

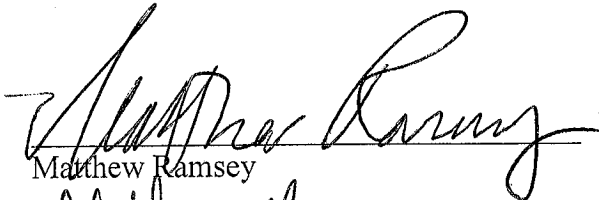
In Defense of Reputation: The Duel of Honor and Royal Authority in Jacobean England

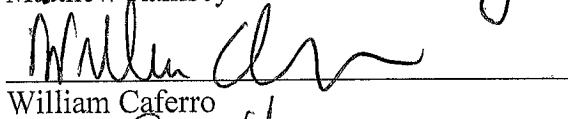
By  
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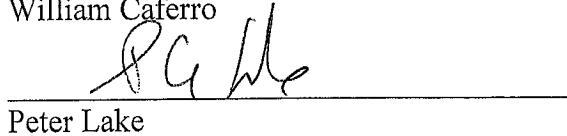
Thesis  
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On the basis of this thesis defended by the candidate on April 25, 2014  
we, the undersigned, recommend that the candidate be awarded Honors  
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*For Charles Isham and Terry Wilson*

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The duel has transcended its roots as a medieval and renaissance legal and social institution and has become a recognizable trope in Western culture. Though dueling has not been widely practiced since the nineteenth century, it survives today in the Olympic sport of fencing, and it is still seen in novels, movies, and television. Fictionalized duels, however, are romanticized and often simplified, and the historical reality of dueling is far more complex. The duel, regardless of the specific time and location in which it took place, was always complicated by judicial, social, and cultural practices, ideas, and conflicts. This thesis examines the context of the duel of honor in England during the reign of King James I from 1603 to 1625. In particular, I will argue that James I, though spurred by high profile duels among prominent members of his court in 1613, was compelled to crack down on dueling because it represented a challenge to his authority. Furthermore, his actions and those of his agents, most prominently Sir Francis Bacon, were heavily influenced by their knowledge of dueling in France.

My analysis will present two major aspects of James' power which were challenged by dueling: his political authority as the head of the English state, and his spiritual authority as the head of the Church of England and God's chosen to rule. It will also discuss the role of foreign policy and the prior experience of the French monarchy towards the duel of honor in their own country in shaping the thoughts and responses of the English crown to dueling. This thesis will rely heavily on a few key sources to demonstrate the importance of these areas in understanding James I's treatment of dueling during his reign. Prior research done in this field has not delved deeply into the idea of authority in relationship to dueling, and there has been little focus on foreign policy, either. Lawrence Stone, one of the progenitors of studies of the English aristocracy in the early modern period, linked dueling to violence among aristocrats, but did not dwell on James' response to its rise. Historians since have either examined the culture of

politeness surrounding dueling or, if they have examined the duel of honor in the context of authority, have done so with a focus on the European mainland or on pre- or post-Jacobean England.<sup>1</sup>

This introduction has three major sections. The first is a brief history of the duel, from its roots in the individual combats of the ancient and medieval world to its culmination in the duel of honor in Jacobean England. This will be followed by a brief introduction to the major primary sources used, and finally by an outline of the remainder of the thesis.

### **The Duel in History**

The basic history of dueling is generally agreed upon. The original ancestor of the duel was individual combats, alternatively called single combats or champion warfare.<sup>2</sup> In contrast to the duel, individual combats were usually a microcosm of a larger conflict, usually between two opposing armies. Often taking place in the physical space between the two forces, single combats involved one champion, usually picked for his strength and martial prowess, from each force fighting alone. There could be several reasons for such an event, including to end the conflict with a minimum of bloodshed or to settle a personal vendetta between two warriors. Individual

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<sup>1</sup> See Richard McCoy's *The Rites of Knighthood: The Literature and Politics of Elizabethan Chivalry*, which focuses on the ideas of knighthood, chivalry, and honor in the Elizabethan era and makes extensive use of literature in its analysis, and John Adamson's "The Making of the Ancien-Régime Court 1500-1700," which examines dueling as it relates to authority in France. For further reading which specifically relates dueling in the period to the culture of honor, see Mervyn James' *Society, Politics, and Culture: Studies in Early Modern England*, Frances Yates' *Astraea: The Imperial Theme in the Sixteenth Century*, and Markku Peltonen's *The Duel in Early Modern England: Civility, Politeness and Honour* and "Francis Bacon, the Earl of Northampton, and the Jacobean Anti-Duelling Campaign."

<sup>2</sup> See John Selden. *The Duello, or, Single Combat: From Antiquity Derived into this Kingdom of England; With Several Kinds and Ceremonious Forms thereof from Good Authority Described*. [http://eebo.chadwyck.com/search/full\\_rec?SOURCE=pgthumbs.cfg&ACTION=ByID&ID=99852320&FILE=../session/1366945960\\_4104&SEARCHSCREEN=CITATIONS&SEARCHCONFIG=var\\_spell.cfg&DISPLAY=AUTHOR](http://eebo.chadwyck.com/search/full_rec?SOURCE=pgthumbs.cfg&ACTION=ByID&ID=99852320&FILE=../session/1366945960_4104&SEARCHSCREEN=CITATIONS&SEARCHCONFIG=var_spell.cfg&DISPLAY=AUTHOR). Accessed on November 11, 2013.

combats were a common feature of battle in antiquity and there are notable examples of it in the Old Testament of the Bible and Homer's *Iliad*.

Individual combats continued to occur into the Middle Ages, and it served important roles in medieval literature and mythology.<sup>3</sup> Some of the last known instances of individual combat occurred during the Hundred Years War, as in the Battle of Poitiers.<sup>4</sup> Despite their long history, and the fact that they still happened, as in the Hundred Years War, individual combats fell out of favor in the late Middle Ages. There is no consensus on why this was the case, but some historians have postulated that the Military Revolution may have been the cause.<sup>5</sup> The changes of the military revolution, including the creation of larger, professional armies, may have minimized the importance and significance of individual martial skill, thus defeating the purpose of individual combat. They survived and were kept intact, however, in the chivalric tradition, where knights fought in tournaments which celebrated valor and martial might.

Out of individual combats developed the judicial duel. Also called the wager of battle or the trial by combat, the judicial duel was formalized around 500 C.E. in Burgundy, and gradually spread throughout most of Christian Europe.<sup>6</sup> The judicial duel served an important function in arbitrating disputes in medieval society: when a legal issue involving two conflicting parties

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<sup>3</sup> See Maurice Keen. *Chivalry*. (New Haven, 1984). Keen not only describes the place of combat in medieval literature, but also specific instances of single combat in Europe from the eleventh to the fifteenth centuries.

<sup>4</sup> Clifford Rogers. *Soldiers' Lives through History: The Middle Ages*. (Westport, Connecticut, 2007), 176.

<sup>5</sup> It is important to note that the Military Revolution is a subject of extreme debate among historians, some of whom argue that there was no revolution at all. For some of the most important texts on the subject, see Michael Roberts. *Gustavus Adolphus*. (London, 1992). Jeremy Black. *A Military Revolution?: Military Change and European Society, 1550-1800*. (Atlantic Highlands, New Jersey, 1991). Geoffrey Parker. *The Military Revolution: Military Innovation and the Rise of the West, 1500-1800*. (Cambridge, 1988).

<sup>6</sup> Robert Baldick. *The Duel*. (London, 1965), 13.

could not be solved by a legal body whether because of a lack of witnesses or because there was insufficient evidence to convict someone, a judicially-sanctioned duel determined who was truthful. It was believed that the duel would “elicit a true judgment of God,” and that the man (or woman) who won was the victor by God’s will.<sup>7</sup> These fights usually did not continue until the death, but until either side had sustained serious injury or a certain amount of time had passed. Numerous versions of the judicial duel existed to fit different circumstances, and there were many regional variations.

The judicial duel entered England along with William the Conqueror in the Norman Conquest of 1066, and it soon became a staple of English common law. Both commoners and aristocrats could exercise the right to a trial by combat, although it was much more common among the nobility.<sup>8</sup> Judicial duels occurred throughout the Middle Ages but began to fade in England in the fourteenth century, in favor of trials by jury. These duels were practiced regularly in Scotland and Ireland, however, into the sixteenth century. Despite their decreased prevalence, trials by combat did continue until the end of the fifteenth century; the last recorded judicial duel occurred in 1492.<sup>9</sup>

Historians have found a brief hiatus between the end of the judicial duel and the rise of the duel of honor, but the latter is identifiable in the court of Elizabeth I in the 1570s. The duel of the English Renaissance was fundamentally different from the duel of the Middle Ages in several respects. First, it was fought not to establish guilt, but to maintain social standing. A complex code of social interaction, influenced by books from the continent such as Castiglione’s *The*

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<sup>7</sup> Maurice Keen. *Chivalry*. (New Haven, 1984), 204.

<sup>8</sup> See Sir Robert Megarry. *A New Miscellany-at-Law*. (London, 2005), 65. This text illustrates an instance in which a common servant challenged his master for treason.

<sup>9</sup> Jennifer G. Wollock. *Rethinking Chivalry and Courty Love*. (2011), 84.

*Book of the Courtier*, developed in the English Renaissance, held sway in the royal court. Under this code, there were a huge number of ways to dishonor a person by not interacting with them in a manner befitting their station. For aristocrats whose honor had been impugned, dueling provided a martial means to defend their honor. A second distinction is that only nobles engaged in duels of honor. While anyone could engage in a judicial duel, there are very few records which indicate a fight of any sort between commoners on the basis of honor. This corroborates a major argument in the literature surrounding not only dueling, but also the culture of personal honor in Renaissance England: while aristocrats had honor, others did not.

