

THE INFLUENCE OF THE DUELLING CODE ON THREE OF  
SHAKESPEARE'S PLAYS

A Critical Study of Selected Plays

by

ARTHUR P. DALEY

Thesis

Submitted to the Faculty of the Graduate School of  
Arts and Sciences of the University of Houston in  
partial fulfillment of the requirements for the  
degree of master of arts.

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## ABSTRACT

The primary purpose of this paper is to prove that Shakespeare made use of the duel and the code of honor in some of his plays. In Chapter II the writer examined the duel in its historic setting and showed that the judicial duel or trial by combat was the basis on which the later duel of honor was founded. Eventually, the duel of honor appeared as a very common practice among the gentlemen of the Elizabethan era.

Chapter III is devoted to the development of the code of honor. The code, in its earliest chivalric mode was guided by religious principles. Gradually, however, the religious motives were abandoned by the nobles, and at the time of the reign of Queen Elizabeth the code had become nothing more than a book of rules governing the duel of honor. In this paper the main essentials of the code were illustrated by using the works of Vincentio Saviolo, an Italian fencing master. This treatise on the code of honor was published during the Elizabethan era.

Three of Shakespeare's plays were examined in an effort to prove that Shakespeare did make use of the duel and the code of honor. In King Lear it is evident that Kent, Lear's servant, acts in accordance with the code; Oswald, a steward, marked himself as a man without honor and even as a base fellow by violating the rules of the code. Likewise, Regan, Goneril, Edmund, and Cornwall are marked as people without honor both because they identify themselves with Oswald's

cause, and because they put Kent in the stocks. The actions of each of these characters are based on the code.

Furthermore, the duel between Edgar and Edmund is presented in strict accordance with the rules of the code. An examination proves that the actions of each of the characters are more evident when one has the rules of the code in mind. Edmund, for instance, has to be raised to the state of an earl so that he can fight his noble brother. And, at the time of the duel, the code explains why each of the characters recognize Edmund's right to know the social rank of his opponent.

In Twelfth Night, although no duel actually occurs, an understanding of the code reveals that Shakespeare uses these rules to present Sir Andrew Aguecheek as a comical character. The code also offers a means of understanding the speeches and conduct of Sir Toby in the presence of Viola. Sir Toby makes a specific reference to the code in one of his speeches.

In Much Ado About Nothing Shakespeare uses the code of honor as a basis on which the main action of the play revolves. It is evident that every situation in the main plot reflects Shakespeare's knowledge of the code. For example, the play would have no meaning if there were no basis for the assumption that Hero, a woman, could possess honor. Benedick follows the code when he consents to act as a champion for Hero. Claudio refuses to accept the challenge of Leonato and Antonio on the grounds that the code does not permit old men to enter the lists. The playwright was careful to establish the fact that Benedick

and Claudio are of equal rank, and therefore Benedick can challenge Claudio. Finally, both Don Pedro and Claudio recognize that Benedick's challenge is given according to the proper form. In each of these events it is evident that Shakespeare followed the rules expressed in the code.

From this study it seems evident that Shakespeare made extensive use of the duel and the code of honor in the three plays chosen for consideration.

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## CHAPTER I

### INTRODUCTION

It would be possible to study the art of the duel as well as the code of honor as customs which prevailed at one time during the development of Western civilization. However, these customs become much more vital when they are considered in relation to Shakespeare's plays. As customs they are mere historical fossils; as a means of understanding the plays, they take on a new mode of life and importance.

Since a cursory perusal of Shakespeare's plays reveals frequent uses of the duel, the writer of this paper intends to prove that Shakespeare was not only following an important aspect of Elizabethan life, but that he was also following a very specific code which was in existence at that time. Evidently, such proof should provide a more complete means of appreciating the full force of these plays and should also give a vital meaning to the duel and to the code of honor.

By the time of the reign of Elizabeth, the code of honor had become a set of rules which governed the duel; and, as laws governing the duel, the code was familiar to both nobles and common folk. Almost any audience of that day would recognize its force in the behaviour of any character since these laws influenced the everyday life of each individual. Today we are very likely to

miss the importance of the code in interpreting a character's actions.

The burden of proving that Shakespeare made use of the code would be remarkably easy if one could produce an unqualified list of his source materials. Unfortunately, there is no authenticated list of books which Shakespeare can be said to have used. Lacking this proof, this paper, by a comparison of the duels in the plays with the written code extant during Shakespeare's time, will attempt to prove that the gifted dramatist must have made use of the duelling code.

Chapter II will be concerned with the history of the duel. To understand the Elizabethan duel, a brief history of duelling is necessary, and for this reason the different phases which marked the development of the duel will be reviewed.

Chapter III will be devoted to a brief history of the development of the code of honor and to the rules which governed duelling during the Elizabethan era. It will be shown that the code, originating during the early Middle Ages, reached a period of decadence during the latter part of the fourteenth century, and had become inextricably bound to the duel by the sixteenth century.

Chapter IV will be an attempt to show how Shakespeare used the code of honor as a basis in motivating his characters. The fact that Shakespeare followed the code so closely,



indicates that he was aware of its importance in revealing his characters to the audience. The plays, King Lear, Twelfth Night, and Much Ado About Nothing were chosen because they are excellent examples of Shakespeare's use of both the duel and the code of honor.

The author of this paper wishes to acknowledge his gratitude to M. E. Kelly for her efforts in starting him on the writing of this paper. Next, a word of thanks to the officials of The Library of Congress, The Boston Public Library, and The Texas State Library for their promptness and courtesy in sending the materials used in this paper.

This paper could not have been written without the use of an Italian fencing master's book, Vincentio Saviolo: His Practice in two books: The Use of the Rapier and Dagger, and Honor and Honorable Quarrels. This is a rare book printed in London, 1594, and available as a microfilm to the writer. It is vain to do more than pray for the repose of the soul of Vincentio Saviolo. Si iniquitates observaveris, Domine: Domine quis sustinebit?

## CHAPTER II

### A BRIEF HISTORY OF THE DUEL

There is no official date which marks the beginning of the duel. The origin of this form of combat is not agreed upon among historians today, and, in all probability, the date of the first affair of honor will never be known. Some writers have traced it back through the Lombards into very early antiquity.<sup>1</sup> Homer's works contain frequent references to single combat,<sup>2</sup> and sacred history supplies us with examples of a similiar nature. The story of Goliath in the Book of Samuel, for example, is a narration of the combat between two champions. Moreover, almost all historians of Roman civilization tell about the battles waged by the gladiators. Each of these is a narration about a dangerous fight on the part of two people, frequently fought by prearrangement as to time, place, and weapons.

While these practices may be considered as the beginning of the duel, they are usually regarded as forms of battle which were waged to end wars; as auguries of the outcome of battles, or to rid the state of an offender. Consequently, the general view is that:

The advocates of personal meetings have gone so far as to maintain that duels are recorded in

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1. William Segar, Honor Military and Civill; 3 (London, 1602), ch. 1-3.
  2. Homer, The Iliad, The Loeb Classical Library; (New York, 1924), p.p. 210, 220, 320.

Holy Writ, for such they consider the murder of Abel, and the combat between David and Goliath: they have also compared the combats of the Roman gladiators to duelling, - a most absurd view of the subject; since those victims of Roman ferocity entertained no personal hostility towards each other;... 3

Other writers claim that the germ from which subsequently sprang the "code duello" may be found in Tacitus' comments on the customs prevalent among the Germanic tribes: 4

Another kind of divination, by which they explore the event of momentous wars, is to oblige a prisoner, taken by any means whatsoever from the nations with whom they are at variance, to fight with a picked man of their own, each with his own country's arms; and according as the victory falls, they presage success to one or the other party. 5

Gibbon sets the date, A. D. 501, as the time when the judicial duel was introduced into the European countries. Of the period during which Gundobald was the legislator Gibbon writes:

They fought either on foot, or on horseback, according to the custom of their nation; and the decision of the sword, or lance, was ratified by the sanction of Heaven, of the judge, and of the people. This sanguinary law was introduced into Gaul by the Burgundians; and their legislator Gundobald condescended to answer the complaints and objections of his subject Avitus. 6

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3. John G. Milligen, The History of Duelling, 1; (London, 1841), 20.
  4. Charles Montesquieu, Spirit of Laws, Tr. by E. J. Trechmann, 27; (London, 1927), 17.
  5. Tacitus, Works of Tacitus, Oxford translation, 2; (New York, 1888), 300.
  6. Edward Gibbon, The Decline and Fall of the Roman Empire, 3; (New York, 1899), 596-97.

Another early writer, Vincentio Saviolo, in his attempt to establish the importance of the duel, asserts that the judicial duel started at a very early period:

Or how shall hee behaue himselfe beeing challenged the combat for his Countrie or his Prince, which hath often happened, not onely in the tyme of the Romanes, but in our dayes, as we may reade in the life of Charles the fifte, and of other Emperours. 7

Although he does not set a definite date for the beginning of duelling, Saviolo states that the duel is as old as the military art:

Moreover, I am of this opinion, that many (not knowing thise arte to bee the beginning and foundation of the arte Militarie) doe therefore neglect and condemn it, because they esteeme the same to be a thing unto them althougether impertinent. 8

The duel was not instituted for the honor of chivalry since:

the ancient laws prescribed that dueling was to take place with a staff, I conclude: that duello was not instituted for the honour of chivalrie, as our late combators have wrefte it, but only for the sifting-out of the truth. 9

The trial by combat, which came into vogue after 501 A. D., is today called the judicial duel. Edward L. Cutts quotes an account taken from an earlier historian, Froissart, concerning a judicial combat between a squire named Jaques de Grys and a knight, Sir John of Carougne.

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7. Vincentio Saviolo. His Practice of Honor and Honorable Quarrels, Bk. 2; (London, 1594), p. Sig. C 1.

8. Ibid., Sig. C.

9. Ibid., Sig. Bb.

The narrative tells how Sir John traveled over seas, and, on his return, his wife informed him that Jaques had by force dishonored her. Sir John sought justice in a civil trial presided over by an Earl. However, as a result of this trial Jaques was acquitted.

The results of the civil trial did not satisfy Sir John:

But the knyght, who was of great courage, and well trusted and byleved his wife, would not agree to that opinion, but he wente to Parys and shewed the matter there to the parlyament, and there appeled Jaques de Grys, who appered and answered to his appele. <sup>10</sup>

As a result of this appeal the civil decision was overruled, and it was decided that a trial by combat should be staged to determine the quilty or innocent party:

the parlyament determined that there shold be batayle at utterance between them..... And the Knyge sent to Parys, commaandyinge that the journey and battayle betwene the squyer And the knight sholde be relonged tyl his comynge to Parys; and so his commaundement was oteyed. <sup>11</sup>

When the king had arrived and the lists were prepared, the knight again questioned his wife to be sure that he was fighting for a true cause:

10. Quoted from Edward L. Cutts, Scenes and Characters of the Middle Ages; (new York, 1928), p. 420

11. Loc. cit.

Then the lystes were made.... And when the knyght entered into the felde, he came to his wyfe ... and he seyde to her thus,- Dame, by your enformacyon and in your quarele I do put my lyfe in adventure as to fyght with Jaques de Crys: ye knowe if the cause be just and true. Syr, sayde the lady, it is as I have sayd; wherefore ye may fyght surely, the cause is good and true. 12

In spite of the justice of her quarrel, the wife experienced some uneasiness during the trial:

The lady was in grete hevyness, for she was not sure of her lyfe; for yf her husbunde sholde have been discomfyted she was judged without remedy to be brente and her husbunde hanged. 13

Sir John vindicated her honor:

Sir John fought so valyauntly that he bette down his adversary to the erthe, and thruste his sworde in his body, and so slew hym on the felde. 14

After the trial they both gave thanks:

Then Sir John came before the kynge and kneeled downe ... then he thanked the kynge and the lordes, and wente to his wife and kyssed her, and then they wente togyder to the church of Our Lady of Parys, and made theyr offerynge and then returned to theyr lodgynges. 15

This account of a trial by combat or judicial duel gives as detailed a picture of such affairs as one could wish. It appears that women were allowed to use a champion to defend their honor. One could appeal from the local

12. Loc. cit.

13. Ibid., p. 421.

14. Loc. cit.

15. Loc. cit.

civil court conducted by the earl. And finally, without considering all the implications, it was considered legal to try the truth of a cause by a test of arms. This last practice may have been based on the medieval contempt for the law and for lawyers,<sup>16</sup> or, it may have been that the men of that age felt they were appealing to a higher law than that of the civil courts, and that they were achieving, with the help of God, a stricter justice.

