

Introduction to the Structure of the Duel in Early Modern England

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Introduction

While judicial combat had existed in earlier times as a method of establishing the righteousness of one's cause, the rise of the duel during the 16th Century ushered in a new era in terms of trial by combat. The rise in interest of continental courtesy manuals brought with it new ideas about honor, reputation, and their importance in a polite society. The duel itself arose as the only proper and genteel method for a true gentleman to defend his questioned reputation, display his disputed genteel qualities, and to reassert his status as a true gentleman.

Honor and Reputation in Early Modern England

The 16th Century saw a notable rise in interest in the Italian culture in England. While we most often think of the rapier as the most important Italian import in to England it was not the only one that had a profound affect on the English way of life. Italian courtesy manuals became immensely popular in the mid to late 16th Century, especially among the English nobility. Among the many things these treatises imparted was the Italian sense of honor and gentlemanly behavior. Previously there had certainly been courtesy books based on the Christian sense of civility however these new manuals were specifically directed towards the men of the court¹. These treatises placed particular emphasis on decorum², presentation, and conducting oneself so as to be thought well of by other courtiers and gentlemen³. Over time this courtesy and decorum became a way to both gain and bestow honor and reputation⁴.

¹ Peltonen Markuu. *Duel in Early Modern England: Civility, Politeness and Honour*. (New York: Cambridge University Press. 2003) p.18

² Peltonen Markuu. *Duel in Early Modern England: Civility, Politeness and Honour*. (New York: Cambridge University Press. 2003) p.30

³ Peltonen Markuu. *Duel in Early Modern England: Civility, Politeness and Honour*. (New York: Cambridge University Press. 2003) p.21

⁴ Peltonen Markuu. *Duel in Early Modern England: Civility, Politeness and Honour*. (New York: Cambridge University Press. 2003) p.35

There were thought to be two different kinds of honor during this time period. **Vertical honor** was the honor due to one's superiority and **horizontal honor** was the honor due to an equal or a member of one's peer group⁵. Vertical honor could be increased as a man gained superiority however, horizontal honor could not. Horizontal honor was thought to be innate and served as a man's reputation among his peers⁶. Also known as natural honor⁷, it was believed to have been conferred on a man at birth. Interestingly for men of the time period natural honor could only be lost, not regained. Thus it was immensely important to preserve one's reputation and honor. In a society where the opinion of one's peers was so very important, reputation was everything and it was vitally important to preserve their good opinion. This is why it was so important to maintain civil and courteous interaction. Gentlemen conferred honor on each other through their courteous behavior⁸. Thus discourteous behavior meant running the risk of losing that honor. Once one's honor and reputation had come under question a gentleman had no other recourse to retain his status and reputation than retaliation⁹. The only acceptable method of retaliation open to a gentleman was the duel.

Dueling as a Tool to Preserve Honor and Reputation

Along with the Italian idea of honor and gentlemanly behavior came the idea of the duel of honor as a tool to preserve the reputation¹⁰. While judicial combat had existed before as a method of establishing the righteousness of one's cause, the duel offered something different. The duel was an opportunity for a gentleman to defend his questioned reputation, display his disputed genteel qualities, and to reassert his status as a true gentleman. There was no other avenue open for him. It was the only forum in which he could display his valor, courtesy, courage, prudence, and refined qualities. Not only did he have the opportunity to show himself an excellent fighter but he also had the opportunity to demonstrate his courage through his acceptance of the challenge and his courtesy through his comportment towards his opponent.

Injuries

Gentlemen don't simply spend their days challenging each other to duels. As we read earlier a gentleman's reputation and honor were immensely important in early modern England and duels were often fought to preserve that honor. Thus, in order for a duel to be fought some injury to a man's honor and reputation must first have been committed.