Beyond the practical defense of one's personal honor, part of the appeal of the duel of honor for aristocrats was that it harkened back to the aristocracy's glorified past. By the time King James came to the throne in 1603, the nobility was no longer a class distinguished by its military prowess as it had been throughout the Middle Ages. Throughout Christian Europe in the Middle Ages, the nobility had been distinguished by their ability to afford the arms and armor of a knight: to be a noble was to be a professional warrior. Though many aristocrats did serve in the military in Stuart England, the age of the armored knight was over. The duel of honor allowed nobles to relive their perceptions of the age of chivalry, a view corroborated by the fact that duels of honor did not gain popularity among the non-aristocratic classes.

Duelists could belong to either of the major divisions of the English aristocracy, either the peers or the landed gentry. During the reign of King James I, duelists were tried in the Star Chamber, a special legal body which the king used to try very prominent members of the aristocracy. In 1634, however, nine years after King James' death, this responsibility was largely absorbed by the Court of Chivalry. The records of this court, which are extant and easily accessible, demonstrate that most duelists were not very highly-placed peers or members of the



court, but rural gentry, and the most common reason given to challenge an individual to a duel was to cast doubt on his noble identity and ancestry. In *Andrewes v. Farmer*, a case involving two members of the gentry instigated in 1638 and resolved in 1640, Farmer is alleged to have accused Andrewes of being “the son of a whore, a base fellow, and noe gentleman,” and the resulting quarrel ended with Farmer provoking Andrewes into having a duel.<sup>10</sup> Another incident from 1637, *Atkinson v Powell*, began when Powell publicly denounced Atkinson’s status as a member of the gentry.<sup>11</sup> These cases and others like them help to demonstrate the focal point of the duel both during the reign of King James I and after his death: the duel allowed gentlemen to defend their honor.

In contrast to the judicial duel, the duel of honor never gained widespread acceptance. The judicial duel was a distinctly medieval institution, and it had died out by the Stuart era. Duelists during James’ reign did cite the example of judicial duels to justify their own actions, but neither clergy nor crown was particularly swayed by the argument. Indeed, aside from the king himself, the greatest critics of dueling were prominent priests and theologians of the Church of England. Even more vocal than these, however, were the members of the growing Puritan movement, who decried the practice and those who took part in it, who were styled straightforwardly as murderers.

This new institution was also far deadlier than previous versions of dueling: in duels of honor, fatalities were much more common. One of the reasons for this is that judicial duels were

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<sup>10</sup> “*Andrewes v Farmer*,” The Court of Chivalry. <http://arts-itsee.bham.ac.uk/AnaServer?chivalry+0+start.anv+case=4&ftext=duel>. Accessed March 22, 2014.

<sup>11</sup> “*Atkinson v Powell*,” The Court of Chivalry. <http://arts-itsee.bham.ac.uk/AnaServer?chivalry+0+start.anv+case=14&ftext=duel>. Accessed March 22, 2014.

not meant to be fatal: because they were used to establish guilt, the duel continued until one side had been wounded or a certain amount of time had passed. This was sufficient to establish guilt or innocence. The goal of a duel of honor was much more nebulous, with the only definitive aim being to defend one's personal honor. The rise in fatalities was also due to a change in the method of fighting. Judicial duels, not only in England but throughout Europe, were usually fought with heavy weapons, such as broadswords, and heavy armor. These weapons were actually quite difficult to wield and more difficult to kill with, especially against armored opponents. This changed, however, with the adoption of the rapier as the weapon of choice in dueling. The rapier, a long, thin, needle-sharp sword, was quite capable of piercing flesh, organs, tissue, and even weak points in armor. The fact that stab wounds are more difficult to treat than lacerations exacerbated the problem, resulting in a much greater incidence of fatal injuries in the duel of honor.<sup>12</sup>

Despite pressures both from the monarch above and clergy below, dueling became more and more prevalent during the reign of James I. This is partially because of the different character of the monarchs: while the aristocracy had bigger problems than dueling during the reign of "Bloody" Mary I, Elizabeth I had managed her court through the immense pressure of her own personality. Would-be duelists in the Elizabethan court were dealt with directly by the queen, who forced the belligerents to resolve their differences quietly and in ways which would not result in one or both of their deaths.<sup>13</sup> Though he tried to cultivate an Elizabethan cult of

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<sup>12</sup> Lawrence Stone. *The Crisis of the Aristocracy 1558-1641*. (Oxford, 1965), 225

<sup>13</sup> There are at least three major instances of this. When the Earl of Essex quarreled with Sir Charles Blunt over a token of Elizabeth's favor at a tournament, she interceded and the two settled their dispute amicably. She likewise interceded to prevent the Earl of Southampton and the Lord Grey from traveling to the Netherlands to duel, and in 1597 she again dissuaded the Earl of Southampton from engaging in a duel, this time with the Earl of Northumberland. V.G.

personality, James lacked the personality and charisma to do so, and he was unable to exert so much direct control over his own court. Though duels in England never reached the proportions they did in France or Italy, where there were hundreds every year, correspondences and newsletters in England still reported 33 deaths by dueling in England from 1610 to 1619: most of the victims were nobles.<sup>14</sup> The year 1613 was the most important for dueling in the Jacobean era. During this year, high profile duels amongst the aristocracy caused many deaths, including that of Edward Bruce, Second Lord of Kinloss, the son of one of James' long-time supporters.<sup>15</sup> The events of this year sparked a surge of activity on the part of the government against dueling, including James' royal proclamations against the practice and Sir Francis Bacon's legal case against it. The bulk of the analysis of this paper will deal with the events of the year 1613 and their consequences.

### **Format**

The overall goal of this thesis is to examine the context of dueling in Stuart England and to demonstrate those aspects which made dueling such an important issue for King James and his agents. These aspects and experiences made it not only desirable to eliminate the duel of honor, but also necessary: far from a petty disruption of the court, dueling was ultimately an attack on the power of the king himself. The first chapter of the thesis will address how dueling posed a challenge to King James' political authority. Subdivisions will specifically analyze the nebulous legal status of the duel, honor as it related to Jacobean political authority, concerns over the spread of dueling and its exacerbation of existing tensions between the king and the nobility, and

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Kiernan. *The Duel in European History: Honour and the Reign of the Aristocracy*. (Oxford, 1988), 80.

<sup>14</sup> *Ibid.*, 245.

<sup>15</sup> *Ibid.*, 247.

contempt for existing English institutions designed to deal with problems between aristocrats. The second chapter will address religious authority, and will predominantly deal with the idea of divine right, a cornerstone of Jacobean political thought, and the challenge that dueling posed to it. Finally, the last chapter will examine the role of France in shaping England's responses to the duel. Both Sir Francis Bacon and King James talk about dueling as a foreign institution, and Bacon specifically mentions that the duel of honor came to England by way of France. Bacon's knowledge of how dueling was handled by the French monarchy provided a model for the English crown to emulate, though Bacon does not suggest fully adopting the French example, and he criticizes some of their practices, including the execution of duelists. This chapter will also discuss the relationship between England and France in the period in order to better contextualize the duel in the Stuart court, and it will also examine the implementation of strategies to curb dueling by the English crown. An epilogue will provide a retrospective on the efforts and success of the Jacobean anti-dueling campaign. This section will extend the analysis of the dueling in England until the last duel in 1845, 220 years after King James' death, and will look at the lasting impact of his administration on dueling in England.

## Chapter 1: The Duel of Honor and Political Authority

The duel of honor was intrinsically connected to the idea of political authority during the reign of King James I. Dueling represented a concrete challenge to his authority as the English monarch, which necessitated action to curb the practice. There are a few ways in which dueling can be understood as a challenge to James' political authority. First, dueling existed outside of English legal canon. Although it was never explicitly outlawed prior to James' royal proclamation forbidding it in early 1614, dueling still represented a means of conflict resolution completely outside of the king's ability to regulate. After the issuance of James' proclamation, the ambiguity was removed from the problem: to duel was to explicitly ignore the orders of the king. Second, dueling undermined the existing framework for settling conflict between aristocrats in England. Methods already existed by which the nobility could address their various perceived slights: the Commissioners Marshall was supposed to deal with the various arguments between nobles, and its jurisdiction included legal and economic matters as well as issues of libel and slander, which were often given as the impetus for a duel. By ignoring the authority of the Commissioners Marshall, duelists undermined the authority of the government by indicating that existing legal mechanisms were insufficient and ineffective, and relied on the duel as an effective way to deal with their grievances towards each other. As the head of the government, an insult against these institutions was an insult to King James. Ignoring the realm's standing methods of conflict resolution was another affront to the political authority of the king: as the head of the state, a criticism of English legal mechanics was also an insult to his ability to rule.

Queen Elizabeth I had worked hard to develop an extended cult of personality surrounding her reign, and James tried equally diligently to establish one of his own. According to the monarchs' ideal arrangement of their courts, they would be the central figure, and all

measures of honor would depend on their favor. One would not have any intrinsic personal honor, but would obtain honor by virtue of service and proximity to the monarch. Dueling represented a subversion of this ideal. Duels in the Jacobean era were almost always precipitated by one noble's slight of another's personal honor. The complex code of behavior for members of the court compelled men so offended to defend their honor through martial means. This circumvented the power of the monarch by giving the aristocrats intrinsic honor, independent from the king. Finally, dueling represented a threat to the political stability of the kingdom. Both James I and Sir Francis Bacon emphasized that duels needed to be stopped before they spread and led to chaos throughout the kingdom. This perception helped shape and draw out the crown's crackdown on the duel of honor.

A quick note should be made regarding the terminology which will be used in this thesis: namely, that which refers to the upper levels of English society. The terms "aristocracy" and "nobility" are the primary terms used for such groups, but it is important to note that the upper levels of Jacobean society could be divided into several groups. The first distinction is between the landed gentry and the peerage. The peerage was comprised of those noblemen who held inherited titles, such as duke, earl, or baron. However, such a title could only be held by one person, and the title was usually passed down to the eldest son of the previous peer upon his death. Those members of such a family who did not inherit the title were known as the landed gentry, and needless to say the gentry far outnumbered the peerage. Both the gentry and the peerage generally held estates of sufficient size to preclude them from needing to work, and members of both groups were considered to be gentlemen, and thus capable of having honor and engaging in duels to defend it. The upper house of the English Parliament, the House of Lords, was largely made up of peers at this time, and specific seats in parliament were attached to

hereditary offices. The lower house, the House of Commons, was comprised of elected officials. Overlapping with each of these groups were those aristocrats who were members of the King's court. The royal court was essentially James' inner circle of aristocratic allies, friends, and supporters, and included both peers and gentry.