Hallam believed the latter reason prevailed:

A far more remarkable and permanent superstition was the appeal to Heaven in judicial controversies, whether through the means of combat or of ordeal.<sup>17</sup>

It is worth noting that judicial duels were fought according to rules, in a specified place and before regularly constituted judges, for the purpose of establishing the truth of a doubtful cause.

Seignobos recognized the religious nature of the trial, and gave the following rules governing such an ordeal:

The battle, like the rest of the procedure, consisted of a series of sacramental acts: the provocation (call) by the remission of the gage of battle, the choice of the day, measuring off the lists (ordinarily one hundred and twenty-five paces), the oath, the proclamation, the combat, the avowal by the conquered. The arms were minutely regulated: in the knights' courts they were the armor, the shield and the staff.<sup>18</sup>

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16. Donald Chadwick, Social Life in the Days of Piers Plowman; (Cambridge, 1922), pp. 43, 44.

17. Henry Hallam, History of Europe During the Middle Ages, 3; (New York, 1899), 26.

18. Charles Seignobos, The Feudal Regime, Tr. by E. W. Dow; (New York, 1930), p. 80.

Another theory explaining the spread of the judicial combat from Germany to France and then throughout all Christian Europe is advanced by W. M. West. He claimed that there were no adequate means of enforcing the decisions of the crude civil courts against which an offender chose to resist. 19

The Catholic Church, although a powerful influence on many matters during the Middle Ages, had little tangible effect on the practice of duelling. This is not surprising when one considers that in medieval times there were in fact two societies. On the one hand there was the Church, on the other, there was the society of the feudal nobility and their following. This is a general statement and should not be interpreted to mean that there were not peace-kings and royal saints. However, it cannot be denied that the doctrines of the Church were consistently against duelling.

The practice of the duel was condemned by the Council of Valence as early as the year 855. 20 There were some individual ecclesiastical dignitaries who, ignoring the decrees of the Councils and the Popes, advocated the practice. As Ampere has expressed it:

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19. William M. West, Modern World; (New York, 1898), p. 111.

20. George Neilson, Trial by Combat; (Glasgow, 1890), pp. 12-13.



The spirit of party has often accused the Church of having devised the barbarous methods of discovering truth--- the duel and the ordeal; nothing can be more unjust. Neither one nor the other is derived from Christianity; they existed long before in the Germanic usages. 21

In spite of the opposition of the Catholic Church and some popular opposition, the duel, as a trial by combat was introduced into England under William the Conqueror in 1066. At that time William published an edict which legalized ordeal by battle:

William by the grace of God king of the English, to all whom this writing shall come greetings, and friendship. We order and require this to be kept by the whole nation of England.

If an Englishman shall summon any Frenchman to battle for a theft or a homicide or any other matter for which battle ought to be waged or a plea made between the two men, he shall have full liberty to do this. And if, the Englishman does not wish to battle, the Frenchman who is accused may defend himself by an oath against him, by his witnesses, according to the law of Normandy.

Likewise if a Frenchman shall summon an Englishman to battle concerning the same matters, the Englishman may with full liberty defend himself by battle, or by compurgation if that pleases him better. And if he is sickly and does not wish a battle, or is not competent, let him seek for himself a legal defender. 22

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21. Quoted from Hallam, op. cit., p. 27.

22. Quoted from Edward P. Cheyney, Readings in English History; (New York, 1908), p. 105.

The judicial duel appeared in Europe early in the sixth century and gradually became an accepted social institution with particular laws and regulations governing its formal conduct. As a means of determining the truth of a cause the judicial duel became an integral part of the feudal system.

Probably the same causes which brought about the downfall of the feudal system were also responsible for the final abolition of the judicial combat. Many explanations of these causes have been advanced, but the reasons given by W. H. Webster are as reasonable as any:

As a form of local industry, feudalism could not survive the great changes of the later Middle Ages, when reviving trade, commerce, and manufactures had begun to lead to the increase of wealth, the growth of markets, and the substitution of money payments for those of produce or services. Flourishing cities arose.

As a form of local government, feudalism tended to pass away when the rulers of England, France, and Spain, and later Germany and Italy, became powerful enough to put down private warfare, execute justice, and maintain order everywhere in their dominions.

There was still another anti-feudal force, namely, the Roman Church. ... The Roman Church as an international society, including men of all ranks and classes, was necessarily opposed to feudal practices. <sup>23</sup>

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23. William H. Webster, Early European History; (New York, 1917), p. 399.

Gradually the kings of the various countries became powerful enough to enforce their edicts against the ordeals by combat, and this practice ceased. The last judicial duel was fought in 1597.<sup>24</sup>

#### The Rise of Private Duels.

Since human nature is constituted as it is, it is reasonable to suppose that quarrels between men over insulted honor have existed since the beginning of history. However, the private duel or the duel which took place as a secret combat of honor was not practiced before the sixteenth century. Like other forms of the duel, its origin is obscure, but there can be little doubt that it occupied a place in society which was superior to civil law.

Hallam attributed the growth of the private duel as a carry over from the ordeal by combat, but he theorized that the practice of wearing swords as a part of everyday dress gave an impetus to this custom of duelling:

in the modern sense of the word, exclusive of casual frays and single combat during war, was unknown before the sixteenth century. But we find one anecdote which seems to illustrate its derivation from the judicial combat. The dukes of Lancaster and Brunswick, having some differences, agreed to decide them by duel before John King of France. The lists were prepared with the solemnity of a real

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24. George Neilson, op. cit., p. 307.

trial by battle; but the king interfered to prevent the engagement. Villaret, t. ix. p. 71. The barbarous practice of wearing swords as a part of domestic dress, which tended very much to the frequency of duelling, was not introduced till the latter part of the 15th century. 25

These observations lead to the conclusion that the private duel had its roots in the trial by combat, and that the practice of wearing swords as a common article of dress may have had some influence on the frequency of duelling.

Ruth Kelso, in her doctoral dissertation, cites Massa's Contra Usum Duelli (1554) <sup>26</sup> to substantiate this viewpoint. The very fact that the duel of honor had so many characteristics peculiar to the judicial combat gives further proof of this assumption. The fact that both were fought according to rule, in a specified place, and with dangerous weapons, indicates that there must be some connection between the two. This does not mean that the judicial combat and the duel of honor were identical in all details. There were many differences between the two. However, the outstanding difference seems to have been one of motivation. The judicial combat was fought, in accordance with civil sanctions to decide the justice of any cause: the duel was fought, secretly, to preserve or to vindicate one's honor.

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25. Hallam, op. cit., p. 27.

26. Ruth Kelso, The Doctrine of the English Gentleman in the Sixteenth Century, University of Illinois Studies in Language and Literature; (Urbana, 1929), p. 101. (Text unavailable, taken from microfilm.)

Probably one of the sanest observations on this question is to be found in Ruth Kelso's study:

that like every custom its origin is obscure; it grew upon society unawares, gaining consent first obscurely and then openly, at last ruling as a law and even more strongly than law. 27

Concerning the differences between the two she writes:

The judicial combat even of the fifteenth century was a very different sort of thing, fought according to rule, in a specified place, and before regularly constituted judges, to establish justice in doubtful cases. The duel of honor, on the contrary, was fought in private, often without witnesses, not to decide the justice of a case, for the offence was usually open, but to preserve honor from injury. 28

Regardless of its exact date of origin, the private duel of honor came into vogue after the celebrated quarrel of Francis I of France and Charles V of Spain. As a consequence of this quarrel, Francis I is generally credited with inaugurating the mania for private duels. This King, who always fancied himself as an outstanding representative of the age of chivalry, sent a cartel to the Emperor, Charles V, challenging him to a private duel:

Francis I caused the states of Burgundy to declare that he had no right to give up any portion of the French territory, and, when Charles V claimed the execution of the treaty, accusing him of breach of faith, he replied that the Emperor lied in his throat, summoned him to mark out the field, and left him the choice of arms. 29

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27. Loc. cit.

28. Ibid., p. 100.

29. Jules Michelet, Modern History, Tr. by C.M. Simpson: (New York, 1899), p. 71.

Although the challenge was accepted by Charles V, the duel never materialized because of the intervention of the king and the emperor.<sup>30</sup> However, the very fact that two of the most powerful rulers of Europe by their conduct if not by official proclamation, sanctioned the practice of duelling led many of their followers into this practice. Neilson writes that immediately after this incident, duelling became very common in both France and Spain; and that, as a consequence of this, every year thousands of noblemen lost their lives in the practice of saving their honor.<sup>31</sup>

It is interesting to note that in France, where it became a very common practice, duelling soon lost its early chivalric spirit. At first, modeled on the judicial combat, it was felt that the justice of the injured party's honor would be sufficient to assist in defeating an unjust aggressor. Later, however, this ideal became obsolete and instead of relying on the justice of their quarrel the contestants relied on skill and numbers:

In my boyhood the nobles shunned the reputation of good fencers as offensive, and retired from public view if they wished to learn the art, as a cunning trade, derogating from true and natural valour.<sup>32</sup>

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30. Neilson, op. cit., p. 294

31. Loc. cit.

32. Michel E. de Montaigne, The Essays of Montaigne, Tr. by E. J. Trechmann; (London, 1927), pp. 145-46.

However:

Formerly they were duels; now they are encounters and battles. Those who initiated this practice were afraid of being alone, because neither had any confidence in himself. ... But now that it has assumed this form that the witnesses themselves engage with one another, whoever is called upon cannot honourably stand aside as a spectator, lest he might be suspected either of want of feeling or of courage. 33

Throughout its checkered career dueling was constantly condemned by the Catholic Church. It was explicitly condemned at the Council of Trent (1545-1546), 34 and in several official pronouncements this condemnation was re-affirmed. Pope Gregory XIII (1572-1585), condemned it on December 5, 1582, in his encyclical letter, Ad Tollendum. 35 Pope Clement VIII (1592-1605) condemned it in Illius vices on August 17, 1592. 36 Pope Benedict XIV (1740-1758) condemned it on November 10, 1752, in Detestabilem. 37 It was condemned by the Vatican Council (1869-1870) 38 and by Pope Pius IX (1846-1878) on October 12, 1869, in Apostolicae Sedis. 39 Finally, on September 12, 1891, it was condemned by Pope Leo XIII (1878-1903) in a letter to the German and Austrian bishops, Pastoralis officii. 40

33. Ibid., p. 143.

34. Henrico Densinger, Enchiridio Symbolorum; (Freburgi, Brusgovial, 1911), p. 357.

35. Ibid., p. 360.

36. Ibid., p. 361.

37. Ibid., p. 370.

38. Ibid., p. 371.

39. Ibid., p. 389.

40. Ibid., p. 403.

Pope Benedict XIV, in Detestabilem sets forth one of the most interesting of these condemnations in so far as it might appear on a cursory reading that duelling was permitted under certain conditions. For example, in his second proposition he writes:

Excusari possunt etiam honoris tuendi vel humanae vilipensionis vitandae gratia duellum acceptantes, vel ad illud provocantes, quando certo sciunt, pugnam non esse secuturam, utpote ab aliis impediendam. 41

A closer reading will clear up this confusion, for it becomes apparent that each of these propositions were regarded as:

Damnatae ac prohibitaе tanquam falsae, scandalosae ac perniciosae. 42

In spite of these many condemnations, the duel spread from France and Spain into England. 43 It did not gain much popularity before the reign of Queen Elizabeth (1558-1603), when Vincentio Saviolo, an Italian fencing master published his work entitled Vincentio Saviolo: His Practice in two books: The Use of the Rapier and Dagger, and Honorable Quarrels. This work, since it set the foundations for the code of honor, was instrumental in promoting the popularity of the duel. 44 This set the duel on such a basis that:

41. Ibid., p. 405.

42. Ibid., p. 404.

43. Nelson, op. cit., p. 307.

44. Benjamin J. Truman, The Field of Honor; Being A Complete and Comprehensive History of Duelling in All Countries; (New York, 1844), p. 35.