⁵ Peltonen Markku. *Duel in Early Modern England: Civility, Politeness and Honour*. (New York: Cambridge University Press. 2003) p.35

⁶ Peltonen Markku. *Duel in Early Modern England: Civility, Politeness and Honour*. (New York: Cambridge University Press. 2003) p.35

⁷ Peltonen Markku. *Duel in Early Modern England: Civility, Politeness and Honour*. (New York: Cambridge University Press. 2003) p.37

⁸ Peltonen Markku. *Duel in Early Modern England: Civility, Politeness and Honour*. (New York: Cambridge University Press. 2003) p.35

⁹ Peltonen Markku. *Duel in Early Modern England: Civility, Politeness and Honour*. (New York: Cambridge University Press. 2003) p.43

¹⁰ Peltonen Markku. *Duel in Early Modern England: Civility, Politeness and Honour*. (New York: Cambridge University Press. 2003) p.18

In the world of dueling there are two different kinds of injuries. There are **injuries caused by words** and **injuries caused by deeds**. With an injury caused by words the injury done to a person's reputation is specifically caused by something said by another individual. For example, if Edward says that Michael is a spy and a traitor he has injured Michael's reputation with an **injury caused by words**. It is this injury that will determine the order of the challenger and defender and become the catalyst for their duel¹¹. With an injury caused by deeds, no words need to be involved. The injury to an individual's reputation in this case is specifically caused by the actions of the other individual. For example, if Edward were to strike Michael by beating him violently in some way he would be injuring Michael's reputation with an **injury caused by deeds**¹². At no point does he make any claims about Michael's reputation as he would in an injury caused by words but that does make this injury any less important.

Giving the Lie and the Order of the Challenger and Defender

Once an injury has been committed, the lie needs to be given. **Giving the lie** seems very simple. At its heart it is simply stating that the other person has lied in his statement about your character. But it is the giving of the lie that determines the order of the challenger and defender

The type of injury done, whether an injury of deeds or an injury of words, also plays a major role in determining the order of the challenger and defender because it determines the order of the argument that leads to the giving of the lie. Take our earlier example of an injury caused by words in which Edward calls Michael a spy and a traitor. In this scenario once the injury has been committed Michael must answer by saying that Edward lies (*this is the giving of the lie*). **In this scenario Edward becomes the Challenger because the burden of proof has now been placed on him to prove that he has not spoken falsely**¹³. Things change slightly though in our example of an injury by deeds. Here, once Edward strikes Michael, Michael must answer the offence by accusing Edward of abusing him or using violence against him. *Effectively the accusation is that Edward has not behaved as a gentleman should. Here, however, it is Edward that gives the lie, saying that Michael lies about the abuse and thus his behavior. Now the burden of proof is on Michael and he becomes the Challenger*¹⁴.

Thus, the role of challenger does not fall based on the righteousness of an individual's cause. Instead it is assumed by whoever is given the lie falsely. The man

¹¹ Saviolo, Vincentio. *Vincentio Saviolo, His Practice in Two Books. Three Elizabethan Fencing Manuals*. ed. James L. Jackson. (Delmar, New York: Facsimiles & Reprints, 1972) p.340-341

¹² Saviolo, Vincentio. *Vincentio Saviolo, His Practice in Two Books. Three Elizabethan Fencing Manuals*. ed. James L. Jackson. (Delmar, New York: Facsimiles & Reprints, 1972) p.340-341

¹³ Saviolo, Vincentio. *Vincentio Saviolo, His Practice in Two Books. Three Elizabethan Fencing Manuals*. ed. James L. Jackson. (Delmar, New York: Facsimiles & Reprints, 1972) p.340-341

¹⁴ Saviolo, Vincentio. *Vincentio Saviolo, His Practice in Two Books. Three Elizabethan Fencing Manuals*. ed. James L. Jackson. (Delmar, New York: Facsimiles & Reprints, 1972) p.340-341

who receives the lie wrongfully must prove that he is not a liar, thus he is the one that must challenge the man who gave him the lie¹⁵.

Saviolo maintains that the reason the role of challenger falls to the man who wrongfully receives the lie is because in court every man is assumed to be honest, honorable, and just until it is proved that he is not. So if a man is accused of a crime he has only to deny it to be set free, unless there is other proof of his guilt. Thus the man who receives the lie must prove that his original words were true¹⁶.

Types of Lies: Conditional, Certain, General, Particular, Foolish

There were several different types of lies that could be given. Lies could be conditional, certain, general, particular, foolish or a combination of types. They also came in many different shapes, sizes and lawful weights.