### **The Duel of Honor and the Law**

Dueling occupied a somewhat nebulous place in English law prior to 1614. There was never any distinction made in the courts between judicial duels, which, though they had fallen out of favor, were still technically legal with approval, and the duel of honor. Duelists pointed to this oversight as their precedent for engaging in duels: since the duel was still legal, their actions were completely within the realm of the law. The ambiguous nature of dueling within English law gave not only James I but also his predecessor Elizabeth I pause. Duels of honor were first seen in Elizabeth's court, but unlike James Elizabeth never attempted to reform the legal status of dueling. Instead, she relied on her own cult of personality and diplomatic skills to defuse duels between her favorites at court.

There are other examples of duelists being punished in English history, but in each case the offense was not the duel itself but defying the monarch's express orders. John Selden provides one such example from the reign of Edward I:

Sir Nicholas de Segraue... challenged one Sir Iohn de Crumbwell, and because the Kings prohibition restrained the combat heere in England, dared him into France, therein (as the Record mentioneth) subiecting, as much as in him laye, the Realme of England to the Realme of France. Segraue was herevpon staid in his passage at Douer, committed to the

Castle, and afterward in the Kingsbench confessed his fault, and submitted himselfe to the King.<sup>16</sup>

The same duel is also mentioned by Daniel Samuel in “The Collection of the History of England”:

Sir Nicholas Segraue... being accused of treason by Sir Iohn Crombwell, offers to iustifie himselfe by Duell, which the King refuses to grant, in regard of the present Warre then in hand. Whereupon Segraue without licence and contrary to the Kings prohibition, leaues the Kings Campe, and goes ouer Sea to fight with his enemy, for which the King... would haue Iustice to proceed against him.<sup>17</sup>

This case is interesting because it can help to understand the political importance of duels and, more importantly, of stopping dueling. Though the first passage does not frame it as such, in the second account of the incident dueling is explicitly connected with a defiance of the king’s authority. Although the king forbids him from doing so, Sir Nicholas Segraue resolves to settle his dispute with a duel. The fact that the noble ignored the king’s orders is clearly the problem in this text, rather than the duel itself.<sup>18</sup> However, the duel may have acquired a stigma of being contrary to the will of the monarch, as it certainly had by the Elizabethan and Jacobean periods.

An interesting note with regard to the first account is the reference which it makes to England being subjected to France. This expands the discussion of dueling and politics from

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<sup>16</sup> John Selden. *The Duello, or, Single Combat: From Antiquity Derived into this Kingdom of England; With Several Kinds and Ceremonious Forms thereof from Good Authority Described.* [http://eebo.chadwyck.com/search/full\\_rec?SOURCE=pgthumbs.cfg&ACTION=ByID&ID=99852320&FILE=../session/1366945960\\_4104&SEARCHSCREEN=CITATIONS&SEARCHCONFIG=var\\_spell.cfg&DISPLAY=AUTHOR](http://eebo.chadwyck.com/search/full_rec?SOURCE=pgthumbs.cfg&ACTION=ByID&ID=99852320&FILE=../session/1366945960_4104&SEARCHSCREEN=CITATIONS&SEARCHCONFIG=var_spell.cfg&DISPLAY=AUTHOR). Accessed December 3, 2013.

<sup>17</sup> Samuel Daniel. “The Collection of the Historie of England.” [http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:citation:99842987](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:99842987). Accessed December 2, 2013.

<sup>18</sup> It is, in fact, notable that Sir Segraue sought the king’s permission before engaging in the duel. At this point in history, sometime in the 13<sup>th</sup> century, there was no perceived conflict between an individual nobleman’s right to duel and the authority of the king.



focusing on England alone to taking international politics into account as well. Dueling and France will be discussed in more detail in chapter 3, but some mention of the idea of sovereignty may be prudent here. Sovereignty was an idea which was very important to the Tudor monarchs (Historian G. R. Elton wrote that “the essential ingredient of the Tudor Revolution was the concept of national sovereignty”).<sup>19</sup> Both King Henry VIII and Elizabeth I, the most prominent, powerful, and influential of the Tudor monarchs, emphasized not only their absolute power as rulers, but also the absolute sovereignty of England as a state. This meant that England was to be free from the influence of foreign powers, and had absolute authority within its domain. This was a tradition which King James inherited when he ascended to the throne in 1603. With this in mind, the above passage takes on a new element, in which dueling is not only a problem because it is an affront to the king’s authority, but also because, in the Jacobean mind, it makes England subordinate to France, and is not only an infringement on English sovereignty, but a form of treason. This understanding provides a new perspective on the urgency with which King James attempted to deal with dueling in England, as the duel may have been understood as a foreign institution, which would have repercussions for the idea of English sovereignty.

King James made the first steps towards making dueling illegal in 1613, when he issued Royal Proclamation 132: “A Proclamation prohibiting the publishing of any reports or writings of Duels.” In this document, James declares that “whosoever shall after the publication of this Our Pleasure, presume to put in writing, or publish any Discourse of the maner, either of their meetings appointed with their parties, or their fighting, or of any part of that quarrellous businesse: We will have them to bee brought *ore tenus*, or otherwise, as the case shall require in

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<sup>19</sup> G.R. Elton. *England Under the Tudors*. (London, 1954), 160.

the Starrechamber.”<sup>20</sup> While one may think that this would only stop people from talking about duels in writing, this was also an attempt to stop them because of the method used to challenge someone to a duel. According to the code which governed duels of honor, duelists were required to exchange written challenges. This proclamation made such written challenges illegal.

However, the proclamation was not as successful as James had hoped, and at the beginning of 1614 two men, William Priest and Richard Wright, were charged in the Star Chamber for writing and delivering, respectively, a challenge to a duel.<sup>21</sup> In records of the proceedings Sir Francis Bacon directly calls dueling “an insult against the kings power and authority,” and a “subuersion of gouernment,” further emphasizing that King James’ contemporaries saw the duel as an affront to the king’s authority.

The text does not resolve the still ambiguous legal status of dueling itself to say that dueling was against the spirit, rather than the letter, of the law. Bacon says that “It would haue beene thought a madnes amongst the ancient law-giuers, to haue set a punishment vppon the lye giuen.” The “lye giuen” refers to one of the major causes of dueling, which was being accused of lying. He continues to cite the original intents of the law allowing judicial duels, and states that “Any law-giuer, if hee had beene asked the question, would haue made Solons answer, that he had not ordained any punishment for it, because he neuer imagined the world would haue beene so fantastickall as to take it so highly.” Bacon’s words make clear that, despite their ambiguous legal status, duels were considered contrary to the intent of the laws. As a violation of English law, dueling represented an affront to the authority of the king.

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<sup>20</sup> James I. *Stuart Royal Proclamations*, ed. James F. Larkin and Paul L. Hughes. (Oxford, 1973), 296-297.

<sup>21</sup> Sir Francis Bacon. “The charge of Sir Francis Bacon Knight, his Maiesties Attourney generall, touching duells vpon an information in the Star-chamber against Priest and Wright. With the decree of the Star-chamber in the same cause.” Accessed October 3, 2013.

## The Commissioners Marshall

One of the major justifications for dueling was that existing legal institutions lacked the efficacy to deal with inter-aristocratic conflicts. James says in Proclamation 136 that “some argue for excuse of Challenges, by imputing weaknesse (as they would have us apprehend) to the Laws and Statues of the Realme,” and Bacon states that this is referenced by King James in each of his proclamations. In Proclamation 132, James advises his subjects that “if any man should find himself grieved with any whisperings, or rumours spread abroad, misreporting the carriage of any such matter, he may resort to our Commissioners Marshall, who shall right him in his Reputation, if they finde he be wronged.”<sup>22</sup> Little is known about the specifics of the Commissioners Marshall of Jacobean England, at least partially because the position had been largely defunct up until James’ reign. The Commissioners Marshall was an organization created by King James in 1604 to take over the duties of the Earl Marshall, who had, along with the Lord High Constable, been responsible for overseeing the Court of Chivalry in the Late Middle Ages. These men were in charge of the administration of judicial combats, as well as dealing with infractions relating to knightly chivalry. With the end of the Middle Ages, however, the Court of Chivalry ceased to be relevant, and was inactive until 1604. King James revived the institution in order to help him deal with issues between aristocrats, such as those which might lead to a duel of honor, and it existed in this form until 1622.<sup>23</sup> Dueling circumvented the power and authority of the Commissioners Marshall: rather than relying on existing legal mechanisms to deal with conflict, duelists took matters into their own hands. Complaints that the Commissioners Marshall

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<sup>22</sup> James I. *Stuart Royal Proclamations*, ed. James F. Larkin and Paul L. Hughes. (Oxford, 1973), 297.

<sup>23</sup> Markku Peltonen. *The Duel in Early Modern England: Civility, Politeness and Honour*. (Cambridge, 2003), 98.

was ineffective at dealing with aristocratic conflict were a slight against King James' political authority, seeing as he was the ultimate representative of English law and order.

### **Honor and Political Authority**

Among the members of his court, James had authority not only by virtue of being king, but also by the right to bestow his favor on his subjects. To be known to be in the king's favor was to be honored, and being sent away from the court was considered a grave dishonor. King James, like Elizabeth before him, used this system to maintain order and control over his most highly-placed and influential subjects. Honor was intrinsically connected to James' political authority. Thus, the code of dueling, which attaches honor to an individual independent of any outside factors, reduced James' authority. A large number of primary sources attack dueling because it assumes false ideas of honor, virtue, and valor. King James says that "it were a great pittie, that so many Judgments... should be so strangely bewitched... as to think that any graine of worth of reputation or true honour, can be drawn out of any act that is absolutely repugnant to all such Lawes."<sup>24</sup> Bacon states that "Touching the causes of it; The first motiue no doubt is a false and erronious imagination of honour and credit."<sup>25</sup> Thomas Middleton, a poet and dramatist, also cites a "false & erronious imagination of Honor & Credit" as the major cause of duels.<sup>26</sup>

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<sup>24</sup> Ibid., 303.