The defenders of the duel not only exalted valor, valor as exhibited in the single combat not as exhibited against enemies in battle, but joined the whole cause of justice to it, by placing the law of honor, as it applied to the punishment of private wrong, above all other law so far as the gentleman was concerned. 45

The vogue of duelling was comparatively short-lived for James I made strenuous efforts to enforce his edicts against the duel. And, although much blood was spilled in the realm, the force of royal displeasure, along with severe penalties, finally had an effect in wiping out this pernicious custom.

The duel, then, has its origin either in early antiquity or during the feudal ages. Most historians agree that the judicial trial by combat, dating from the time of Gundobald, set the foundation for the private duel. Ecclesiastical condemnations seem to have had little effect, and the duel spread from the Continent to England where it reached its crest of popularity during the reign of Elizabeth. In its very nature it was a menace to society and eventually it was abolished by stringent enforcement of royal decrees.

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45. Ruth Kelso, op. cit., p. 101.

### CHAPTER III

#### THE ELIZABETHAN CODE OF HONOR

In order to understand duelling in the sixteenth century one must also understand the code of honor of that era. It was this code which determined such matters as the cause of the duel, whom and when one should duel, and all the rules which governed the combatants.

Although the code of honor became closely interwoven with the duel, the original conception of the code arose in connection with chivalry during the twelfth century in Europe:

During the period of the crusades, we find the institution of chivalry acquire its full vigor as an order of personal nobility....<sup>46</sup>

In its origin, during the chivalric period, the code was regarded not only as a military institute but also as a religious ritual. When a knight was invested according to the code an elaborate religious ceremony took place:

Writers of the middle ages compare the knightly to the priestly character in an elaborate parallel, and the investiture of the one was supposed analogous to the ordination of the other. The ceremonies

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46. Henry Hallam, History of Europe During the Middle Ages, 3; (New York, 1899), 116.

upon this occasion were almost wholly religious. The candidate passed nights in prayer among priests in a church; he received the sacraments; he entered into a bath, and was clad with a white robe, in allusion to the presumed purification of his life; his sword was solemnly blessed; everything, in short, was contrived to identify his new condition with the defence of religion, or at least of the church. <sup>47</sup>

Chivalry and the code of honor spread throughout Europe, and, by the end of the fourteenth century it seemed more brilliant than ever before. The ranks of the knights had increased until they had become a distinct class of society, a part of the nobility:

Both honorary and substantial privileges belonged to the condition of knighthood, and had of course a material tendency to preserve its credit. A knight was distinguished abroad by his crested helmet, his weighty armor, whether of mail or plate, bearing his heraldic coat, by his gilded spurs, his horse barded with iron, or clothed in housing of gold; at home, by richer silks and more costly furs than were permitted to squires, and by the appropriated color of scarlet. He was addressed by titles of more respect. <sup>48</sup>

In spite of its apparent brilliance, chivalric society was in a state of decadence. L'Abre, a book intended as a manual for princes and knights, reveals that the basic motivations had changed. The religious code had been replaced by one founded on more prosaic interests:

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47. Ibid., p. 117.

48. Ibid., p. 127.

Et si en a d'autres qui sont hardis par  
convoitise de gainger les richesses et non  
mie pour altre chose. 49

Many knights seem to have lost any regard for their  
leaders and sought only their own ends:

Après doit perdre le chef celui qui se part  
de la bataille contre le commandement de son  
seigneur siccome sont aucuns qui veulent faire  
hors de la bataille coups de lance ung pour  
ung. Pour soy moustre bien hardy si laissent  
leur bataille et mal fond. 50

The earlier knights were bound in honor to protect  
the poor and to assist the needy. In the fourteenth  
century this ideal seems to have been entirely forgotten  
for Bonet denounces the practice of injuring the non-  
combatants:

Que je voulsisse jugier que ce fut honneur  
ou vaillance de ferir ung tel povre homme et  
innocent qui ne scent fors mengier du pain sec  
apres des ses brebis par les champs et par les  
hayes et buissons, je ne pourroie paire par  
nulle raison. 51

Bonet recognized that the chivalric spirit had  
changed, and he laments that the once high ideal had  
become such a sordid affair:

Diu scent tres bien comment les gens d'armes  
le gardent aujourd'huy et par ma foy, c'est moult  
mal fait.... Aussi ce n'est pas la maniere de  
guerrier selon l'ordonnance de deue chivalerie  
ne de l'ancienne custome des nobles batailleurs

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49. Honore Bonet, L'Abres des Batailles, ed. Ernest Nys;  
(Bruxelles-Paris, 1883), p. 79. Originally  
written in 1386.

50. Ibid., p. 98.

51. Ibid., p. 210-11.

lesquels soustenoient justice, dames vesves,  
enfants orphelins et povres gens. Et  
aujourd'hui partout ils font le contraire. 52

By the sixteenth century the original religious and  
later decadent period of chivalry had united to form a  
new and different conception of the code of honor:

The spring of action was no longer religious  
but political, and the devotion of the gentle-  
man had become attached to an idea rather than  
to a deity, and to a class rather than to a  
person. 53

The code of honor was as important for the gentle-  
man of the sixteenth century as it had been for the  
knight in the twelfth, only its meaning had changed.  
By the sixteenth century it had assumed the proportions  
of the moral code for the gentlemen of that time:

Honor seems to have been, therefore, a sort  
of conscience directing the man of honor in his  
actions, not alone by the desire of fame or fear  
of damaged reputation, but by an inward impulse  
toward virtue and away from vice. 54

This conception of honor, an individual standard,  
as a guide to conduct, although it was of great impor-  
tance, is difficult to define. As Kelso writes:

Just what honor meant to the sixteenth century  
is difficult to analyze. ... writers also from  
Elyot to Segar called honor the reward of virtue,  
that is, evidence of esteem which can be given  
only by external signs. ... Cleland said of honor,

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52. Ibid., p. 356.

53. Ruth Kelso, The Doctrine of the English Gentleman  
in the Sixteenth Century, University of Illinois  
Studies in Language and Literature; (Urbana, 1929),  
p. 72.

54. Ibid., p. 99.

'it is not in his hand who is honored, but in the hearts and opinions of other men, who either have seene his merits, or heard of his opinions and renowne, that is of his good reputation.' 55

Without attempting to review all the different opinions on the meaning of the code of honor and its application as expressed by the various authors of that day, this paper will be concerned with Saviolo's theories on the subject.

Saviolo made a distinction between that honor which a man possesses by the very fact that he is a man, and the external honor which is acquired by meritorious deeds.

The first, or innate honor, is a property of all mankind. It is possessed and held by each man as long as he holds his inner dignity and worth:

Every man who exercises personal virtue is worthy of being considered as a honorable person. ... for it is thought that euerie man is honest, iuft, and honourable untill the contrarie bee proved. 56

Honor is synonymous with virtue:

wherein I will not call in question what true nobilitie is, because I holde it undoubtedly to be vertue, and that he is truly noble that is vertuous, be he borne either of great or mean parentage. 57

In fact, Saviolo regards personal honor so close to virtue that he does not believe it can be restored by lawful authority:

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55. Ibid., p. 97.

56. Vincentio Saviolo, His Practice of Honor and Honorable Quarrels, Bk 2; (London, 1594), p. Sig. S.

57. Ibid., p. Unsig. Ff 1.

because that albeit my Prince restore me to all those degrees that she may, yet she cannot restore me to my firste innocencie:... if I be good, she cannot make me badde, for it is not in her power to reforme my minde. Princes cannot take from good men their goodnes, nor from the wicked their wickedness; for their power extendeth on their goods and person, but not on their mindes: my Prince may make me poor or rich, but not good or badde, for God only hath power over our affections. 58

The practice of the duel was based on this conception of innate honor. Honor was a sacred trust and should be preserved from the least touch of tarnish. It was so important that one should consider it more precious than life:

the dutie of gentlemen is to preferre their honor before their life. 59

External honor, on the other hand, was a condition superimposed over innate honor. The former involved two prerequisites, the existence of some service which deserved reward, and the conferring of reward by royal action:

let him then that thinke likewise and hopeth to innoble himselfe by armes, to sweate often, to endure manye heates of Summer, and cold of winter.. and by many hazardes of life, to manifest his prowes to the worlde;...for those are noble that deserve to be known for their deeds. 60

Titles were important:

And therefore I conclude in this point, that the inequalities of persons, is to be considered from their titles, from their feodatory nobilitie, and from their states, and according as they are found to have greater or lesse partes equall, so are they to bee judged equall or unequall. 61

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58. *Ibid.*, p. Sig. Ed 3.

59. *Ibid.*, p. Unsig. Ed 3a.

60. *Ibid.*, p. Unsig. II 2d.

61. *Ibid.*, p. Sig. Ff3.

The purpose of external honor was to maintain the inequalities between the men of different classes of society. And yet, at all times, the man of each degree of society had the duty and the right of preserving intact his innate honor:

We have shoven great inequalitie of noble men, wherby the lesse cannot binde the greater to duello in person; but because no mans greatnes can make it lawfull for him unjustlye to oppresse the lesser, without leaving him sufficient means to revenge himself, and no man ought to make the shadowe of his nobilitie a pretence to be able secretlye to commit defects, without yeelding reason for them... 62

Consequently, provision must be made to reconcile this difficulty. This was done by the use of a champion:

And therefore all such ... shall be found not bound to come in person into the lists with another, are also to know, that in question of armes which they shal happen to have with persons albeit private, that they shall be bound to appoint a Champion, who beeing lawfully overcome or yeelding, he is likewise to be saide overcome, that appointed him for his Champion. 63

According to the rules which were based on external honor some classes of society, although they possessed innate honor, were not obliged to protect their honor in the lists:

of learned men, and cleargy men, who are farre from the lists, not as refelled, not as refused, but as priviledgd, and as such to the qualitie and estimation of whose condition it is not meete, neither to challenge nor be challenged to proove by armes, because their studie and exercise is far from the valour of the minde. 64

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62. Ibid., p. Sig. Gg 3.

63. Ibid., p. Sig. Gg 2.

64. Ibid., pp. Unsig. Gg 1, Unsig. Gg 2.



A youth under eighteen, or an old or sick man should only be represented in the lists by a champion:

And further it is to be understoode... there are also such manner of cases, that in respect of persons it is lawful to appointe Champions, as if a man shall not bee of eightene yeeres, or if he be decrepite, or sicke, or in such sorte hindered in his bodye, as hee is not fitte to fight. 65

It is surprising, however, to learn that mere physical deformity did not necessarily oblige one to use a champion:

If in case I be lame or hurt in one of mine armes, or my hands, or want an eie, I may verie wel appoint my enemie such weapons as maie in lyke sorte bind his legge, his arme, or his hand, or what may hide one of his eies. 66

In actual practice, when the rules of duelling were involved, external and internal honor were inseparably connected. A person who had lost his internal honor had thereby lost his right to the external proof of arms. The fact that one could lose this right by the loss of virtue indicates the fundamental justification of the laws governing honor. By the very act of defending one's honor one was regarded as acting in accord with laws which were above civil law and related directly to God:

Wherefore, no man ought to presume to punish another, by the confidence and trust which hee reposes in his owne valour, but in judgement and trust which hee holds in the triall of armes, every one ought to present himselfe before the sight of God, as an instrument which his eternall majestie hath to woorke with in the execution of justice, and demonstration of his judgment. 67

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65. Ibid., p. Unsig. Ff 3a.