A **conditional lie** is a lie that requires a condition to be met before it can be given. For example, “If thou doest call me a thief, thou doest lie¹⁷” is an example of a conditional lie because in order for a lie to actually be given the first condition of “calling me a thief” has to be met.

Certain lies are lies that are made in affirmative speech or writing. As an example Saviolo includes the lie “Thou hast spoken to my discredit and in prejudice of my honor and reputation, and therefore doest lie”. A **general lie** is a lie that does cite specifics. The example given is a certain lie because it affirms something that has knowingly happened. However, a statement such as this is also considered a general lie because it does not refer to a specific incidence.

A general lie can be general respect to the person being accused of lying or the injury in question. “Whoever says that I am a traitor does lie.” is an example of a **general lie in respect of the person**¹⁸ because no specific person is cited as having made the lie. “Robert, thou hast spoken ill of me and spoken words in prejudice of my honesty, and therefore I say thou liest.” is an example of a **general lie in respect of the injury** because no specific injury is mentioned. In both examples only vague accusations are made.

A **particular lie** (also known as a **special lie**) is a lie given to a specific person about specifically expressed matters¹⁹. This type of lie carries significantly more weight than a general lie. A general lie lacks lawful weight. According to Saviolo, for a lie to be considered lawfully given it is necessary that the party giving the lie specifically declare

¹⁵ Saviolo, Vincentio. *Vincentio Saviolo, His Practice in Two Books. Three Elizabethan Fencing Manuals.* ed. James L. Jackson. (Delmar, New York: Facsimiles & Reprints, 1972) p.340-341

¹⁶ Saviolo, Vincentio. *Vincentio Saviolo, His Practice in Two Books. Three Elizabethan Fencing Manuals.* ed. James L. Jackson. (Delmar, New York: Facsimiles & Reprints, 1972) p.340-341

¹⁷ Unknown. *The Booke of Honor and Armes.* <http://eebo.chadwyck.com/home>. (1590) p.7

¹⁸ Unknown. *The Booke of Honor and Armes.* <http://eebo.chadwyck.com/home>. (1590) p.8

¹⁹ Unknown. *The Booke of Honor and Armes.* <http://eebo.chadwyck.com/home>. (1590) p.9

exactly why it was given, outlining the exact cause for the giving of the lie. So for a lie to have full and lawful weight behind it the party giving the lie needs to be able to refer to a particular incident of injury of deeds or words that can be proven to have occurred or been said. A general lie lacks lawful weight because it does not have this. Saviolo includes the following as an example of a sure, certain, lawfully given lie: “Alexander, thou hast said that I, being employed by his highness in his service at Pavia, have had secret conference with the enemy; wherefore I say that thou hast lied”. This lie refers to *a specific incidence and to specific spoken words*. Thus it is a special lie (or a particular lie). This status is what gives it weight and makes it lawful.

The least lawful type of lie is a **foolish (or vain) lie**. This is a lie given to an injury not yet made. For example “If thou wilt not say I am an honest man, thou liest in thy throat²⁰” is an example of a foolish lie. This type of lie is vain and foolish because it has very little to do with honor and much more to do with provoking a fight. Saviolo asserts that not only are these lies unlawful because the giver tries to be both the challenger and defender at once, a gentleman may respond to them by giving a lie of his own. According to Saviolo a true gentleman is well within his rights to do so as he knows he has not “injured him [and] may safely answer him that he lieth [when he states that I] denying that I have spoken ill of him do lie²¹.”

Why you can't take up arms after giving the lie

It might seem that as soon as the lie is given that the duelists can and should immediately run for their weapons. But this is not so. The basic presumption of the duel is that both men are gentlemen intent on proving and preserving their good reputations. In his section entitled “That straightwaies upon the Lye, you must not take armes” Saviolo asserts that reason is the realm of gentlemen while violence is the realm of beasts. A true gentleman should do everything within his power to prove his reputation and the truthfulness of his case. The sword should not be the first thing he reaches for. Rather he should endeavor to prove himself through other methods first. If those avenues do not work then it may come to the sword, but that should be the last avenue he comes to. While some might think that it shows weakness and would be a crime to even consider other option than the sword, Saviolo continues to assert that such thinking does not reflect well on those that believe it. Rather than showing their honor and strength of character he maintains that such thinking makes them appear common, hot tempered, and imprudent. A gentleman should have more control over himself and by pursuing other avenues for satisfaction before reaching for his sword he shows himself as a true gentleman and not a rash and unthinking brute²².