<sup>25</sup> Sir Francis Bacon. "The charge of Sir Francis Bacon Knight, his Maiesties Attourney generall, touching duells vpon an information in the Star-chamber against Priest and Wright. With the decree of the Star-chamber in the same cause." Accessed October 3, 2013.

<sup>26</sup> Thomas Middleton. "The Peace-Maker: or, Great Brittaines Blessing."

[http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-)

2003&res\_id=xri:eebo&rft\_id=xri:eebo:citation:99843166. Accessed December 1, 2013.

Although Middleton uses the exact same wording as Bacon, I find it unlikely that the poet was actually attempted to quote him, given that Bacon's statement was made in the Star Chamber and

The way which the crown dealt with duelists corroborates the importance of honor to James' political power. Since dueling relied on the principle that aristocrats had intrinsic honor independent of the king's favor, James and Bacon decided that the punishment for dueling should emphasize the dishonor of the duelists by banning them from the king's court. James wrote in Proclamation 132 that those writing about duels were "to be hereafter banished the Court, of Us, Our dearest Bedfellow, and the Prince Our Sonne for the space of seven yeeres."<sup>27</sup> Bacon noted that in a previous case the Star Chamber "did vtterly reiect and condemne the opinion that the priuate Duell, in any person whatsoever, had any groundes of honor, aswell because nothing can be honorable that is not lawfull."<sup>28</sup> He also concurs with James' decision to banish duelists from his court: "The fountaine of honour is the King, and his aspect, and the accesse to his person continueth honour in life, and to be banished from his presence is one of the greatest eclipses of honour that can bee; if his Maiestie shall be pleased that when this Court shall censure any of these offences in persons of eminent quality, to adde this out of his owne power and discipline, that these persons shall bee banished and excluded from his Court for certaine yeares."<sup>29</sup>

These records emphasize not only the significance of honor as a cause of the problem of dueling, but also as a possible solution to it. Honor and the bestowal of favor were key parts of King James' strategy to maintain control over the nobility. Dueling offered a challenge to his authority by decreasing his ability to regulate his court through honor, and the solutions offered

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probably not known to the general public. It is possible that this was simply a common rhetorical construct used when speaking about dueling.

<sup>27</sup> James I. *Stuart Royal Proclamations*, ed. James F. Larkin and Paul L. Hughes. (Oxford, 1973), 297.

<sup>28</sup> Sir Francis Bacon. "The charge of Sir Francis Bacon Knight, his Maiesties Attourney generall, touching duells vpon an information in the Star-chamber against Priest and Wright. With the decree of the Star-chamber in the same cause." Accessed October 3, 2013.

<sup>29</sup> *Ibid.*

by the King and by Sir Francis Bacon attempted to reemphasize that the king is, by virtue of being the source of the aristocrats' honor, in control.

### **Dueling and Stability**

One of the king's greatest concerns about dueling was that the practice would spread. This would lead not only to chaos in the court and the kingdom, but to a further loss of influence on the nobility which King James was already struggling to control. His third grievance against the practice in Proclamation 132 is "that thereby is a new seed sowed of quarrels, whereupon Quarrels doe not onely become immortal, but multiply."<sup>30</sup> He references the fact that, when both the challenger and the challenged are killed in a duel, either their seconds or kinsman may seek to continue the dispute and settle the honor of the dead. Bacon warns of the grim future that awaits England if action is not taken against dueling, in which:

euery man shall beare the sword not to defend but to assayle, and priuate men beginne once to presume to giue lawe to them-selues, and to right their owne wrongs, noe man can foresee the danders and inconueniences that may arise and multiply there-vpon. It may cause suddaine stormes in Court, to the disturbance of his Maiestie, and vnsaftie of his person. It may grow from quarrells, to banding, and from banding to trooping, and so to tumulte and commotion, from perticuler persons to dissention of families and aliances, yea to nationall quarrels.<sup>31</sup>

Bacon feared for the effects of dueling if it remained unchecked: he predicted that the disorder caused by it would snowball into national chaos.

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<sup>30</sup> James I. *Stuart Royal Proclamations*, ed. James F. Larkin and Paul L. Hughes. (Oxford, 1973), 296.

<sup>31</sup> Sir Francis Bacon. "The charge of Sir Francis Bacon Knight, his Maiesties Attourney generall, touching duells vpon an information in the Star-chamber against Priest and Wright. With the decree of the Star-chamber in the same cause." Accessed October 3, 2013.

The crown's concern for the spread of dueling demonstrates its threat to James' political authority. One of the monarch's most important duties was to keep peace and unity in the kingdom, and James foresaw that the private violence of dueling could become more common, leading to conflicts outside of his power to control. This was all the more important to the king because he wanted to maintain the government's monopoly on force; violence should only have been available as a tool of the king and his agents. Thus James' and Bacon's concerns over the spread of dueling demonstrate its importance as a matter of political authority.

## **Chapter 2: The Duel and Religious Authority**

One of the key themes in pre-modern English history is the relationship between the monarch and religion. By the reign of King James I religion was largely consolidated under the king's control, thanks to the Acts of Supremacy, but prior to the Jacobean period (and, indeed, after it) religious and political authority were often at odds. Nevertheless, religion played a key part in the Jacobean regime due to King James' belief in the doctrine of the Divine Right of Kings, which mandated that a ruler was God's chosen representative to reign on earth and was fully sovereign in all matters temporal and religious. Because of the interconnectedness of religious and political authority during James' reign, dueling was intrinsically an affront to the king's religious authority. This is important in the context of English history, as James inherited a kingdom which was still at odds over religious differences. England needed a strong, central, and uniform religious authority: dueling stood in the way of this ideal, and James needed to end it.

### **Religious Authority in English History**

Throughout the medieval and early pre-modern eras, religious institutes in England operated independently of royal authority. This is not to say, however, that they did not interact: monarchs worked closely, if not harmoniously, with religious leaders and authorities. As far back as the eleventh century, William the Conqueror was involved in the founding of monasteries outside of ecclesiastical frameworks. By and large, however, until the reign of Henry VIII English monarchs were in good standing with the Roman Catholic Church, acceding to its authority in matters of doctrine and allowing the church to operate freely in English lands. Some English kings were even archetypal heroes of the Catholic faith. Richard I "the Lionheart"



followed the call to go on crusade in the twelfth century and attempted to recapture Jerusalem from Islamic forces, and when Lollardry, a proto-Protestant sect based on the beliefs of the Englishman John Wycliffe, began to spread King Richard II issued *De Heretico Comburendo*, which authorized heretics to be burned at the stake.

Though the relationship between the English monarch and the Catholic Church had been strained at times (such as during the reign of King Henry II, who tried to bully his friend Thomas Becket, the archbishop of Canterbury, into doing the king's will), it began to deteriorate rapidly in the reign of King Henry VIII. Although Henry had married the Catholic princess of Spain Catherine of Aragon after his older brother, her husband, died, their marriage failed to produce a son. Henry fervently desired a male heir, and so this became a source of conflict between the two, eventually leading to Henry's decision to divorce Catherine. He needed a papal dispensation to do this, and he argued that his marriage, which had needed a dispensation from Pope Julius II in the first place, was invalid because it was to his brother's widow. The pope, however, was afraid of Catherine's nephew, the Holy Roman Emperor, Charles V, and refused to grant Henry's request. This refusal became an impetus leading to the eventual English Reformation, the break with the Catholic Church, and vesting religious authority with the English monarch.

Starting in 1530, Henry, along with the "Reformation Parliament," began to strip away the authority of the papacy in England and grant the king authority in religious matters. In 1530, Henry began to bully the English clergy into supporting his divorce by threatening to charge them with treason. In 1532 the *Supplication of the Ordinaries* was brought before parliament by Thomas Cromwell, which listed nine complaints about the conduct of the Catholic Church in England. After being bullied by Henry, the Convocation of Canterbury, a synod of Catholic religious leaders, agreed to renounce its authority to create religious law without the consent of

the king in 1532. In 1533, the Statute in Restraint of Appeals was passed. This act declared the king's temporal authority, but also proclaimed that he had authority over

the English Church, which hath been reputed and also found of that sort that both for knowledge, integrity and sufficiency of number, it hath been always thought and is also at this hour sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such doubts and to administer all such offices and duties as to their rooms spiritual doth appertain.<sup>32</sup>

This act secured the king's spiritual authority and also the sovereignty of England itself, and it served as a precursor to the Act of Supremacy of 1534, which declared the king to be the head of the Church of England.

Though Henry VIII asserted the independent religious authority of the English monarch, Mary I, his immediate successor and daughter by Catherine of Aragon, reneged on his steps towards an independent crown. She repealed many of his proclamations and parliamentary acts which supported an independent English church, including the Act of Supremacy, and is known to history as "Bloody Mary" due to her persecution of supporters of independence from the Catholic Church. Upon Mary's death, however, Queen Elizabeth I restored the independence of the Church of England and issued a second Act of Supremacy in 1559 which reaffirmed that the English monarch was the absolute authority in both temporal and religious matters in England. The consolidation of religious authority in the monarch happened very early in Elizabeth's reign and was never weakened, so by the reign of King James I in 1603 the authority of the king was well-understood to include spiritual matters.

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<sup>32</sup> "The Act in Restraint of Appeals." 1533. [http://www.historylearningsite.co.uk/act\\_restraint\\_appeals.htm](http://www.historylearningsite.co.uk/act_restraint_appeals.htm). Accessed Januray 2, 2014.

This is not to say, however, that England's religious problems were over by the time that James came to the throne; one could say that they were just beginning. Shortly after King James' death in 1625, England erupted in a civil war which saw the execution of James' son King Charles I and the establishment of Oliver Cromwell's Puritan government. The causes of this civil war were largely political, pitting those sides which supported the king's absolute rule against those seeking more parliamentary representation, but there were major religious undercurrents to the conflict. England had not forgotten the wrongs inflicted by the Catholic queen Mary I, and the radical Puritan movement began to gain power and momentum, in spite of their perceived slights by King James. As such, James rule over a kingdom thoroughly divided, and he was well aware of that fact.