66. Ibid., p. Sig. Bb 3.

67. Ibid., p. Unsig. Y 3a.

It was considered that God would protect those in the right, and those who had truth on their side:

One will challenge the above offenders... confidently hoping and trusting with assured faith, that God will chastise and punish him that hath so grievously offended both him and his people, violating his sacred ordinances and constitutions. 68

Regardless of a person's rank or degree of nobility, those who were unworthy because of a stain on their inner virtue should be considered barred from participating in an affair of honor:

it is not meet to admitte prooffe by armes to any but to honorable persons, and therefore as before civile judges it is not permitted, that infamous persons can accuse one other, ... an honourable person cannot bee accused but by an honorable person: for how shal he be able to accuse another of any defect of honor that in the like is faultye himselfe? 69

All thieves, robbers, and ruffians were denied the right to use the field of honor. 70 Likewise, those who had been defeated in the lists were deemed without honor and condemned as infamous, for it was argued:

how can I allowe him fit to fight with a man as good as myself? I cannot make him equal with an honorable person. 71

These persons are not only to be ignored by honorable people, but honorable people who fight with the ignoble will, in turn, lose their honor:

And of these I saye that not onely they are to bee refused upon challenging another man, but all honourable persons or Gentlemen should abandon

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68. *Ibid.*, p. Unsigs. Z 1.

69. *Ibid.*, p. Sig. Cc 3.

70. *Ibid.*, p. Unsigs. Cc 3a.

71. *Ibid.*, p. Unsigs. Ee 2.

their companye, and whosoever should fight with them, should injurie himselfe, making himselfe equall with dishonourable persons. 72

Another point which seems to have been in dispute at that time is handled by Saviolo by the logical application of his conception of innate honor. According to some writers it was evidently proposed that women did not have honor:

I utterly disallow of their opinion, that not onely not attribute nobilitie unto women, but also abridge them from power and abilitie, to ennoble and imparte nobilitie unto others... 73

Saviolo attempted to prove that women did have honor by the following argument:

for excellency consisting in vertue of the body and the mind, and women being endowed with both beautye and vertue, and seeing that women can learne whatsoever man can, having full use of reason ( or else nature who doth never do anything in vaine) should have to no purpose given them the gifte of understanding; I thinke they deserve fellowship and communing in honor with men. 74

### Degrees of Nobility

Just how much distinction existed between classes seems open to question. It may be that the distinction existed in theory and not in practice as Kelso suggests:

In practice the line separating plebeian and gentlemen was a very thin and movable line. 75

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72. Ibid., p. Unsig. Cc 3b.

73. Ibid., p. Unsig. Ll 1a.

74. Ibid., p. Unsig. Ll 1b.

75. Ruth Kelso, op. cit., p. 25.

And:

Classes were not sharply distinguished; that is, the line between the gentle and the ungentle was vague. 76

Seignobos, writing of an earlier age, claims that the practice of distinctions never existed:

it would assume a series of fiefs and vassals, occupying all the territory, and regularly superposed in grades one above the other as in a hierarchy of functionaries. ... Nothing like this is found in any country in Europe. 77

The code of honor, according to Saviolo, required that there be a distinction in classes. In fact, he claimed to be following the custom of the times:

And albeit this matter hath been diverslie handled by manye, yet I purpose to speake now thereof after a new and particular manner, according to the custome and degrees of worship of our present time. 78

He distinguished not only among the different classes of society but also between the different levels in each class:

for concerning the places of dignitie, I will firste place those Princes that are not subject to any other, which I will call soweraigne Princes: next to them feodatory Kings, and them I will call most excellent: thirdly, men right honourable, and after them such as are titled noble men, under which title I will comprehend all the degrees of worship. These then we are undoubtedly to account superiours to private Knights, and therefore as they are superiours to them, so are they twixt themselves unequall: for both noble men are to give place to the right honourable, and the right honourable.

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76. *Ibid.*, p. 27.

77. Charles Seignobos, *The Feudal Regime*, Tr. by E.W.Dow; (New York, 1933), p. 68

78. Saviolo, *op. cit.*, p. Sig. Ff 2.

to the most excellent, and the most excellent to the free and absolute Princes. Besides that, betwixt them of one and the same title, there may also be great inequalitye, for asmuch as there is a great difference, for one right honorable or noble to depend on a free Prince or a Prince feodatorie.

And the like consideration is to bee had of feodatory nobility, forasmuch as there is one man who may assume unto himselfe the absolute power of a Prince, and another man can have no greater authoritie, than as an ordinary judge. 79

He further claimed that those who had vassal nobles and many subjects were to be considered as possessing high estate regardless of their titles of nobility. 80

These distinctions were important because they set a standard by which all men could determine where they were placed according to the laws of challenge. Only those of nearly equal rank would have to give personal satisfaction; although each was bound by the code according to his place in society: 81

And therefore I conclude in this point, that the inequalitye of persons is to bee considered from their titles, from their feodatory nobilitie, and from their states, and according as they are found to have greater or lesse partes equall, so are they to bee judged equall or unequall. 82

#### Rules Determining the Use of A Champion

The most practicable way to overcome the disadvantage of inequalities which existed among classes was to allow the use of a champion. The rules governing the use of a champion seem to have been written so as to prevent the

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79. Loc. cit.

80. Loc. cit.

81. Ibid., p. Unsig. Ff 3a.

82. Ibid., p. Sig. Ff 3.

use of professional swordsmen.

In selecting a champion one had to remember that the contender also had the same right. Moreover, the champion must have a social status equal to the one against whom he intended to fight:

The laws of giving a Champion are these: such ought to be given as are not infamous, and are equal to them against whom they are to fight, and when one party should intend to appoint a Champion, the other may likewise appoint one. <sup>83</sup>

At the time of the contest:

The Champions on either side are to swear that they think to fight in a just quarrel, and that they will do their utmost, as if themselves were interested in the quarrell. <sup>84</sup>

At the conclusion of the trial, the fate of the champion is also the fate of the one who employed him:

Who being lawfully overcome or yielding, he is likewise to be said overcome, that appointed him for his champion. ... such as do present him, ought also to be present themselves, and be held under safeguard. <sup>85</sup>

### Kinds of Quarrels

In order to understand how one's honor could demand satisfaction it is necessary to know how one's honor could be violated. The rules regulating the challenger and defender were clearly set forth by Saviolo:

All injuries are reduced to two kinds, and are either by wordes or deedes. In the first, he

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83. Ibid., p. Unsig. Gg 3a.

84. Ibid., p. Unsig. Ff 3a.

85. Ibid., p. Unsig. Gg 3a.

that offereth the iniurie ought to be the challenger: in the later, he that is iniured: Example, Caius sayth to Seius that hee is a traitour: vnto which Seius aunswereth by giuing the lie: whereuppon ensueth, that the charge of combat falleth on Caius, because hee is to maintaine what hee sayd, and therefore to challenge Seius. 86

In his example of an injury by deed Saviolo, at first, seems to bring the set back to an injury by word:

Now when an iniurie is offered by deede, then they do proceed in this manner. Caius striketh Seius, giueth him a box on the ear, or some other way hurteth him by some violence. Wherewith Seius offended, saith unto Caius, that he hath used violence towards him, or such manner of saying. Wherevnto Caius answereth, Thou liest; whereby Seius is forced to challenge Caius, and to compell him to fight, to maintain the iniurie which he had offered him. 87

Saviolo recommends that if injury is given one should be willing to challenge one to combat unless some other satisfaction is offered for the injury. 88

When one had given offence by word or deed one is definitely committed to give satisfaction since:

gentleman should not be brought to deny that which hee hath spoken, but rather should confesse it, and make satisfaction. 89

### Giving the Lie

Since, as has been mentioned before, it was ordinarily considered that each man was intrinsically virtuous, it followed that the most serious offence which could be given to anyone was to deny that he spoke the truth. Any

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86. Ibid., p. Sig. R 3, Unsig. R 4.

87. Ibid., p. Unsig. R 4.

88. Ibid., p. Unsig. R 5.

89. Ibid., p. Unsig. 11 3c.

denial was considered to be giving the lie to another:

And now as concerning the nature of Lies, I saye that everie deniall, bee it never so simple, beareth the force of a Lie, beeing altogether as much in effect. And I see no other difference betweene a simple denyall and the lie, than is betwixte a speech more or lesse courteous. Wherefore although the names of denieal are diverse, as Thou lyesth, Thou sayest untruly, Thou speakest falsely, Thou sparest the truth... Yet all these manners of speech import the Lie, whether hee unto whom they were spoken spake injuriously or no. 90

Depending on the circumstances under which the denial was made, a lie was considered either as a redress for an injury, or as an injury in itself. 91

Saviolo made a distinction among the different kinds of lies and examined the different categories by demonstrating the relative importance of each type. 92 Lies certaine were direct, positive denials of some statement made by another. This affirmed that the second party was a liar because his remarks:

are such as are given upon words spoken affirmatively, as if anie man should say or write unto another: Thou hast spoken to my discredit, and in prejudice of my honour and reputation, and therefore doost lye. And in this respect is this a lye certain, because I affirm that such a one hath spoken evil of mee. 93

Conditional lies were those which were given upon the supposition that an offence had been given. Saviolo warns that these should be avoided:

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90. Ibid., p. Sig. S 2.  
 91. Ibid., p. Unsig. R 5.  
 92. Ibid., p. Sig. S 2.  
 93. Ibid., p. Sig. S 3.



Conditionall lyes be such as are given conditionally: as if a man should saye or write these wordes. If thou hast saide that I have offered my Lord abuse, thou lyeest: or if thou saiest so hereafter, thou shalt lye.

These lead to much contention upon words whereof no sure conclusion can arise: the reason is, because no lye can bee effectually or lawfull, before the condition is declared to bee true, that is, before it be justified that such words were certainly spoken. ... all such as have any regarde of their honor or credit, ought by all meanes possible to shunne all conditionall lyes, never giving anie other but certayne lyes. 94

Vaine-lies which were mentioned as a type of lie were not defined by Saviolo, but were probably the same as foolish lies, for he writes:

But now to returne to our foolish Lyes, whose fashion will give cause of laughter. If thou wilt saie that I am not thy equall, thou lyeest: where he doth not onely answere himselfe before the other hath spoken, but also putteth himselfe upon his pleasure, that saie I what I canne, till I have spoken it I doo not lie. 95

Each of these types of lies could be considered as falling into a general or particular class of lies. Considered as general, a lie would relate to a person or to an injury:

The lye in generall is considered in two sortes, the one having respect to the person, and the other to the injurie. 96

The particular lie, which was the most valid lie, pertained to a specified person, given for a definite reason:

The speciall lyes are those which are given to speciall persons, and upon expresse and particular matter. 97

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94. Ibid., pp. Sig. S 3, Unsig. S 3a.

95. Ibid., p. Unsig. T 2.

96. Ibid., p. Unsig. S 4.

97. Ibid., p. Sig. T 1.

Saviolo taught that, under normal conditions, the one unto whom the lie was given automatically became the challenger. Since the challenged party, or the defender, had the choice of weapons to be used, it was very important that there be an exact understanding of what constituted a lie:

It is concluded that the lyed, which is hee that hath the lye given to him, is to be challenger. 98

It was not a mere academic question, but a matter of life or death in determining who had given the lie for a man's life could depend on the choice of weapons:

The common opinion is, that hee who giveth the lye, looseth the selection of weapons, ... and this is a changing of nature. 99

These detailed definitions and many distinctions of the lie reveals the important part it played as a part of the code of honor regulating the duel.

#### Concerning Cartels

Saviolo is most explicit in his description of how the letter of defiance, or challenge, should be drawn up. He recommends that it should be brief, should state the cause of the quarrel, the person injured and the time of the injury, and should designate very definitely the exact time and place where the duel will take place, for:

When Cartels are to be made, they must be written with the greatest brevity that may be possible, framing the quarrell with certaine,

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98. Ibid., p. Unsig. V 3.

99. Ibid., p. Sig. T 2.

proper, and simple wordes: and specifying whether the cause was by word or deed, you must come to the particulars of the same, showing well the persons, the thing, the times and places, which doe appertaine to the plaine declaration thereof, so that one maye well resolve to the answers:... 100

The cartel, as a concise statement of a person's case, served the same purpose as a brief in a civil case: that is:

Duello being a forme of judgement, as in the civile, criminall, and in action of injury, a particular setting downe is required: no lesse can be saide of the judgement belonging to Gentle-men and Cavaliers, theirs being of no lesse force. 101

The cartel grew out of social necessity. At one time it was customary to send a glove as a challenge. 102 Finally, after many noblemen had prohibited the sending of cartels in their domains, and their presentation, the practice of publishing them came into vogue:

Afterward came the custome of sending of Cartelles, in which manner of proceeding there was much difficultie and newnesse, and diverse offences to bee carried. Lastly, the publication is taken up, the which is more sure and more readie, chiefly the Lordes having seene the multiplication of quarrelles, have provided that in their states no cartels maye bee presented, which beeing so ef actually brought to passe that everie one of them doth use it, it leaveth no occasion to speake many wordes upon it: This much I saie, that as Cartels are published, and in assurance thereof the daie intimated and notified, then there is no place lefts of excuse or alledging of ignorance. And by this means all manner of hiding the matter, and all other evasions that might have been used in the time of appresentation are cleane taken awaie. 103

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100. Ibid., p. Sig. X.