²⁰ Unknown. *The Booke of Honor and Armes*. <http://eebo.chadwyck.com/home>. (1590) p.10

²¹ Saviolo, Vincentio. *Vincentio Saviolo, His Practice in Two Books. Three Elizabethan Fencing Manuals*. ed. James L. Jackson. (Delmar, New York: Facsimiles & Reprints, 1972) p.354-355

²² Saviolo, Vincentio. *Vincentio Saviolo, His Practice in Two Books. Three Elizabethan Fencing Manuals*. ed. James L. Jackson. (Delmar, New York: Facsimiles & Reprints, 1972) p.366-367

Cartels

The next step in the structure of the duel is the writing and sending of cartels. Once a challenge has been made verbally it needs to be reiterated in writing. This should be done in letters, also known as cartels, sent between the challenger and defender. To begin with the challenger must send a letter plainly and simply stating the argument and the injury that was inflicted upon him. He should state all the particulars of the argument: “the persons, the times, & places, which for the true expressing of the case are required, to the end the adverse partie may the better determine his answer”²³. *The cartels are not a place for eloquence. They are a place for plain speech. It is important that both men lay their arguments plainly before the other with all the proof that they have so that each man will know exactly what he is answering for.* It is also important to know that it appears to be in the cartels where the defender lays out his choice of location and weapons for the duel²⁴.

Saviolo also notes that while the cartels were sent individually between the challenger and the defender they were also often published publically, even though the lords might prohibit it, to ensure the neither the challenger nor the defender could claim they didn't know what had been arranged²⁵.

Weapons

As we mentioned earlier, the election of weapons fell to the defender. However, it was not always a simple matter.

In earlier times of judicial combats fighters were required to use bucklers and staves. However, as Saviolo and *The Booke of Honor and Armes* point out, the object of judicial combat was to seek out the truth not to reassert one's honor²⁶. However, the object of dueling was to assert one's honor and gentlemanly qualities and this affected the types of weapons that were deemed acceptable. Affirming one's gentlemanly qualities was especially important as it had a strong bearing on one's honor and reputation. It was important for a gentleman to show himself as valiant, courageous, wise and prudent and not rash or reckless²⁷. One of the ways of demonstrating these qualities was in the choice of weapons. It was important to choose weapons that would not only offend one's opponent but would also offer some defense. By choosing such weapons a gentleman could not only demonstrate his bravery in combat but also his prudent concern towards protecting himself. It was also important that the weapons chosen be gentlemanly

²³ Unknown. *The Booke of Honor and Armes*. <http://eebo.chadwyck.com/home>. (1590) p.17

²⁴ Unknown. *The Booke of Honor and Armes*. <http://eebo.chadwyck.com/home>. (1590) p.17

²⁵ Saviolo, Vincentio. *Vincentio Saviolo, His Practice in Two Books. Three Elizabethan Fencing Manuals*. ed. James L. Jackson. (Delmar, New York: Facsimiles & Reprints, 1972) p.370-373

²⁶ Saviolo, Vincentio. *Vincentio Saviolo, His Practice in Two Books. Three Elizabethan Fencing Manuals*. ed. James L. Jackson. (Delmar, New York: Facsimiles & Reprints, 1972) p.398-399, Unknown. *The Booke of Honor and Armes*. <http://eebo.chadwyck.com/home>. (1590) p.24

²⁷ Saviolo, Vincentio. *Vincentio Saviolo, His Practice in Two Books. Three Elizabethan Fencing Manuals*. ed. James L. Jackson. (Delmar, New York: Facsimiles & Reprints, 1972) p.398-401

weapons. A staff was not considered a gentlemanly weapon like the sword was²⁸ and thus was not considered to be a valid option.