### **The Divine Right of Kings**

The doctrine of the Divine Right of Kings is pivotal to the understanding of religion in Jacobean England and especially in the context of dueling and the king's authority. This doctrine can be understood as an extension of the position put forward in each of the Acts of Supremacy: namely, that the king is the absolute sovereign ruler of his country in all matters of state and religion. According to the Divine Right of Kings, the ruler was deserving of this absolute authority because he or she was given the position by God, and was thus the sole source of both political and spiritual authority. Variations of this idea can be seen during the reigns of Henry VIII and Elizabeth, but King James was the first English ruler to directly cite it as a justification for his authority. James went so far as to publish a text on the subject, the *True Law of Free Monarchy*, which stated that monarchy is the "forme of Government, as resembling the Divinity, approacheth nearest to perfection, as all the learned and wise men from the beginning have agreed

upon: Vnity being the perfection of all things.”<sup>33</sup> King James purported himself to be the king of England by the grace of God, given full political and religious authority.

Unlike his son, Charles I, however, James did not believe that he should rule as an absolute monarch because of this doctrine: it gave him ultimate authority, but he believed himself to be responsible for its prudent usage. The Divine Right of Kings formed a sort of contract between the ruler and the ruled: the ruler was obligated by his divine appointment to deal justly with his subjects, and the subjects were obliged to obey him because of that same appointment. However, in a very progressive stipulation, James also wrote that the people were not obligated to follow a king who broke his oaths to rule justly: “it followeth, that if the one part of the contract or the Indent be broken upon the Kings side, the people are no longer bound to keepe their part of it, but are thereby freed of their oath. For (say they) a contract betwixt two parties of all law frees the one party if the other breake unto him.”<sup>34</sup> Nevertheless, while a ruler kept his oaths, any transgression of his laws, precepts, or institutions was an affront not only to him, but to God as well. Thus dueling among the English nobility required royal intervention because of its challenge not only to the king’s political authority, but also to his religious authority.

Related to the concept of Divine Right is the idea that a man’s life in Jacobean England did not belong to him, but rather to God first, and then to the king. The lives of King James’ subjects were to be used for the glorification of God and the defense of the country, and to waste them was sinful. This argument was one of the prominent condemnations of suicide, but it was

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<sup>33</sup> James I. *The true lavv of free monarchy, or The recipocall and mutuall duty betvvixt a free king and his naturall subjects. By a well affected subject of the kingdome of Scotland.* [http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:citation:99872985](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:99872985). Accessed October 7, 2013.

<sup>34</sup> Ibid.

also used to condemn duelists: a duelist was willing to forfeit his life for no good reason. This condemnation is best stated by Thomas Scott in *Vox Dei*:

Now every man whither priuate or publique, is a member of the Common-wealth, wherein hee liue's, and soe hath noe power of his owne body, to dispose of it this or that way, especially to hazard it in a single Duell, or the like, without licence. And the more high excellent, & emnient the person is, the lesse absolute liberty hath he in disposing himselfe, and the more interest hath the Comon-wealth in him.<sup>35</sup>

Dueling amounted to a waste of the lives of King James' subjects, especially of those of his inner circle, and needed to be squelched both in order to eliminate it as a threat to his rule and authority but also as a means of depriving his subjects of their lives which could otherwise be used for the glory of God and the Commonwealth.

### **The Royal Case: Religious Arguments against the Duel**

Every response from both James and agents of the crown indicates that the duel was an affront to God and to the king's vested power over religious matters. In 1613, King James issued his first official response to dueling, Proclamation 132. In the introduction of the proclamation, King James says of the publication of texts on duels that "there is none more dangerous for the sequel, more contemptuous against Our Authoritie, and more godlesse against the Divine Majestie."<sup>36</sup> There is no separation between the king's authority as a political ruler versus a spiritual one: they are contingent upon each other, and an offense against one is an affront to the other as well. Furthermore, James associates dueling not with Catholicism or any other contrary faith, but with Atheism, which would be even worse. The message he sends is that, while

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<sup>35</sup> Thomas Scott. "Vox Dei." [http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:citation:21503630](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:21503630). Accessed December 1, 2013.

<sup>36</sup> James I. *Stuart Royal Proclamations*, ed. James F. Larkin and Paul L. Hughes. (Oxford, 1973), 295.

Catholics may engage in the behavior, it is more barbaric than that. James continues to address how dueling is an offense against God and the authority which he derives from God:

Wee observe three great and main offences; One against both GOD and US, that they dare presume to set foorth to the world without shame... For no quarrel of any Subjects can be lawfull, except in defence of their Prince or their Countrey, the revenging of all private wrongs onely belonging to Us (under GOD), into whose hand hee hath put the Sword for that purpose.<sup>37</sup>

This passage further equates James' political and religious authority by casting him as a divinely appointed judge. Furthermore, in denouncing dueling, he is also trying to create a language of uniformity, solidarity, and national identity by allowing for duels in the defense of England or the king himself. He also uses the text of the proclamation to confirm the fact that he will take action against those who have truly been wronged, as is his place as God's chosen ruler.

James continues to speak of his authority in religious terms in his second proclamation about dueling issues in 1614, Proclamation 136, "A Proclamation against private Challenges and Combats." In keeping with the rhetoric of his previous proclamation, James presents himself as a divinely appointed ruler whose authority comes from God: "Neither will wee ever give way (so long as it shall please God that We weare this Crowne, and sit in this chaire of State) to those giddie spirits."<sup>38</sup> Interestingly, James' reference to "giddie spirits" harkens back to his earlier proclamation, in which he called duels "bewitching." Both of these phrases bring to mind the idea of magic and enchantment, which in the Jacobean era could not be understood as anything but demonic. Casting duels in such a light further condemns them on religious grounds, and no proper Englishman in his right mind would want to take any part in the demonic. Apart from

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<sup>37</sup> Ibid., 295-296.

<sup>38</sup> Ibid., 306.

this, however, the tone and argument of this proclamation is slightly different from that of the former proclamation. Proclamation 132 is much more combative and assertive in attacking duelists themselves, and it does so immediately with a list of grievances against the practice: “there is none more dangerous for the sequel, more contemptuous against Our Authorities, and more godlesse against the Divine Majestie.”<sup>39</sup> The straightforward tone of the first proclamation continues until the end, culminating in an attack on the character of duelists, in which James states that “We doe ever hold it the part of a man to shew his courage, when he is put to it in action: but he that seekes his Reputation from maniest voyces amongst the people, We will ever account it to proceed from the knowledge and jealousy of his owne weaknesse.”<sup>40</sup>

In Proclamation 132, James presents himself as a harsh, but fair, judge appointed by God, but in Proclamation 136 he comes across as a more benevolent caretaker. The second proclamation stresses not the legal problems arising from dueling, but instead the dangers that the practice poses to the English people. Though there is some fluctuation in how assertive each proclamation is, the second is overall less combative. In contrast to the beginning of Proclamation 132, which opened with a list of grievances, in Proclamation 136 James begins by stating that “the slaughters which We find to have bene strangely multiplied and increased in these later times, by the boldnesse which many of Our subjects take, to challenge any man into the Field... have moved Us, out of the tender care which We take of Our loyals Subjects lives, to enter into some speedie sourse for the stopping of a Vaine that bleeds incessantly, and inwardly.”<sup>41</sup> The religious aspects of James’ authority take on a new dimension not as a judge,

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<sup>39</sup> Ibid., 295.

<sup>40</sup> Ibid., 297.

<sup>41</sup> Ibid., 303.

but as a caretaker. However, his religious authority is never separated from his political and temporal authority, and he treats dueling as an affront to both.

Sir Francis Bacon also addresses the interconnectedness of political and religious authority in presenting his case against dueling. He writes of “when reuenge is once extorted out of the Magistrates hand contrarie to Gods ordinance, Mihi vindicta, ego retribuam, and euery man shall beare the sword not to defend but to assaile, and priuate men beginne once to presume to giue lawe to them-selues, and to right their owne wrongs, noe man can foresee the danders and inconueniences that may arise and multiply there-vpon.”<sup>42</sup> Like James, Bacon equates the political authority of the lawgivers and makers with divine favor: it was God’s will that the magistrates be given dominion over the issue, and for duelists to take matters into their own hands was a transgression against both God and the state. His Latin phrase is a notable quote from the book of Romans in the Bible which translates to “Vengeance is mine, and I will repay it.” This is one of the major pieces of evidence from scripture used to condemn dueling. Another passage which is often used to encourage hot-headed aristocrats to abstain from dueling is Philippians 2:5, which states “Hoc enim sentite in vobis, quod et in Christo Jesu,” meaning “let this mind be in you, which was also in Christ Jesus.”<sup>43</sup> This further serves to drive forward his point about dueling: if the goal of a duel is to obtain revenge for a perceived wrong, then it is completely contrary to God’s will, as the obtaining of reparation belongs to God and to his

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<sup>42</sup> Sir Francis Bacon. “The charge of Sir Francis Bacon Knight, his Maiesties Attourney generall, touching duells vpon an information in the Star-chamber against Priest and Wright. With the decree of the Star-chamber in the same cause.”

[http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:citation:99856244](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:99856244). Accessed October 3, 2013.

<sup>43</sup> See Thomas Westerne. “The flaming bush. Or, An embleme of the true Church.”

[http://eebo.chadwyck.com/search/fulltext?SOURCE=var\\_spell.cfg&FILE=../session/1395628211\\_19238&ACTION=ByID&ID=D00000998548880000&SUBSET=&DISPLAY=AUTHOR&CCO=N&WARN=N&SIZE=146](http://eebo.chadwyck.com/search/fulltext?SOURCE=var_spell.cfg&FILE=../session/1395628211_19238&ACTION=ByID&ID=D00000998548880000&SUBSET=&DISPLAY=AUTHOR&CCO=N&WARN=N&SIZE=146). Accessed March 23, 2014.



representative, the king. Clearly for Bacon, the challenge of dueling was an affront to both the intrinsic authority of the king and the divine authority with which God had vested him.

