businessman. We in the middle-class West are rightly more relaxed about buying and selling not just because goods have improved and competition has made prices rather favorable to consumers but also because as a general matter, we as buyers are so far above the margins of dire straits that medieval people and even our grandparents endured that we can afford to be tricked now and then. The tapster watering down her ale to clear an extra tuppence at the end of the day was thus felt as more immediately evil than Bernie Ebbers, Dennis Kozlowski, Kenneth Lay, and their ilk, who stole untold millions in the wave of corporate rip-offs of the early twenty-first century.”

There is a lesson to be drawn from my own culpable complacency: that is, I got fooled again. I got taken in by the classic knaves who had tricked themselves out in slightly varied versions of the garb of their earlier avatars. And though I want to lead a jacquerie and burn a few summer homes, I also recognize that like the Trojans before me, I kind of deserved to be taken in, like not a few of the Icesave depositors got taken in by descendants of Vikings. When a deal looks too good to be true, it is rarely going to be true, unless you learn the ways of Mr. Ponzi, and get in early and out before the vast assortment of fools, like the author of this piece, are left holding worthless paper. And though we may still rightly trust Best Buy, it may be unwise to trust not only Mr. Potter, but also Jimmy Stewart.

WHO DO WE ROOT FOR?

To go back to the standard trickster stories, in fairy tale, myth, in movies delighting in cons, big and small: whose side is the audience supposed to be on? It is not always clear. The Gnostics thought the hero of the Eden story was the serpent. I bet a good chunk of the time, it is not the fool who got swindled who gets our sympathy; I bet he very rarely does, unless it is the self-pity I feel for my own having been snookered. We are not especially tender toward fools, and as long as he is not a hedge-fund manager or sub-prime lender, we indulge the rogue who outsmarts the mark by playing to the mark's pretensions, vanities, vices. The fool has it coming. And it helps when the swindler does so with panache and charm, or if he is played by Paul Newman or Robert Redford. Or even perhaps by televangelist Jimmy Swaggart, whose talents a smug secularist who is swindled weekly by his therapist must, despite himself, acknowledge. (That Swaggart and the therapist both believe in their product may aid the swindle, indeed be part of the swindle.) And when one of those ridiculous Nigerian emails is discovered to have hit its mark, though we don't admire the artlessness of the scam, we cannot help but be tickled that such transparent mendacity has worked on some perfect idiot.⁴⁰

40. See Herzog, *Cunning*, 61–64, on his correspondence with such an emailer.

But then, we are all ripe to be deceived by others. Our own commitment to good manners requires that we believe the acts others are putting on. "Social life would not last long if men were not taken in by each other," says La Rochefoucauld. Goffman suggests that the primal social virtue of tact requires that we go along with less than perfect performances, lest we make a scene.⁴¹ Thus we accept as true, if only for the moment, the pretenses of politeness and feigned pleasure others take in our company, the excuses for why someone is late or has refused our invitation. This "going along" is a moral requirement of sorts, and it gives the conman his wedge even against people who are not fools but are simply doing what well-socialized people must do. And that is when we turn against him.

We shift our sympathies when the swindler preys on the virtues of his marks rather than on their vices, when they are plucked because they are kind, charitable, hospitable, selfless, mannerly (or maybe just trying to save for their retirement or kids' college education or retirement). And we mostly continue to sympathize, even when we begin to think that that well-mannered and charitable soul who just got taken should have been a little more alert to the risks of his goodness. If you want to help real down-and-out characters, better get some street smarts to assist your charity. And so when he has been fleeced for perhaps the second or third time, then, though we still think the swindler a worm, we begin to find the kindly soul's naiveté, even his goodness, culpably stupid.

Whom we sympathize with seems to be subject to cyclic variation. Thus the law swings from little sympathy for buyers, *caveat emptor*, to aggressive solicitude—*caveat venditor*—no matter how stupid the buyer may be. Stick it to the manufacturer; impose strict liability, punitive damages. Attorneys thus advise manufacturers to put warning labels on their products. But then the inevitable shift of sympathies sets in, not because people feel sorry for the nameless shareholders of a big corporation but because the sufferance of fools can only go so far. My eleven-year-old son takes great delight in reading warning labels and exploding in laughter: "Hey dad, look at this package of sliced turkey pepperoni: 'Warning: do not eat packet'"—not the packaging, which even a fool knows not to eat, but the sealed packet of preservative, which apparently looks too good to some people to pass up. That the commercial showing a guy driving a car off a cliff has the subtitle "professional stunt driver, do not attempt" tickles him to no end. And he sits innocently mystified by the erectile dysfunction commercials during football games that conclude with hastily read warnings about what to do if your erection lasts three or more days. Now, if ever a fool had it coming. And damn, if that is not an unintended pun.

41. Compare the deceit that is so artful that the deceiver apparently wants credit for the excellence of his show as a show, and may blow his own cover to get the proper recognition of his art. La Rochefoucauld suggests that here, too, it would be bad form not to fall victim: "some disguised deceits counterfeit truth so perfectly that not to be taken in thereby would be an error in judgment"; *Maxim* No. 282.