101. Loc. cit.

102. Ibid., p. Sig. X 3.

103. Ibid., p. Sig. X 3a.

Weapons

As has been mentioned above the choice of weapons belonged to the defendant, that is the person who has had the lie given to him:

Touching the choice of your weapons, and of the inequality of them, and the imperfections of the bodie, the defendant hath great advantage, and it is not without iust cause for seeing hee is both accused and constrained to fight,...

Likewise, it is as great a favour that thee hath to choose the weapons, which is also very meete, for if a man choose to call me to fight, the election of weapons is mine. 104

This choice was somewhat limited by the fact that it was a violation of the code to fight without weapons of defense. 105 The code specified that the weapons used in the duel should be such as gentlemen were accustomed to use. This excluded such weapons as guns, slings, and bows:

Albeit I doe not account it a dishonourable act, to come armed like a man at armes, if the weapons be such as belong to Gentlemen, and hurt not a man priviledged. 106

Concerning the use of armor the code is ambiguous for it simply specified:

His arms should be such as may arm him and not burthen him. 107

The time for the duel

The connection between the duel and the code of honor

104. Ibid., pp. Bb 2, Unsig. Bb 2a.

105. Ibid., p. Sig. Bb.

106. Ibid., p. Sig. Bb 2.

107. Ibid., p. Unsig. Bb 2a.

becomes even more apparent when one notices that the code covered almost all possible regulations concerning the duel.

It was specified that the duel should always take place between the rising and the setting of the sun on the appointed day:

And in case the day bee spent without combat, it cannot be remited to the following without the consent of the Defendant, who being challenged for that daye, and appearing there, hath performed all partes of his honour and dutie (unless through anie default of his the combat was not attempted). 108

#### Place of the Duel

The place of the duel was called the list or the steccata. It was apparently the custom of that time that this be a secluded spot on some lord's dominion. The code demanded that permission be obtained by a second for the use of this field:

the padroni (second) is to appear the day before to the Lord of the field and tell him that his champion is come to prove his quarrel. 109

After the challenge had been published it was not lawful for either of the contestants to offer any offence to the other except in the steccata:

After the defie it is not lawfull that the one Gentleman should offend the other, but in the steccata, which is the place of combat.

After that the one hath called the other to the battle, as well in the requirer as the required, it

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108. Ibid., p. Unsig. Bb 4.

109. Ibid., p. Sig. D d.

is not lawful that either may offend his adversarie  
 anie more, ... and if either of them should assault  
 his adversarie in this time, he is to bee esteemed,  
 adjudged, and declared a breaker of faith, and  
 amongst other Gentlemen from henceforth, in anie  
 other quarrell to bee refused and put backe. And  
 this censure is to be universally approved, so that  
 I neede not endeavour my selfe to confirme it anie  
 farther. 110

It is evident that Saviolo's works, which were  
 published during the Elizabethan period, set forth a very  
 definite code of honor. Furthermore, this code was little  
 more than a set of rules which governed the duel. The  
 rules provided that some were excluded from the duel be-  
 cause of their vocations: others were barred because  
 they had lost their virtue, or innate honor. Distinctions  
 were made between classes, and the causes of quarrels  
 were closely investigated. Rules relating to the  
 challenge, the challenger and the defendant were set  
 forth. Even the time, the place, and the weapons came  
 within the scope of the code. Not only were these rules  
 set as a pattern, but it was also specified that a violation  
 of the code carried with it the penalty of having one  
 branded as a breaker of faith, cost one his honor, and  
 excluded one from the society of honorable men.

The chivalric code of honor, with its purpose of  
 elevating and purifying the moral feelings, passed through  
 a decadent period, and emerged during the Elizabethan  
 period as a way of gaining renown and winning honor.

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110. Ibid., p. Unsig. X 4.

This paper has not investigated all the ramifications of Saviolo's work, neither has it explored entirely the development of the code of honor; but it is hoped that some of the features and the close connection with the duel has been established.

The next chapter will take up the connection of the code of honor with three of Shakespeare's plays.

## CHAPTER IV

### THE DUELLING CODE IN SHAKESPEARE

Chapter III considered the general outline of the code of honor as it was known to the Elizabethan audiences.

From this consideration it becomes evident that the English gentlemen, who were the models of all classes of nobility, believed their honor to be more precious than life. This honor could be tarnished by an insult, either public or private, and any such blemish was usually erased by resorting to the duel of honor. Such a duel became an expression of willingness, at the loss of health or even of life, if need be, to prevent any diminution of honor.

Moreover, the origin of the laws governing the duel was regarded as being as authoritative as, but differing from, the civil laws. The rules governing the duels were based, more or less, on premises derived from the natural laws. The right to honor was intrinsically bound to the nature of man and was, therefore, as ancient as the human race itself. The laws governing the duel had gradually become clarified so that in Shakespeare's time the essential points were known and accepted by all the people.

This chapter will be devoted to an investigation of the relationship which exists between the rules of the duel, the code of honor, and Shakespeare's motivation of characters in three of his plays. As a consequence of this investigation an attempt will be made to show that Shakespeare



was aware of the existence and made use of the general knowledge of the code. This is to say that the present chapter will attempt to prove that Shakespeare made use of the code familiar to an Elizabethan audience for the purpose of motivating his characters.

Unfortunately, the tendency of most modern critics of Shakespeare's plays seems to run toward a complete disregard of any reference to the Elizabethan code of honor. However, the writer believes that a careful examination of the means of motivation will reveal that the code of honor does play an important part in understanding the plays. In an effort to prove this the following plays will be examined in order to show the influence of the duelling code of honor: King Lear, Twelfth Night, and Much Ado About Nothing.

### King Lear

King Lear will be examined because it contains two very distinct allusions to the code. In the first instance the duel does not take place; however it is contended that an understanding of the code plays an important part in explaining the characters involved.

The first incident which will be considered occurs after the noble, banished Kent reappears as a steward assisting King Lear. This puts Kent on the same social plane as Oswald, Goneril's steward, in the scene under

consideration. When both stewards have entered the courtyard before Gloucester's castle, Kent attempts to involve the base Oswald in a duel:

Oswald. What dost thou know me for?  
 Kent. A knave, a rascal, an eater of broken meats;  
 ... one that wouldst be a bawd, in way of good  
 service, and art nothing but the composition of  
 a knave, beggar, coward, pandar, and the son and  
 heir of a mongrel bitch... 111

At the end of this tirade Kent reveals his knowledge of the code which dictated:

But the lawes have no regarde of the wordes, or  
 of the force or efficacie of them, but provide  
 that the burthen of the challenge shall ever  
 fall on him that offereth the injurie: ... 112

He practically begs Oswald to give him the lie:

one whom I will beat into clamorous whining  
 if thou deniest the least syllable of thy  
 addition. 113

Oswald is also familiar with the rules of the code, but he is not enough of a man of honor to call Kent a liar:

Oswald. Why, what a monstrous fellow art thou,  
 thus to rail on one that is neither known to thee  
 nor knows thee! 114

An Elizabethan audience would have immediately recognized that Oswald was not acting as a man of honor; Kent reflects this knowledge by forcing the lie-giving onto the base fellow:

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111. King Lear, II, ii, 14-24 (This and all subsequent quotations are from The Plays and Poems of William Shakespeare, ed. A. J. Valpy, (New York, 1894)).

112. Vincentio Saviolo, His Practice, On Honor and Honorable Quarrels; (London, 1594), p. Sig. S.

113. King Lear, 24-26.

114. Loc. cit., 27-29.

Kent. What a brazen-faced varlet thou art, to deny thou knowest me ! 115

There can be little doubt that Kent was stretching the code to the extreme in an effort to provoke a quarrel; however, Oswald has been definitely marked as a person without honor. The next step stigmatized him as the very basest type of person, for the code reads:

Next, one cannot commit a more odious thing in combat than to runne away... 116

Oswald evidently does try to run away from the combat, for Kent attempting to engage him, cries, "Stand rogue, stand." 117

Oswald is, of course, a comparatively insignificant character in the play, but an interpretation according to the code takes on even more significance as the action progresses. In the first place, Shakespeare was aware that honorable persons should avoid the company of the dishonorable ones as stated in the code:

every honourable person should conceive ill of me, and avoyde my company. 118

Therefore, Shakespeare immediately introduces Edmund, Cornwall, Regan and Gloucester into the scene. All except Gloucester are identified with Oswald as against Kent. In this way, by first marking Oswald as most shameful, and then associating the others with Oswald's cause, Shakespeare made use of the audience's knowledge of the code to identify all future.

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115. Loc. cit., 30,31.

116. Saviolo, op. cit., p. Sig. A a.

117. King Lear, II,II, 45.

118. Saviolo, op. cit., p. Unsig. Ee 2.

evaluation of these characters.

Just as Oswald was first depicted as dishonorable by refusing to give the lie, and then base by running away from the combat; so too are Cornwall, Regan, and Edmund included in a similar pattern. They are proved to be dishonorable by association with Oswald's cause. Next, they commit an act which labels them as base-minded people.

They put Kent, Lear's servant, in the stocks:

Cornwall. Fetch forth the stocks, ho!  
You stubborn ancient knave, you reverend braggart.  
We'll teach you - 119

Kent reminds them that he serves the king. Regan proves herself as heartless as her husband by insisting that Kent remain in the stocks all night. Edmund acquiesces by remaining silent. Gloucester alone exonerates himself by interceding in behalf of the king's servant:

Gloucester. Let me beseech your grace not to do so:  
... The king must take it ill,  
That he's so slightly valued in his messenger,  
Should have him thus restrain'd. 120

In the code of honor one may find that anyone who acts in such a manner betrays his baseness of mind:

I must also mislike them that offer wrong to other mens servants, for besides this, that they betraye their basenes of minde, they seeme also to resemble him of whom the proverb saith, that being unable to strike the horse, beats the saddle, which signifieth as much, as when he is not able to deal with the maister, he wresketh it on the servant. 121

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119. King. Lear, II,ii, 132-134.

120. Ibid, 147-54.

121. Saviolo, op. cit., p. Unsig. P 2.

The second allusion to the code of honor in this play revolves around a scene in which a duel does take place, and, incidentally, the rules set down in the code of honor are closely followed. The scene in question involves the combat between Edmund and Edgar, the sons of the Earl of Gloucester, and it is most interesting to observe how faithfully Shakespeare followed the code as set down by Saviolo.

In order to make the duel conform to the rules of the code Shakespeare prepares the audience early in the third act. Edmund, having calumniated his brother in the sight of his father, incited Cornwall to believe that the old Earl of Gloucester was a traitor. By this conniving, Edmund, the bastard, was elevated to the rank of an earl:

Cornwall. True or false, it hath made thee  
earl of Gloucester. Seek out where thy father  
is, that he may be ready for our apprehension. 122

This act placed Edmund in a definite, elevated social status. He can only be challenged by those near his lofty rank.