### **Mercy to a Beast: Dueling and the Clergy**

Aside from the king, parliament, and the various arms of royal power, the most outspoken critics of dueling were prominent clergymen and thinkers of the Church of England. By and large, these men did not write about dueling as it related to King James and the state; when they did, it was always through the authority granted to him by God. They did speak at length, however, on the moral problems with the institution: indeed, there are dozens of works by clergymen from the period which at least mention dueling. In each case, dueling is presented as contrary to God's will and to His authority. By this point in English history the divine appointment of the king had been well established and understood, and so these works can be seen as equating the challenge of dueling against the authority of God with a challenge against the king. It is also prudent to note the religious leanings of the clergymen in question: though all of those cited here were upstanding Anglicans, they represented a spectrum of moderate and radical views.

Many of the texts by the English clergy, much like the royal responses, attempt to debunk the concepts of honor and reputation which fueled dueling. In "Strafford's Niobe, or his Age of Teares," Anthony Strafford wrote: "Is it not a lamentable case, to see two men christned with one Baptisme... shedde the bloud one of another? Or is it not a harde case, for one ... to digge for honour in the heart of a Christian. And this forsooth they do for reputation."<sup>44</sup> This passage, like

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<sup>44</sup> Anthony Stafford. "Stafford's Niobe, or his Age of Teares."  
[http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:citation:99842021](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:99842021). Accessed December 2, 2013.

King James' own proclamations, stresses unity and solidarity, and how dueling flies in the face of Christian goodwill and harmony. Strafford was both a clergyman and an outstanding academic, who was well-versed in language and literature. He is considered to have been a moderate Anglican, steadfast in his support of his king and church, but some of his writings did insult and anger Puritans. John Rawlinson was also a moderate Anglican who criticized the notion of honor through dueling in "Mercy to a Beast," when he wrote:

O consider this also, and tremble, yee the noble Ruffians; or, ruffianly Nobles of these daies, who as if yee could no way shew the nobilitie of your bloud, but by your manful shedding (as yee deeme it) of the bloud of others, are apt, vpon every light occasion, to challenge a duel, or single-combate. With you, it's no more but a word, and a wound: with you nothing can expiate the ly-giving, but the life-taking.<sup>45</sup>

Though he was a playwright rather than a clergyman, Thomas Middleton also gives a religious argument against dueling in "The Peace-Maker," in which he writes of duelists that "They pretend aboue all things to regard Honour, yet chiefly seeke the dishonour of God and of Iustice."<sup>46</sup> While these sections do not directly address notions of authority, it is clear that it was very important to these writers to debunk the nobility's idea of honor. The implication is that honor is not something that can be earned by action, but only through the grace of God and thereby through his chosen ruler, King James.

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<sup>45</sup> John Rawlinson. "Mercy to a beast: A sermon preached at Saint Maries Spittle in London on Tuseday in Easter-weeke."

[http://eebo.chadwyck.com/search/fulltext?SOURCE=var\\_spell.cfg&ACTION=ByID&ID=D00000998509180000&WARN=N&SIZE=128&FILE=./session/1395711992\\_13459&SEARCHSCREEN=CITATIONS&DISPLAY=AUTHOR&ECCO=N](http://eebo.chadwyck.com/search/fulltext?SOURCE=var_spell.cfg&ACTION=ByID&ID=D00000998509180000&WARN=N&SIZE=128&FILE=./session/1395711992_13459&SEARCHSCREEN=CITATIONS&DISPLAY=AUTHOR&ECCO=N). Accessed March 24, 2014.

<sup>46</sup> Thomas Middleton. "The Peace-Maker: or, Great Brittaines Blessing."

[http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:citation:99843166](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:99843166). Accessed December 1, 2013.

One of the more lengthy and in-depth discussions of dueling in the writing of religious scholars comes from Thomas Scott's "Vox Dei". In the text, Scott compares duelists to Cain, the first murderer in the Christian Bible, who slew his brother Abel and feigned ignorance when confronted by God:

Cain is the first Duellist wee find in ye world, he kill's his brother when he should haue ben his brothers keeper. Noe cause of necessity prouok's him on, but malice and envie; Soe that when God come's to examine, arraigne, and condemne him for the murther, though he can churlishly say to God. Am I my brothers keeper? Yet cannot he say with our innocent combatant, what haue I now done? Is their not a cause?<sup>47</sup>

There are two important aspects of this passage. The first is that like the previously mentioned sources Scott addresses the causes of dueling. In his comparison to Cain, he says that there is no good reason to take up dueling other than for "malice and envie." A second and more important consideration is the comparison itself. Cain's sin was not merely murder, but also his disrespect for God's authority, exemplified in his "churlish" response to God's inquisition: "Am I my brother's keeper?" This source in particular thus demonstrates that dueling was a problem of authority as well as a problem of morality. In contrast to the prior writers, Scott is notable for his eccentric religious tendencies. He was staunchly anti-Catholic, to the point of causing trouble for himself when he attempted to interfere with the Spanish Match, which would have married James' son, Prince Charles, to a Catholic Spanish princess, Maria Anna. After a brief exile from England, during which he continued to write and publish anti-Catholic pamphlets, he was assassinated by a Catholic sympathizer.

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<sup>47</sup> Thomas Scott. "Vox Dei." [http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:citation:21503630](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:21503630). Accessed December 1, 2013.

## The Puritan Problem

This thesis has already alluded to tensions between Puritans, the crown, and mainstream religion in the Jacobean period, but it is deserving of a more explicit discussion. Puritanism grew in England as a group which wanted to further distance the doctrine of the Church of England from Catholicism, and its membership included a large number of Calvinists. Puritanism can be identified in the reign of Queen Elizabeth I, but attempts by members of the movement to further purge the Church of England in the Elizabethan era failed. Needless to say, Puritans did not have a good time during the reign of Queen Mary I. The accession of King James brought new hope for the Puritans, who brought the Millenary Petition to James even before he was crowned. The Millenary Petition (so named because it was allegedly signed by 1000 Puritan ministers) sought reforms within the Church of England. James, however, was interested in more broad religious settlements and largely ignored the Petition, although he did allow for the Hampton Court Conference to take place in 1604. In this meeting James personally heard the arguments of four Puritan clergymen for reformation in the church. The meeting resulted in the first major victory for Puritanism in England, as King James commissioned the translation and publication of an English language Bible as per their request. However, he also demanded that Puritan ministers adhere to the Thirty-Nine Articles, which outlined the doctrine of the Church of England.

Though some measure of compromise had been reached at the Hampton Court Conference, Puritans still largely felt that they were ignored and persecuted by King James. These concerns were exacerbated throughout James' reign when the Spanish Match was proposed and considered and when James enacted the Five Articles of Perth in 1618, which forced some Anglican practices to which the Puritans objected on the Church of Scotland (such as kneeling during Communion). However, there was one thing on which James and the Puritans

were in complete agreement: the evil of dueling. Puritan writers were some of the most vocal critics of the practice, and thus it is possible that, in addition to those reasons already cited, James may have sought to curb dueling in order to regain some standing amongst Puritans.

Dueling was not simply an inconvenience for King James I, nor was it even simply a political problem. It represented a fundamental violation of his vision of monarchy according to the doctrine of the Divine Right of Kings. It undermined not only his authority as king, but it mocked the notion that he had been placed on the throne by God himself. To duel was not only to reject the king's authority, but God's authority. Furthermore, it violated commonly-held beliefs about the role of the subject of a monarch: their lives were meant to be used for divinely appointed purposes, and to waste one's life in a duel was, like suicide, a crime against God and the crown. In this time of high friction between various sects of Christianity all vying for position, religious singularity, concentrated under the authority of the king, was a must, and dueling likewise stood in the way of this vision. All of these factors made the course going forward quite clear for King James and his agents: dueling needed to be stopped.

### Chapter 3: The Duel, France, and Sovereignty

It is important to remember that while this thesis focuses on the duel in Jacobean England, it was far from restricted to the British Isles. Indeed, though some historians have theorized that the duel of honor was a revitalization of England's chivalric traditions, the commonly held view is that it came to England from France in the late 16<sup>th</sup> century.<sup>48</sup> Though the duel of honor originated in Italy in the Renaissance, England had much more contact with France during the 16<sup>th</sup> century, and so it was more likely transferred from there. This is corroborated by the views of Englishmen of the era. Dueling became a much greater problem for France than it ever did for England: Stuart Carroll estimated that the homicide rate gentlemen in duels in pre modern France was 175 per 100,000.<sup>49</sup> This number was derived from contemporary estimations that duels resulted in approximately 350 deaths per year assuming that, of those deaths, approximately half of those killed were nobles, of whom there were approximately 100,000. This is not only higher than any possible rate for England during the same time, but is also far higher than that of any modern society.<sup>50</sup> The English government was very much mindful of the problem of dueling in France: King James received a copy of one of King Henry IV's acts against dueling, probably his 1609 Edict but possibly also his 1602 edict. King James' response to the duel and his fears regarding its possible spread if left untreated were colored by

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<sup>48</sup> For literature which identifies the duel of honor as an English phenomenon, see Mervyn James' *Society, Politics and Culture: Studies in Early Modern England*. The more widely-accepted view is extolled by Lawrence Stone in *The Crisis of the Aristocracy 1558-1611* and Markku Peltonen in *The Duel in Early Modern England: Civility, Politeness and Honour* and "Francis Bacon, the Earl of Northampton, and the Jacobean Anti-Duelling Campaign."

<sup>49</sup> Stuart Carroll. *Blood and Violence in Early Modern France*. (Oxford, 2006), 258.

<sup>50</sup> No scholar has attempted to figure out the homicide rate for duels in England, but it should be very low, not only comparatively, but in general: over the period from 1634 to 1640, the Court of Chivalry dealt with around 738 cases, and of these, 557 have the word "duel" in them. Given that most of these cases seem to have dealt with challenges to duel rather than fatal duels of honor themselves, the proportion of these cases which actually involved a death by dueling is very small.

his knowledge of the duel in France. This was one of the reasons for the promptness and severity of the royal crackdown on the practice, as he could readily see both the possibilities for it to be curbed as well as the consequences of letting it spread.