In his treatise Saviolo comments on the contemporary fad of fighting duels with single sword or poniards wearing only shirts. He maintains that fighting duels in such a manner does not demonstrate courage as the combatants might suppose, but rather foolishness. By fighting in such a manner that offers them such little protection from attack Saviolo asserts that they appear to “willfully run upon their own death” and do not demonstrate the wisdom and prudence he expects from gentlemen²⁹. Saviolo goes on to stress the responsibility of every gentleman to “temper his courage with wisdom”³⁰. He states that when a gentleman goes off to war he takes care to armor himself accordingly and it is not considered cowardly. It should not then be thought cowardly to wear armor to a private quarrel. Because at all times a true gentleman should show himself as valiant and courageous wearing armor in one instance should not be thought more cowardly than wear armor in the other. At no point should it be thought dishonorable “to come armed like a man at armes, if the weapons be such as belong to a gentleman³¹.”

Achieving Victory

In the end the purpose of the duel is to defend the justness of your cause and stance in the argument. To do that a duelist must be victorious. To be victorious a defender only had to not be vanquished but for a challenger to be victorious he had to not only avoid being defeated, he also had to defeat his opponent³². *The Booke of Honor and Armes* lays out five ways in which this could be achieved for a duelist.

The first method of achieving victory is to simply outlast your opponent. If the challenger has not defeated the defender by sunset on the day of their duel, the challenger himself is deemed vanquished and disallowed from challenging any other gentleman to combat³³.

The second method is to force your opponent to yield. If either fighter yields to his opponent because he is unable to defend himself or for any other reason he is considered vanquished and his opponent the victor³⁴.

²⁸ Saviolo, Vincentio. *Vincentio Saviolo, His Practice in Two Books. Three Elizabethan Fencing Manuals*. ed. James L. Jackson. (Delmar, New York: Facsimiles & Reprints, 1972) p.398-399

²⁹ Saviolo, Vincentio. *Vincentio Saviolo, His Practice in Two Books. Three Elizabethan Fencing Manuals*. ed. James L. Jackson. (Delmar, New York: Facsimiles & Reprints, 1972) p.400-401

³⁰ Saviolo, Vincentio. *Vincentio Saviolo, His Practice in Two Books. Three Elizabethan Fencing Manuals*. ed. James L. Jackson. (Delmar, New York: Facsimiles & Reprints, 1972) p.400-401

³¹ Saviolo, Vincentio. *Vincentio Saviolo, His Practice in Two Books. Three Elizabethan Fencing Manuals*. ed. James L. Jackson. (Delmar, New York: Facsimiles & Reprints, 1972) p.400-401

³² Unknown. *The Booke of Honor and Armes*. <http://eebo.chadwyck.com/home>. (1590) p.26

³³ Unknown. *The Booke of Honor and Armes*. <http://eebo.chadwyck.com/home>. (1590) p.27

³⁴ Unknown. *The Booke of Honor and Armes*. <http://eebo.chadwyck.com/home>. (1590) p.27

In the third method if either fighter chooses to take back the words he said that led to the duel his opponent is considered the victor³⁵.

In the fourth method if either fighter runs away and abandons the list his is considered vanquished and his opponent the victor. It is noted that this is considered the most cowardly and dishonorable loss possible³⁶.

Finally, the fifth method for achieving victory is killing your opponent. If either combatant is slain during the course of the duel he is considered vanquished and his opponent the victor. This is to be considered the least dishonorable defeat however; the author does note that during earlier time periods men slain during public duels and trials by combat were not granted Christian burials³⁷.

Conclusion

As we can see, the rise in popularity of courtesy manuals during the 16th Century brought with it new ideas about honor, reputation, and their importance in a polite society. The duel itself arose as the only proper and genteel method for a true gentleman to defend his questioned reputation. During that time it developed into an elaborate ritual of polite society through which a man not only had the opportunity to show himself and excellent fighter but also the opportunity to demonstrate his courage, courtesy, and genteel qualities in order to reaffirm to rightful status as a true gentleman.

³⁵ Unknown. *The Booke of Honor and Armes*. <http://eebo.chadwyck.com/home>. (1590) p.28

³⁶ Unknown. *The Booke of Honor and Armes*. <http://eebo.chadwyck.com/home>. (1590) p.28

³⁷ Unknown. *The Booke of Honor and Armes*. <http://eebo.chadwyck.com/home>. (1590) p.28

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