Later, as the action of the play unfolds, Edgar, in disguise, takes Goneril's love note intended for Edmund from Oswald's body; this he gives to Albany. Next, after winning a victory over the invader, Albany accused Edmund of treason:

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122. King Lear, III, v., 16-20

Albany. Stay yet; hear reason. - Edmund, I arrest thee  
On capital treason; ... 123

At the same time Albany uses the traditional symbol of challenge, the glove:

Albany. Thou art arm'd Gloster. Let the trumpet sound:  
If none appear to prove upon they person,  
Thy heinous, manifest, and many treasons,  
There is my pledge: (throwing down a glove)  
I'll prove it on thy heart,  
Ere I taste bread, thou art in nothing less  
Than I have here proclaim'd thee. 124

Edmund, in turn, replies not only by throwing down his glove, but, in addition, gives a "certaine," particular lie:

Edmund. There's my exchange: (throwing down a glove.)  
what in the world he is  
That names me traitor, villain-like he lies.  
Call by the trumpet: he that dares approach,  
On him, on you, (who not?) I will maintain  
My truth and honor firmly. 125

Since Albany's position as king demands that he use a champion in fighting one of lower rank, the cartel is published. Each of these steps adhere closely to the dictates of the code, and the cartel, in its turn is based on the rules. The code prescribed that a cartel:

must be written with the greatest brevity  
that may be possible, framing the quarrell with  
certaine, proper, and simple wordes; and  
specifying whether the cause was by woord or  
deed, you must come to the particulars of the  
same, shewing the persons, the thing, the times

123. Ibid., V. iii, 83, 84.

124. Ibid., V. iii, 91-95..

125. Loc. cit., 98-102.

and places, which doe appertaine to the plaine declaration thereof, so that one may well resolve to the answers: 126

Albany's cartel follows these rules to the letter:

Herald. (reads) 'If any man of quality or degree, within the lists of the army, will maintain upon Edmund, supposed earl of Gloster, that he is a manifold traitor, let him appear at the third sound of the trumpet: he is bold in his defence. 127

Edgar answers the challenge, and, in keeping with the code, is immediately asked:

Herald. What are you?  
Your name, your quality: and why you answer  
This present summons? 128

Edgar, fighting as a champion, realizes that he has to abide by the code:

The lawes of giving a Champion are these:  
such ought to bee given as are not infamous,  
and are equall to them against whome they  
are to fight, and when one party should  
intend to appointe a Champion, the other  
may likewise appoint one. 129

answers:

Edgar. Know, my name is lost,  
By treason's tooth bare-gnawn, and canker-bit:  
Yet I am noble as the adversary  
I come to cope withal. 130

His next question shows that Edmund has the right to appoint a champion:

Edgar. What's he that speaks for Edmund earl of  
Gloster? 131

Edmund does not choose to employ a champion, but he shows that he is familiar with the requirements of the code:

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126. Saviolo, op. cit., p. Sig. X.

127. King Lear, V. iii, 110-116.

128. Loc. cit., 121-23.

129. Saviolo, op. cit., p. Unsig. Gg 3a.

130. King Lear, V, iii, 124, 125

131. Loc. cit., 126.

Edmund. In wisdom, I should ask thy name;  
 But, since thy outside looks so fair and warlike,  
 And that thy tongue some say of breeding breathes,  
 What safe and nicely I might well delay  
 By rules of knighthood, I disdain and spurn.  
 Back do I toss these treasons to thy head;  
 With the hell-hated lie o'erwhelm thy head;  
 Which, (for they yet glance by, and scarcely bruise)  
 This sword of mine shall give them instant way,  
 Where they shall rest for ever. 132

They fight; Edmund is defeated, and then Edgar reveals  
 that he is of equal social position with Edmund:

Edgar. Let's exchange charity.  
 I am no less of blood than thou art, Edmund;  
 If more, the more thou hast wrong'd me.  
 My name is Edgar, and thy father's son. 133

Albany immediately steps forward and justified his  
 permission for an unknown to fight in the lists:

Albany. Methought, thy very gait did prophesy  
 A royal nobleness. - I must embrace thee. 134

This is important because the code prescribed that:

Moreover, if an honourable person, should chal-  
 lenge a defamed person, or contrarywise he being  
 challenged by a base person, should accept of  
 the challenge, which is not onely an act of  
 private interest, but a prejudice to the degree  
 of gentry: in this case it is the office of the  
 Lord of the field, not to suffer this combat to  
 proceede, nor to grant them letters of combat. 135

Albany apparently recognized the delicacy of his  
 position under the code. And even Goneril appealed to the  
 code to protect Edmund's cause:

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132. *Ibid.*, V,iii, 143-52.

133. *Ibid.*, V,iii, 168-71.

134. *Ibid.*, V,iii, 177,178.

135. Saviolo, *op. cit.*, pp. Unsig. Cc 3b, Unsig. Cc 3c.



Goneril. This is mere practice, Gloster:  
 By the law of arms, thou wast not bound to answer  
 An unknown opposite: thou art not vanquish'd  
 But cozen'd and beguiled. 136

Each of these incidents makes it evident that Shakespeare makes frequent use of the code of honor throughout the play King Lear. One must remember that to any Elizabethan audience the finer points of the code would have been much more obvious than they are to present day audiences. The Elizabethans would have appreciated the significance of Kent, disguised as a steward, insulting Oswald in a lonely courtyard. The audience would have noted that both were armed and that insults demanding the giving of the lie were given. They would have recognized Oswald as honor-less and base because of his conduct. Oswald would neither give the lie nor engage in a duel. Likewise, Regan, Goneril, Edmund, and Cornwall were without honor because they were associated with Oswald's cause; they were, moreover, ignoble and base for putting Kent in the stocks. Modern audiences usually have to wait for the development of the action in order to learn these facts: the Elizabethans recognized the connections and would have felt sorely disappointed if the action had not followed the line it does.

In the instant of the duel between Edgar and Edmund, one can readily see that Shakespeare prepared for, and carried through this duel in strict accord with the laws

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136: King Lear, 153, 154.

of the code. Edmund was raised to the state of an earl so that he could fight with his brother. Albany named Edmund a traitor; Edmund turned this back with the lie. The cartel was published; a champion came forth to do battle. Each of the characters recognized Edmund's right to know the rank of his opponent so that he would be combating with one who was his peer and not violating the code.

It seems very evident that Shakespeare was fully aware and conscious of the importance of the code. It appears that his concurrence with the code, and his constant use of it in explaining the conduct and position of the characters in King Lear indicates that he was consciously leaning on the knowledge possessed by his audience, and that he was using the social pattern peculiar to his day.

### Twelfth Night

In Twelfth Night Shakespeare makes use of the code in a way which differs radically from its use in King Lear. Twelfth Night was written as a comedy calculated to incite pleasurable feelings, and the code is used as a basis on which to build an amusing incident. In other words, the code is accepted as the standard norm, and the violation of this norm, because it is a violation of the accepted mode of action, becomes a source of amusement to the audience. In the play, Sir Toby's dupe, Sir Andrew Aguecheek, is a pompous boor, but his actions become

comical simply because they violate the mores of the audience; they violate the duelling code.

In the earlier scenes of the play Shakespeare presents Sir Andrew as little more than a simple, stupid knight who is being gulled by Sir Toby:

Malvolio. 'Besides, you waste the treasure of your time with a foolish knight;'-

Sir Andrew. That's me, I warrant you.

Malvolio. 'One sir Andrew.'

Sir Andrew. I knew, 'twas I; for many do call me fool. 137

And, under such a guise Sir Andrew, although the butt of crude jests, appears more pathetic than comical.

Then, as the action of the play develops, just as Malvolio becomes a comical character by violating the social mores by his dress and affectations:

Maria. If you will then see the fruits of the sport, mark his first approach before my lady: he will come to her in yellow stockings, and 'tis a color she detests; and he will smile upon her, which will now be unsuitable to her disposition. ... 138

so too, Sir Andrew appears as funny when his actions violate the code of honor.

The action centering around Sir Andrew's amusing incident begins in Act III when he and Sir Toby meet Viola disguised as a male page. As a consequence of this meeting Sir Andrew decides to abandon his quest of Olivia and return to his own home. Sir Toby, anxious to retain

137. Twelfth Night, II, v, 85-89.

138. Ibid., II, v, 218-23.

a rich dupe, persuades Sir Andrew to challenge the page to a duel as a means of winning Olivia's respect:

Sir Toby. Why then, build me thy fortunes upon the basis of valor. Challenge me the count's youth to fight with him; hurt him in eleven places; my niece shall take note of it: and assure thyself, there is no love-broker in the world can more prevail in man's commendation with woman, than report of valor. 139

This is only a means of introducing a farcical incident. The incident itself takes on its true significance only because of its relationship to the code of honor. Sir Toby serves as a means of reminding the audience that the real code does exist, for his references to the rules are used as a contrast to set in relief the actions and words of Sir Andrew. Sir Toby, for example, recommends that the challenge follow the rules of the code:

Sir Toby. Go, write in a martial hand; be curst and brief; it is no matter how witty, so it be eloquent and full of invention;... and as many lies as will lie in the sheet of paper, although the sheet were big enough for the bed of Ware in England, set 'em down:... 140

This is, more or less, in accord with the code:

When Cartels are to be made, they must be written with the greatest brevity that may be possible, framing the quarrell with certaine, proper, and simple wordes:... 141

This advice, together with the next few lines, indicates that Sir Toby, despite his failings, knew the rules of the code, but, on the other hand, he realized that Sir Andrew, an ignorant country bumpkin, would not

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139. Ibid., III, 11, 37-43.

140. Loc. cit., 46-54.

141. Saviolo, op. cit., P. Sig. X.

be able to follow the code:

Fabian. We shall have a rare letter from him; but you'll not deliver it.

Sir Toby. Never trust me then; and by all means stir on the youth to an answer. 142

Sir Andrew, of course, wrote just such a challenge as the audience would have found amusing. It contains just enough of the accepted code to make his blunders even more evident:

Sir Toby. Give me. (reads) 'Youth, whatsoever thou art, thou art but a scurvy fellow.' 143

Contrast this with the code:

in all manner of writings to speake honourable of his enemie, for so a Gentleman or Cavalier doth honor to himselfe, shewing thereby to have quarrell with an honourable person: ... 144

Fabian interrupts with a comment and Sir Toby reads:

Sir Toby. 'Wonder not, nor admire not in thy mind why I do call thee so, for I will show thee no reason for 't. 145

Fabian serves the audience by making ironical comments:

Fabian. A good note: that keeps you from the blow of the law.

Sir Toby continues:

Sir Toby. 'Thou comest to the lady Olivia, and in my sight she uses thee kindly; but thou liest in thy throat; that is not the matter I challenge thee for.' 146

It appears that Sir Andrew has an idea that he must

142. Twelfth Night, III, 11, 63-66.

143. Ibid., III, 1v, 164-65.

144. Saviolo, op. cit., p. Unsig. X 2.

145. Twelfth Night, 167-69.

146. Ibid., 172-75.

call his enemy a liar, but, while the challenge does have a remote resemblance to the code, it fails miserably according to the recognized method of proceeding. The audience must have recognized that there was no attempt to specify:

whether the cause was by woord or deed,  
you must come to the particulars of the  
same, shewing which persons, the thing,  
the times and places, which doe appertaine  
to the plaine declaration thereof, so  
that one maye well resolve to the answers; ... 147

In all probability the audience felt as Fabian did:

Fabian. Very brief, and exceeding good sense-less. 148

Immediately after this incident Sir Toby furnishes another contrast between Sir Andrew's conduct and that required by the code. The reasons given for not delivering such a challenge are based on the fact that any real gentleman, acquainted with the code, would recognize that the challenge was so ill written that it should be ignored:

Sir Toby. Now will not I deliver his letter: for the behavior of the young gentleman gives him out to be of good capacity and breeding; his employment between his lord and my niece confirms no less; therefore this letter, being so excellently ignorant, will breed no terror in the youth: he will find it comes from a clodpole. ... 149

The next few incidents demonstrate clearly that Sir Toby, and consequently Shakespeare, was well acquainted with the code. Sir Toby first informs Viola that somehow she has wronged Sir Andrew:

Sir Toby. That defence thou hast, betake thee to't: of what nature the wrongs are thou hast done him,

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147. Saviolo, op. cit., Sig. X.