The question of foreign influence also brings up the idea of sovereignty. Sovereignty, defined here as dominion over a state, independent of the influence of any outside state or authority, became incredibly important during the reign of King Henry VIII. While dueling had existed in the form of the judicial duel in England during the Middle Ages, and was at the beginning of the reign of King James I technically a valid judicial procedure, the practice of the duel of honor was clearly recognized as alien and foreign, as the texts of James and Bacon attest. As a foreign concept, the duel of honor could be seen as a cultural invasion, especially because it afflicted many members of the Jacobean court and the aristocracy. In this way, dueling was a challenge to both royal authority and to the sovereignty of England itself, as it made England subject to France. This is not to say that the English government was xenophobic: there is little evidence for this and extensive evidence against it. Rather, dueling represented the intrusion of French culture into England, with disruptive results. The English no doubt remembered their rocky history with France (the Hundred Years' War had formally ended less than 200 years prior) and wished to defend their sovereignty, which had become important in the reign of Henry VIII, from foreign influences.

### **Sovereignty and the Tudor Revolution**

The working definition of the word "sovereignty" has already been discussed, but it is prudent to relate the importance of the word in the context of English history. Though England had been an independent kingdom since the 10<sup>th</sup> century, prior to the reign of King Henry VIII it

had been subject to the religious authority of the Catholic Church and was in frequent conflict with its neighbor across the channel, France. The regime of Henry VIII, however, declared the absolute autonomy of England from the Catholic Church. This is perhaps best seen in the previously mentioned Act of Supremacy of 1534, but also in the preamble to the Act of Appeals of 1533, which states that "This realm of England is an Empire, and so hath been accepted in the world, governed by one Supreme Head and King having the dignity and royal estate of the imperial Crown of the same."<sup>51</sup> These policies declared that England was independent of both the religious authority of the Catholic Church and the political authority of any other nation, but it also provided an idea of nationality at a time when many European "states," such as Italy and Germany, were scattered and disparate. The historian G.R. Elton called this period, begun by Henry and continued by his daughter Elizabeth I the Tudor revolution, and stated that "the essential ingredient of the Tudor revolution was the concept of national sovereignty."<sup>52</sup> This emphasis on the absolute sovereignty of the English state continued into the Stuart dynasty which began with King James I, and this focus helps to explain the effort taken to curb dueling in England in light of the fact that it was considered a foreign intrusion.

### **The Duel of Honor in France**

The duel of honor in France, like in England, developed as a complicated confluence of outside influence and cultural values. Historians have linked the duel of honor in France, as in the European continent in general, to medieval tournaments. These events, which glorified individual valor and worth through martial skill, can be easily seen as a prototype of the duel of honor which eventually developed. While the medieval martial tradition which glorified strength

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<sup>51</sup> Reported in G.R Elton. *England Under the Tudors*. (London, 1956), 160-161.

<sup>52</sup> Elton, G.R. *England Under the Tudors*. (London, 1956), 160.



and ability in combat is distinct from the duel of honor, French contemporaries, like those in England, linked the duel of honor with medieval precedents, both in order to legitimize it and to connect with their heroic past, real or imagined. The duel of honor spread to France from Italy between the late Middle Ages and the early Renaissance, and quickly gained a foothold there. Efforts by the crown to keep dueling in check had mixed results, but by the seventeenth century dueling was firmly entrenched in the culture of the French aristocracy.

Some historians have attempted to link the duel in France with the idea of feuding, which was another variety of what Carroll calls “vindicatory violence.”<sup>53</sup> Feuding, dueling, and other forms of revenge killing comprised means, both legal and extralegal, for medieval aristocrats to seek reparation for perceived wrongs. Feuding was a form of private warfare, which, like medieval tournaments, was distinct from dueling, yet at the same time connected to it. Even Carroll, who is wary of modern literature which places undue emphasis on the feud, says that “we must also recognize that duelling cannot be understood without reference to a traditional narrative of feud.”<sup>54</sup> The duel of honor was thus, in some respects, an outgrowth of private warfare on a personal level, and it was utilized extensively by feuding parties.

Because of its much greater spread and popularity in France, there is a great deal more historical literature dealing with the duel of honor in that country than in England. Among historians past and present, the prevailing view of the duel has been that it worked as a stabilizing force in preventing completely unfettered violence between aristocrats. Rather than

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<sup>53</sup> Stuart Carroll. *Blood and Violence in Early Modern France*. (Oxford, 2006), 5.

<sup>54</sup> Ibid. 9. Carroll takes issue with the writings of Howard Kaminsky, who has attempted to graft the understanding of the German *Fehde* to the French feud. The *Fehde* in medieval Germany represented a sort of legal order brought about by the understanding that a ruler who overstepped his authority could be punished by his neighbors through means of a private war. Carroll objects to this being applicable to medieval France because of the idiomatic suggestions of the term *Fehde* and major differences in the way that feuds were conducted in the respective countries.

result in greater bloodshed, the duel restrained and restricted violence to only those involved and willing parties. This view parallels that of Lawrence Stone, who argued for much the same interpretation with regards to England in his own work.<sup>55</sup> Other works have argued that dueling must be seen in the context of the consolidation of royal authority in France: the duel was as much about the display of the traditional rights of the nobility as about notions of personal-honor or revenge. With the monarchy steadily decreasing the freedoms and capacities of the aristocracy, dueling provided an avenue for intrepid nobles to exercise independence and what they saw as their rights.<sup>56</sup>

### **English Perceptions of Dueling in France**

There is evidence that King James I and his agents were aware of the problem of dueling in France: in 1609, the English diplomat George Carew sent a copy of Henry's 1609 edict against dueling to Sir Robert Cecil, one of King James' political agents. As James' proclamations and Bacon's writings show, that knowledge spurred their attempts to crack down on the practice in England. The first of these instances is in Proclamation 132, "A Proclamation prohibiting the publishing of any reports or writings of Duels." As mentioned in chapter 1, this text warns "that thereby is a new seed sowed of quarrels, whereupon Quarrels do not onely become immortal, but multiply... both the parties and the seconds (if any bee) are anew brought upon the Stage againe, and not onely by that meanes may it happen, that the parties shall againe fall out who were before agreed."<sup>57</sup> This theorized situation, in which duels do not end quarrels but instead bring friends and relatives into the conflict, sounds very much like the reality of dueling

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<sup>55</sup> See Lawrence Stone. *The Crisis of the Aristocracy 1558-1641*. (Oxford, 1965).

<sup>56</sup> See François Billacois. Ed. Selous, Trista. *The Duel: Its Rise and Fall In Early Modern France*. (New Haven and London, 1990).

<sup>57</sup> James I. *Stuart Royal Proclamations*, ed. James F. Larkin and Paul L. Hughes. (Oxford, 1973), 296.

in France at the time. William Beik, a historian of early modern France, confirms that this was the case: “Resentments over perceived slights or insults were remembered for generations, and whole lineages could be drawn into lasting feuds.”<sup>58</sup> While not a smoking gun, this suggests that King James’ worry about dueling could have been based on his knowledge of the duel of honor in France.

France’s role in the transferal of dueling to England is more directly addressed in royal Proclamation 136, in which King James says that “this bravery, was first borne and bred in Forraine parts; but after convaied over into this Island, as many other hurtfull and unlawfull Wares are oftentimes in close packs, that never had the Seale of the places from whence they were brought to warrant them.”<sup>59</sup> Though France is not specifically mentioned, it is well understood, in light of comments by Sir Francis Bacon which mention France explicitly, that this is the country to which King James is referring. The king’s comments also confirm that he held some fears about the foreign intrusion of dueling: he likens the institution to illegally transferred commercial goods.

King James continues to indirectly discuss France in this proclamation by remarking that “we finde of late that the Commanders of those States, wherein Fights upon Challenge were more frequent in former times, upon the daily Demonstrations of the mischief which they power, both into private Families, and into the Common wealth it selfe, have beene more quicke and sharpe than any other (as their owne Edicts declare) to suppress the very seeds.”<sup>60</sup> The law of which he speaking was probably Henry IV’s edict against dueling, which was judged to have

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<sup>58</sup> William Beik. *A Social and Cultural History of Early Modern France*. (Cambridge, 2009), 276.

<sup>59</sup> James I. *Stuart Royal Proclamations*, ed. James F. Larkin and Paul L. Hughes. (Oxford, 1973), 307.

<sup>60</sup> *Ibid.*, 307.

been fairly effective in lessening the impact of duels during the king's reign, but after Henry's death in 1610 dueling began to rise in regularity. Although dueling had been a much greater problem for France than it was in England, King James thought that it would be prudent to crack down forcefully on the practice as had been effectively done in France. He also remarks that "it were strange that Our subjects should bee lesse apt to follow Forraine precedents, for the securities both of their consciences and lives, then they were before to second them in the wilfull courses which they tooke [i.e., dueling]."<sup>61</sup> This further indicates King James' willingness to adopt the French responses to the duel, but it also hints that there may have been some resistance from the nobility to doing so. Nevertheless, King James took inspiration and influence from King Henry's suppression of dueling, which encouraged him to try and eradicate the practice in England.

Perhaps the most definitive evidence that English policy-making regarding duels was influenced by French history with the phenomenon is found in Sir Francis Bacon's case against dueling. Bacon references France five times, and each time he cites how dueling progressed in recent French history. He proposes that the Star Chamber consider dueling "as an insult against the Kings power and , and thervpon hath absolutely resolved to maister it, like vnto that which was set downe in expresse words in the edict of Charles the ninth of France touching Duells."<sup>62</sup> This is a clear example of French experience influencing English policy-making.

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<sup>61</sup> Ibid., 307.

<sup>62</sup> Sir Francis Bacon. "The charge of Sir Francis Bacon Knight, his Maiesties Attourney generall, touching duells vpon an information in the Star-chamber against Priest and Wright. With the decree of the Star-chamber in the same cause."

[http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-)

2003&res\_id=xri:eebo&rft\_id=xri:eebo:citation:99856244. Accessed October 3, 2013.