148. Twelfth Night, III, iv, 177.

149. Ibid., 205-11.

I know not; but thy interceptor, full of despite,  
bloody as the hunter, attends thee at the orchard  
end:... 150

Viola protests her innocence of any offence, but,  
when she learns that she must fight, asks:

Viola. I pray you, sir, what is he? 151

Present day audiences may interpret this question in  
various manners; however, there can be no doubt that Sir  
Toby, thinking in terms of the code, believed that she  
wanted to know whether her opponent was of sufficient  
social rank to merit satisfaction:

Sir Toby. He is a knight, dubbed with unhatched  
rapier, and on carpet consideration. 152

On this point the code advises:

wherefore by way of advise, I wish all men to  
first examine what hee is that hath doone it,  
and upon what ocasion hee might doe it; in a  
woorde, what qualitie the person is that spake  
injuriously, and whether hee deserve an answer  
or no. 153

Viola answers:

Viola. I will return again into the house, and  
desire some conduct of the lady. I am no fighter.<sup>154</sup>  
I have heard of some kind of men, that put  
quarrels purposely on others, to taste their  
valor: belike, this is a man of that quirk. 155

The expression, "I am no fighter," may mean that, since  
she is a woman disguised as a man, she will not fight.  
However, her next sentence indicates that she may have

150. Ibid., III, iv, 243-47.

151. Ibid., III, iv, 259.

152. Loc. cit., 260-61.

153. Saviolo, op. cit., p. Unsig. P a.

154. Italics are mine.

155. Twelfth Night, III, iv, 267-71.

meant that a fighter was one who habitually and unthinkingly sought altercations to show his valor. This latter interpretation of "fighter" is quite in line with the code, for Saviolo mentions that there were some men who reasoned themselves into quarrels with others as foolish as themselves:

For it maye happen, that some fantastically madde conceited fellowe, taking this kinde of discourtesie in evill parte, will fall a reasoning... and so by multiplying of speeche, will fall from wordes to blowes, whereby some or other may be spoyled upon a matter not worthy of talking of: for all men bee not of one minde, and a mad brained fellow may easilie light upon another as sond or sondier fantastically than himself, whereby both of them may fall into divers unlooked for inconveniences and mischeefe on the sodaine. <sup>156</sup>

Sir Toby accepted the remark in the latter sense, for he hastened to assure Viola that Sir Andrew was not a man of this type:

Sir Toby. Sir, no; his indignation derives itself out of a very competent injury; therefore, get you on, and give him his desire. <sup>157</sup>

Viola's next remark may brand her as a coward to present day audiences; however, the Elizabethans probably accepted it as a remark in strict accord with the code:

Viola. This is as uncivil as strange. I beseech you, do me this courteous office, as to know of the knight what my offence to him is: it is something of my negligence, nothing of my purpose. <sup>158</sup>

In such matters the code dictates:

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156. Saviolo, op. cit., p. sig. P 2.  
 157. Twelfth Night, III, iv, 272-74.  
 158. Ibid., III, iv, 280-83.



For many thinke that an injurie being offred in deed or worde, the matter may not with their credits be taken up before they have fought, not regarding if they bee injured indeed, that they ought first to examine what hee is that hath doone it; ... Neither can I be induced to thinke, that there is any injury (which is not accompanied with villanie) for which with due satisfaction, all cause of fighting may not be taken away. 159

It is evident that this play follows the code either in a negative (as in the case of Sir Andrew), or in a positive (as in the case of Viola) manner. And if this were not enough, Sir Toby gives positive proof that he was aware of the code by making a specific reference to it:

Sir Toby. Come, Sir Andrew, there's no remedy the gentleman will, for his honor's sake, have one bout with you: he cannot by the duello avoid it. 160

This remark is a positive assertion that Sir Toby, Sir Andrew, Viola, and presumably Shakespeare and the audience of that time were familiar with the existence of the laws of duelling.

This examination indicates that Shakespeare consciously used the duelling code to present the character, Sir Andrew, as a comical character; Sir Toby recognizes Viola as a gentleman of "capacity and breeding," and, therefore, accepts and answers her remarks in accord with the code. The whole incident makes much more sense in the light of the duelling code. And, finally, there is the explicit reference

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159. Saviolo, *op. cit.*, pp. Sig. P, Unsig. P a.

160. Twelfth Night, III, iv, 339-41.

to the code. All of which leads to the logical conclusion that the code did play a definite part in the play Twelfth Night.

### Much Ado About Nothing

While King Lear and Twelfth Night both contain incidents which clearly indicate that the code was the motivating basis of the action, the entire play of Much Ado About Nothing is based on the code of honor. This writer intends to prove not only that Shakespeare knew and used the code of honor, but also that the plot development of the play seems to hinge on the Elizabethan conception of this code.

All the action in Much Ado About Nothing revolves around the besmirching of Hero's honor by Claudio. Every other incident and character is in some way connected with this event. This fact, the sullyng of Hero's honor by Claudio, is evidently premised upon the supposition that Hero, a woman, was capable of possessing honor.

Saviolo, in the code, makes the same assertion:

In my opinion then are women greatly wronged by them that seeme to take from them power of transferring nobilitie to others, excluding them from so great an honor, they notwithstanding having great reason to bee copartners with men therein; for excellency consisting in vertue of the body and the minde, and women being endowed with both beautye and vertue, and seeing that woman can learne whatsoever men can, having the full use of reason ... I thinke they deserve fellowship and communing in honor with men. 161

Of course, this fact, alone and unsubstantiated, would not prove that Shakespeare made use of the code. It is

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161. Saviolo, op. cit., p. Sig. L lb.

only when one considers that the play adheres closely to the code in many other incidents that the importance of this observation becomes apparent.

Very early in the first act of the play Shakespeare sets the foundation for all the subsequent developments of the plot. That this foundation is based on the code becomes apparent as the play progresses. In the first place Hero's virtue and modesty are strongly impressed upon the audience by the words of Claudio:

Claudio. Benedick, didst thou note the daughter  
of signior Leonato?

Benedick. I noted her not, but I looked on her.

Claudio. Is she not a modest lady?

...  
Benedick. Would you buy her, that you inquire after  
her?

Claudio. Can the world buy such a jewel?

...  
Claudio. In mine eye, she is the sweetest lady  
that ever I looked on. 162

In this manner Hero is presented as a virtuous and modest maiden, daughter of the noble and venerable Leonato. But what of Claudio and Benedick? In the opening scenes of the play the honor and nobility of both men is indicated to the audience. The Messenger, in almost the first words spoken in the first act, informs Leonato that both Claudio and Benedick have achieved renown by their feats in battle, and that Don Pedro, Prince of Arragon, had rewarded them with signal honors:

Leonato. A victory is twice itself, when the  
achiever brings home full numbers. I find here,  
that Don Pedro hath bestowed much honor on a  
young Florentine, called Claudio.

Messenger. Much deserved on his part, and equally remembered by Don Pedro. He hath borne himself beyond the promise of his age; doing, in the figure of a lamb, the feats of a lion: he hath, indeed, better bettered expectation, than you must expect of me to tell you how. 163

Shakespeare even goes to the extent of referring to an uncle of Claudio, who never appears in the play, merely to impress the audience with the fact that Claudio has won outstanding honors:

Leonato. He hath an uncle here in Messina will be very much glad of it.

Messenger. I have already delivered him letters, and there appears much joy in him; even so much, that joy could not show itself modest enough, without a badge of bitterness. 164

It is obvious that the only reason for referring to this uncle and the great joy which Claudio's valor in battle has brought him is to emphasize the position of honor which Claudio's valor had won.

Benedick likewise had distinguished himself through acts of valor as the Messenger's report to Beatrice shows. It becomes certain that he is on the same grade of nobility with Claudio, and that his honor is unquestionable:

Leonato. Faith, niece, you take signior Benedick too much; but he'll be meet with you, I doubt it not.

Messenger. He hath done good service, lady, in these wars.

Messenger. And a good soldier, too, lady.

Beatrice. And a good soldier to a lady; - but what is he to a lord?

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163. Ibid., I, i, 12-17.

164. Ibid., I, i, 16-21.

Messenger. A lord to a lord, a man to a man;  
stuffed with all honorable virtues. 165

As the action of the play unfolds it becomes apparent that each of these steps was necessary to satisfy an audience acquainted with the rules of the code. The main plot centers around Hero, a virtuous, modest, noble maiden who is betrothed to the noble Claudio. However, Claudio, the very one who proclaimed her modesty and virtue at the beginning of the play, influenced by the machinations of Don John, publicly accuses her of impurity. It is Claudio who makes the denunciation, couched in the strongest possible terms, which strikes at the roots of her honor and good name:

Claudio. There, Leonato, take her back again;  
Give not this rotten orange to your friend:  
She's but the sign and semblance of her honor.-  
.....

Would you not swear  
All you that see her, that she were a maid,  
By these exterior shows? But she is none;  
She knows the heat of a luxurious bed:  
Her blush is guiltiness, not modesty.  
Leonato. What do you mean, my Lord?  
Claudio. Not to be married,  
Not to knit my soul to an approved wanton. 166

This is, of course, an unjust charge, as later events prove. However, at the time it was made Claudio had the proof of his own senses to support his contention that this was the truth. Even Hero's father, Leonato, does not at first question the truth of the charge:

Leonato. Wherefore? Why doth not every earthly thing

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165. Ibid., I, i, 46-58.

166. Ibid., IV, 1, 31-44..

Cry shame upon her? Could she here deny  
 The story that is printed in her blood? -  
 Do not live, Hero; do not ope thine eyes:  
 For did I think thou wouldst not quickly die,  
 Thought I thy spirits were stronger than thy  
 shamees,  
 Myself would, on the rearward of reproaches,  
 Strike at thy life.

...  
 O, she is fallen into  
 A pit of ink; that the wide sea  
 Hath drops too few to wash her clean again;  
 And salt too little, which may season give  
 To her foul tainted flesh! 167

It should also be noted that Benedick does not deny the charge. He is not fully convinced, however, and admits that his honorable friends may have made a mistake. He strongly suspects that the dastardly Don John was in some way responsible for the calumny:

Benedick. Two of them have the very bent of honor;  
 And if their wisdoms be misled in this,  
 The practice of it lives in John the bastard,  
 Whose spirits toil in frame of villanies. 168

Furthermore, he aligns himself with Hero's cause by assuring Beatrice that in spite of the evidence he believes Hero has been unjustly accused:

Benedick. Surely, I do believe your fair cousin is  
 wronged. 169

From this point the action of the play reveals that the characters have followed the code of honor as a model. The nobility of the main characters has been established; an offence to a woman's honor has been given; a suitable setting for a challenge has been established. All that

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167. Ibid., IV, 1, 123-45.  
 168. Ibid., IV, 1, 187-90.  
 169. Ibid., IV, 1, 262-63.

remains to be done is to give Benedick sufficient grounds to challenge Claudio to a duel. It is at this point that Shakespeare has Benedick confess his love for Beatrice and she hers for him:

Benedick. I do love nothing in the world so well as you; is not that strange? 170

Beatrice. I love you with so much of my heart, that none is left to protest. 171

It now appears that if, prior to this time, Benedick did not have a reason to challenge his friend Claudio, Beatrice, Hero's first cousin, felt very strongly that a champion must be chosen to vindicate Hero's honor. Since neither Beatrice nor Hero could fight in the lists, a champion had to be used. Beatrice naturally decided that Benedick was the most logical person for her to select as the champion of the cause. In the first place he is her beloved and as such would regard the cause as a personal matter. Moreover, he is a soldier and certainly familiar with quarrels and well-versed both in the procedure of the code of honor and the science of fencing. Don Pedro says of him:

Don Pedro. As Hector, I assure you: and in the managing of quarrels you may say he is wise; for either he avoids them with great discretion, or undertakes them with a most christian-like fear. 172

The very fact that Benedick is familiar with the code is one of the difficulties which Beatrice has to overcome.

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170. Loc. cit., IV, i, 271-72.

171. Ibid., IV, i, 291-92.

172. Ibid., II, iii, 207-10.

Benedick realizes that a duel should not be fought for a personal motive but only to satisfy justice:

They that maintaine any quarrell, use most commonly to undertake the combate with such intent, that howbeit the cause of their quarrell be just, yet they combate not justly, that is, not in respect onely of justice and equitie, but either for hatred, or for desire of revenge, or cometh to passe, that many howbeit they have the right on their sides, yet come to be overthrowen. 173

This seems to be the probably reason why, when Beatrice entreats him to "kill Claudio," Benedick answers:

Benedick. Ha! Not for the world. 174

Beatrice then argues that Claudio has done Hero a grave injustice in openly and publicly accusing her of illicit conduct. It is evident from her speeches that she feels the wrong is one that must be vindicated by the duel. She pleads the cause with vehemence until Benedick, to satisfy himself that he is fighting in a just cause, asks:

Benedick. Think you, in your soule the count Claudio hath wronged hero? 175

Beatrice assures him that she believes her cause is just:

Beatrice. Yea, as sure as I have a thought or a soul. 176

It is not then his love of Beatrice, but the assurance that he is fighting in a just cause which leads Benedick to say:

Benedick. Enough; I am engaged; I will challenge

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173. Saviolo, *op. cit.*, p. Unsig. T 3 b.

174. *Much Ado About Nothing*, IV, 1, 295.

175. *Ibid.*, IV, 1, 335-36.

176. *Loc. cit.*, 337-38.



him: I will kiss your hand, and so leave you. By this hand, Claudio shall render me a dear account: as you hear of me, so think of me. 177

Thus it is that Benedick, unwilling at first to undertake a cause because he was not sure of its justice, is finally prevailed upon to act as a champion. His uncertainty is swayed by Beatrice's certainty, and he will challenge Claudio to a duel in order to avenge the tarnishing of Hero's honor. Benedick can now swear that he believe that he is fighting in a just quarrel. 178

The request of Beatrice for Benedick to jeopardize his life in the lists was in no way incompatible with the code of honor. It was felt that justice would triumph, and that any man should risk his life in defense of another's honor and good name, provided that:

The quarrel may take place however, with the intention yet for love of virtue, and regarde of the universall good and public profite. 179

And, as has been said above, women were regarded as possessing honor and virtue equal to men. An Elizabethan, furthermore, considered it an act of chivalry to defend the honor of those who has to call upon a champion, especially in the case of women.

A present day audience might ask why Beatrice had to solicit the aid of an outsider to act as champion?

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177. Loc. cit., 339-42.

178. Chapter III, p. 33.

179. Saviolo, op. cit., p. Sig. Z.

After all, Hero's father, Leonato, and uncle, Antonio, were both alive. This is not an idle question, for Shakespeare took it into consideration and solved it by further use of the code. It is not that Leonato held his original belief, because he evidently did change his mind as to his daughter's guilt and even went so far as to challenge Claudio to fight:

Leonato. Marry, thou dost wrong me: thou dissembler  
thou. - 180

Leonato calls Claudio a liar, but he is refused combat by a direct appeal to the code:

Claudio. Marry, beshrew my hand.  
If it should give your age such cause of fear,  
In faith, my hand meant nothing to my sword. 181

Again, shortly after this, as if to insist upon the point, Claudio and Don Pedro refer to the old age of Leonato and Antonio in their conversation with Benedick:

Claudio. We had like to have had our two noses snapped  
off with two old men without teeth.  
Don Pedro. Leonato and his brother. Had we fought, I  
doubt, we should have been too young for them. 182

Benedick's answer reveals that he recognized that Claudio and Don Pedro had acted in accord with the code which required old men to use champions,<sup>183</sup> but that he felt himself suitable to undertake the challenge:

Benedick. In a false quarrel there is no true valor.  
I came to seek you both. 184

It is difficult to find any other explanation why the fathers of Hero and Beatrice, Leonato and Antonio, should have

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180. Much Ado About Nothing, V, i, 52-53.

181. Loc. cit., 55-57

182. Ibid., V, i, 115-118.

183. Chapter III, P. 26.

184. Much Ado About Nothing, V, i, 121-22.

been depicted as old men except for the explanation that Shakespeare had deliberately intended to make use of the code of honor.

The conduct of Benedick gives further proof of the reliance on the code. He has been presented as equal in honor and nobility with Claudio; he has accepted Beatrice's request to act as Hero's champion; and, for these reasons, he acts in full accord with the code which gave him the right to avenge the slanderous contumely of Claudio.

He seeks out his erstwhile friend, Claudio, and addresses him in the customary style prescribed by the rules of the duel. He denies that Claudio has acted properly by calling him "villain;" states the case briefly; outlines the cause of the quarrel; and recognizes that Claudio has the right to choose the time and the place where the duel will take place: 185

Benedick. You are a villain. - I jest not; - I will make it good how you dare, with what you dare, and when you dare. Do me right, or I will protest your cowardice. You have killed a sweet lady, and her death shall fall heavy on you. Let me hear from you. 186

It is evident to both Claudio and Don Pedro that this challenge was given according to the proper form and in earnest:

Don Pedro. He is in earnest.  
Claudio. In most profound earnest; and, I'll warrant you, for love of Beatrice.

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185. Chapter III, 38.

186. Much Ado About Nothing, V, 1, 149-54.

Don Pedro. And hath challenged thee?  
 Claudio. Most sincerely. 187

It is to be noted that, since Don Pedro and Claudio are convinced of the justice of their cause, they believe that Benedick has undertaken Hero's cause simply because of his love for Beatrice. Because of this, as honorable men, they must believe that Benedick acts as if he has lost his wits:

Don Pedro. What a pretty thing man is, when he goes in his doublet and hose, and leaves off his wit!  
 Claudio. He is then a giant to an ape: but then is an ape a doctor to such a man. 188

The villainy of Don John is discovered and the play closes happily. However, it is apparent that several points of the code of honor are used as the foundation in Much Ado About Nothing. To an audience familiar with the code it would be apparent that Shakespeare was following the rules by establishing the equality of social position in the cases of Benedick and Claudio. This audience would have understood that Beatrice had the right to choose a champion for her cousin Hero since she was a woman and could not fight in the lists. Benedick's hesitancy and final reason for accepting Hero's cause would have been apparent. The strategy of depicting Leonato and Antonio as too old to fight in the list would have been evident. And, finally, they could not fail to observe the part played by the code in the actions of both Benedick and Claudio.

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187. Ibid., V, 1,202-06.

188. Loc. cit., 207-10.

Although it may be presumptive evidence, it is logical to assume that Shakespeare wrote Much Ado About Nothing with the complications and intricacies of the Elizabethan code in mind.

## CONCLUSION

Since the code of honor and the duel eventually became very closely bound together, the second chapter of this study presents a short history of the duello. This history was considered necessary as a means of understanding the relative importance of the duel, especially since duelling plays such an important part in many of Shakespeare's plays.

Historians do not seem to be able to agree on the time of the origin of the duel. There are some who say that the duel originated at an early period of antiquity; these cite early Biblical accounts to prove their point. There are others, and these are probably in the majority, who are of the opinion that the duel came from a Germanic custom, and claim that duelling was introduced into Europe during the feudal ages. The most reasonable explanation seems to be that the judicial trial by combat marked the beginning of duels in Europe, and that these started during the first half of the sixth century.

The judicial combat, despite ecclesiastical prohibitions, gradually became the accepted method of settling many legal disputes. Eventually this practice spread over all of southern Europe and was introduced into England during the reign of William the Conqueror.

It seems likely that changes in the feudal social structure caused the judicial trial to be abandoned. These duels, however, set the foundation for the duel of honor which came into vogue during the sixteenth century.

During the reign of Elizabeth (1558-1603), and even into the reign of James I (1603-1625), the duel, although unofficial, was universally accepted as a method of settling quarrels and affairs of honor. From this it appears that duels, during Shakespeare's day, were more or less common occurrences and not an unusual event in public and private places.

In Chapter III it has been pointed out that honor, like the history of duello, has had a long and checkered career. The early chivalric code was based on religious ideals, but, at the end of the fourteenth century, we find Bonet deploring the lack of honor in knights. Then, during the sixteenth century the code of honor appears as the basis of the moral code for gentlemen. The noble was considered as the paragon of society during the Elizabethan era, and it is not surprising that his code would be accepted by all classes of society. A man's honor and good name were regarded as his most precious assets and were, in fact, prized more highly than life, home, or country.

Since honor was held in such high esteem it is reasonable to expect that codes would be drawn up which would set the rules for protecting a person's name from dishonor. This was exactly what happened, and as a consequence the code of honor, destined to regulate the procedure in duelling, came into being. Saviolo, a fencing master, drew up such a code, and his code was published in England during Shakespeare's time.

The code divided society into two main classes: those with honor and those without honor. Malefactors were considered to be without honor and were barred from participating in the duel of honor. Because it was formed for the nobility, the code prohibited duels between people differing in social grade; but provided that all honorable people could protect their honor by the use of a champion.

Every phase of duelling was outlined in the code. Degrees of nobility were defined for the purpose of determining which class was bound to answer in person the challenge of another. The rules governing the use of a champion were determined. The position of the challenged and the challenger was clearly expressed; and insults and lies were placed in definite categories. Insults were of two kinds, real and verbal. Lies were placed in three classes: general lies, particular lies, and vain lies.

There were laws governing the giving of the cartel which is either a letter of defiance or a verbal challenge. This law required that the cartel be brief, state the cause of the quarrel, the person injured, and the time or place of the injury. It should also designate the time and place where the duel would take place.

It was further specified that the choice of weapons belonged to the defendant, that is, the person who had been doubted. Although the code specified that any weapon such as a gentleman was accustomed to use would be suitable, the sword was the usual weapon in duels of honor.



According to the code the time for a duel to be fought was between the rising and setting of the sun. If a person did not appear in the list during this time, he was adjudged the loser and therefore automatically disgraced.

It must be remembered that these rules were generally accepted by all classes of people, and any violation of these rules was enough to immediately brand one as a dishonorable person. It was an accepted fact that the code of honor had as firm a foundation as the civil laws: both were believed to be rooted in the Divine Law. The duel of honor was thus a means or instrument for enforcing divine justice in the world.

Since the code affected the daily life of all the people, one can be reasonably sure that its rules were known to every man of that day. Only a very ignorant person would not be familiar with a code of laws which regulated so many public acts. The publication of numerous books on the code kept the Elizabethan public informed on the laws of the duel.

Chapter III has attempted to give a general outline of the code as expressed in Vincentio Saviolo's writings. The main essentials were quoted and explanations of its various points were made when necessary. In Chapter IV an attempt was made to apply the code to selected plays of Shakespeare and to point out that he used the code as a background and for purposes of motivation in these plays.

In King Lear it was shown that the code was used both to mark Oswald as an honorless person because he would not accept Kent's challenge; and it indicated that he was a base person because he fled from the scene of combat. Goneril, Regan, Edmund, and Cornwall were identified with Oswald's cause, and they, in turn, were marked as base when they put Kent, the servant of Lear, in the stocks. Each of these events was shown to have a direct relationship to the code being a direct application of its principles.

In a similar manner, the duel between Edgar and Edmund follows the dictates of the code. At the time of the duel each character recognized the need for conforming to the code. Albany's challenge makes use of the throwing down of a glove as well as the giving of a lie. Edgar's acts, while acting as a champion, echo the requirements of the code.

In Twelfth Night it was seen that Sir Andrew becomes a comical character when interpreted in the light of the code. Moreover, Sir Toby accepts Viola's words in the sense that the code dictates. And, finally, that Shakespeare makes a definite reference to the laws of the duel in one of Sir Toby's remarks.

Also, in Much Ado About Nothing, a play particularly rich in its use of the code, it was seen that the code forms the basis for the plot of the play. The fact that women possess honor and the act of besmirching this honor are the ultimate cause of Benedick's challenge to Claudio. Beatrice,

Hero's cousin, requests Benedick to act as a champion for Hero since the code gave woman the right to use a champion in the lists. Claudio refuses to accept the challenge of Leonato and Antonio on the grounds that the code does not permit old men to fight. Shakespeare took pains to establish the fact that Benedick and Claudio are of equal rank, and therefore Benedick can properly challenge Claudio. Finally, both Don Pedro and Claudio recognize that the challenge is given according to the proper form. All of these events are in strict accord with the rules as expressed in the code.

It is evident, then, that in each of these plays Shakespeare makes extensive use of the code of honor. The evidence examined above indicates this, but, since the code of honor and the duel were in common usage and known to all, it is not surprising that Shakespeare wove them into the plots of his plays. The implications of the code would have been readily grasped by an Elizabethan audience.

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