Another way in which England learned from the French example was in the use of a court of honor. In France, issues of honor between aristocrats had begun to be addressed in tribunals composed of and presided over by other aristocrats, who would seek redress for any dishonor visited upon a nobleman. Upon the urging of the Earl of Northampton, King James sought to do the same with the newly reestablished Commissioners Marshall.<sup>63</sup> Since the Earl Marshall, the previous permutation of the Commissioners Marshall, had presided over judicial dueling, allowing that court to deal with issues of honor was not such a stretch, but it still demonstrates how England was clearly looking at France's prior experiences at dealing with dueling in order to shape their own responses to it.

Bacon did not, however, want to fully and completely adopt France's responses to dueling, and he has good and bad perceptions of different aspects of the government's response to dueling in France. In particular, he points out that in France "the King him-selfe tooke vpon him the honor of all that tooke them-selues grieued or interessed for not hauing performed the Combat." Bacon indicates that, in effect, the French king absorbed the dishonor that his subjects felt when they did not defend their honor in a duel. This prevented the proliferation of dueling by removing the main reason for a man to respond to or issue a challenge: the preservation of personal honor. Bacon has a very positive opinion not only of the French king's direct

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<sup>63</sup> Markku Peltonen. *The Duel in Early Modern England: Civility, Politeness and Honour*. (Cambridge, 2003), 136. The Earl of Northampton was another of James' close allies and collaborators in trying to end the duel of honor. Although it is credited to Edward Coke, it is widely believed by historians today that Northampton was the writer of the text "Duello Foiled," which further condemned the duel of honor. Interestingly, though both Northampton and Bacon worked to end the duel of honor, they had different ideas of how to go about doing so, and the resulting solution has elements of both. Northampton argued that the Court of Chivalry would, in and of itself, be enough to ensure that the duel would decline, while Bacon believed that further punishment would be needed to deter would-be duelists. James' decrees include both a provision for the use of the Court of Chivalry and for the dishonor and exile of duelists from the royal court.

involvement in the resolution and prevention of duels and situations which might lead to duels, but also of the fact that the king attempted to deal with the root cause of dueling, rather than simply punishing duelists.

Bacon's ideas regarding how dueling should be dealt with in England demonstrate a French influence: although duelists themselves did need to be punished, Bacon wanted primarily to eliminate the root causes of dueling, of which he identifies three. The first is "a false and erroneous imagination of honour and credit," the second "the streame of vulgar opinion is such, as it imposeth a necessity vpon men of value to conforme them-selues [to dueling]," and the final cause he identifies is "that men haue almost lost the true notion and vnderstanding of Fortitude and Valour." Bacon's suggestions for dealing with duelists reflect his desire to handle the root of the problem, rather than simply punish wrongdoers. He states first that the government must make a united and unified stand not only to prevent the proliferation of dueling, but also to abolish it entirely. Bacon then says that "care must be taken that this euill bee noe more cockered, nor the humor of it fed." Thirdly, and perhaps most importantly, he argues that "if his Maiestie shall be pleased that when this Court shall censure any of these offences in persons of eminent quality, to adde this out of his owne power and discipline, that these persons shall bee banished and excluded from his Court for certaine yeares, and the Courts of his Queene and Prince, I thinke there is noe man that hath any good blood in him, will commit an act that shall cast him into that darkenesse, that hee may not behold his Soueraignes face." Bacon wanted to frame every duel as an offense against not only against the laws of the realm, but against the person of the king himself, much like the French had done in dealing with the duel.

Bacon's perception of how the duel was handled in France was not, however, entirely positive, and there was at least one major part of their legislation with which he heartily

disagreed: capital punishment. Duelists in France, unless given a royal pardon, were executed in accordance with an edict of Charles IX in 1566, and Bacon delivers a stark narration in which he recounts how “the party that had slaine another was presently had to the gibbet, in so much as gentlemen of great quality were hanged, theyr wounds bleeding, least a naturall death should preuent the example of iustice.” This image, in which duelists were led immediately from the battleground to the gallows, made a strong impression on the English, and the image would be used again in the next decade when speaking of the duel in France.<sup>64</sup> Bacon disagrees with the administration of the death penalty for duelists, and says that “it were a iust, but a miserable seuerity, to execute the law without all remission or mercy, where the case proueth capitall.”<sup>65</sup> Instead, he resolves “to punish, in this Court, all the middle acts and proceedings which which tend to the Duell... so to hew and vexe the roote in the branches, which no doubt, in the end, will kill the roote, and yet preuent the extremity of law.”<sup>66</sup>

Bacon’s ultimate solution to end dueling in England, as stated earlier, was to both stress that dueling was an offense against the realm and the king, and to punish duelists not with death, which he points out as being ineffective in deterring activities which have a very real chance of being killed in the first place, but with dishonor. Seeing as the rationale behind most challenges was the preservation of honor, public shaming and banishment from the king’s court was a way to prevent the proliferation of the practice. These policies were shaped by Bacon’s knowledge of

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<sup>64</sup> See Thomas Middleton. “The Peace-Maker: or, Great Brittaines Blessing.”

[http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:citation:99843166](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:99843166). Accessed December 1, 2013.

<sup>65</sup> Sir Francis Bacon. “The charge of Sir Francis Bacon Knight, his Maiesties Attourney generall, touching duells vpon an information in the Star-chamber against Priest and Wright. With the decree of the Star-chamber in the same cause.”

[http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:citation:99856244](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:99856244). Accessed October 3, 2013

<sup>66</sup> Ibid.

French history: he rejected their practice of executing duelists, but resolved to emphasize, as they had, the importance of the king in dealing with the dispute and of attempting to deal with the causes of the problems, rather than simply punishing transgressors.

Though his proclamations are less analytical than Bacon's eloquent attack on dueling, King James also demonstrates that he has learned lessons from dueling in France. He had received a copy of King Henry IV's Edict against Dueling, and, as stated earlier, made reference to dueling as a foreign institution. The major point that James seems to have taken from this knowledge is that dueling needs to be dealt with thoroughly and completely: once again, his major concern is chaos and the spread of disorder, but he also addresses the moral problems of dueling. He writes that "Our Purpose is grounded upon God, it is of prooffe, it hath ever beene of use, in a very high degree preserving the fortunes, the lives, and the very soules of Our subjects, from the spoile of Cormorants, the rage of weapons that revenge, as they are used, without regard of just measure, and from the jawes of hell."<sup>67</sup> France's experience with dueling prompted King James not only to take heavy handed approaches to dealing with the problem, but also spurred his personal involvement with issues of honor.

Despite some historians' belief to the contrary, the duel of honor did not develop in England out of chivalric precedents, but was instead brought to the British Isles from France. Thus, the English king and government was able to rely on the experiences of France in dealing with the problems dueling posed. Though Sir Francis Bacon admired the involvement of the French king in directly dealing with duels and his efforts to eradicate the causes of dueling rather than simply punishing duelists, he fundamentally disagreed with the policy of executing them.

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<sup>67</sup> James I. *Stuart Royal Proclamations*, ed. James F. Larkin and Paul L. Hughes. (Oxford, 1973), 308.



Instead, he advocated that, as it was primarily an issue of honor, that dishonor should be the appropriate punishment. King James likewise was aware of the history of the duel in France, which helped to drive the urgency with which he attempted to eradicate the practice.

### **Epilogue: A Retrospective on the Jacobean Anti-Dueling Campaign**

While never a focal point of royal policy-making, the anti-dueling campaign was important to King James and to understanding his reign. His policies on dueling and his proclamations against them stood unchanged during his reign and the reign of his son, King Charles I. Consistency, however, does not necessarily equate with efficacy, and the truth of the matter is that it is difficult to say whether or not King James' efforts to eradicate the duel in England were successful or not. It is complicated not only by a lack of sources to directly give the modern observer statistics about dueling during the Jacobean period and afterwards, but also by the fact that there is no absolute standard with which to compare James' success or failure. This epilogue will examine the state of dueling during and after the Jacobean era and offer some interpretations on his success in eradicating the duel in England.

Despite his best efforts, duels continued to occur among the aristocracy during King James' reign, even after the crown took an official stance on the matter and it was condemned in the Star Chamber. The threats of judgment within the Star Chamber, however, did not lack substance: during James' reign 200 cases of dueling were tried in the Star Chamber. Furthermore, duelists and would-be duelists were punished, as Sir Francis Bacon had prescribed, through dishonor, unlike in France. Aristocrats who were convicted of either challenging one of their peers to a duel or of accepting a challenge were usually fined and banished from court for a number of years (usually seven). Problems arose, however, in following through with these punishments. While King James I was fully opposed to dueling on a political, spiritual, and moral level, he, like every English monarch after him, was loathe to punish his allies, even for an offense as serious as dueling. Sir Edward Sackville, who had been banished from court for

killing Lord Bruce in a duel, was allowed to return without fulfilling his sentence.<sup>68</sup> The fact that King James' bark proved to be far worse than his bite when it came to dealing with dueling may have been part of the reason that it continued to be practiced among his court throughout his lifetime: unlike his Tudor predecessor, he lacked the personality to directly intervene to prevent duels from taking place, and his unwillingness to allow duelists to be prosecuted and punished according to the letter of his own laws gave duelists little reason to abstain.

King James I died in 1625, and was succeeded by his son, who became King Charles I. Like his father, Charles found duels to be abhorrent, but also like his father he lacked the strength and will to prevent them.<sup>69</sup> Indeed, during the reign of Charles I James' fears were realized: the duel of honor spread. In particular, during the first few years of Charles' rule the duel came to be known and practiced among the rural gentry, whereas in the Jacobean era it had primarily been an institute of the court. Another major change to dueling during Charles' reign was that, beginning in 1634, duelists were prosecuted not only in the Star Chamber, but also in the Court of Chivalry. While highly placed aristocrats and members of the court continued to be tried in the Star Chamber, the bulk of cases involving dueling, and particularly those involving the rural gentry, were referred to the Court of Chivalry.<sup>70</sup> Between 1634 and 1640, at least 738 cases were tried in the Court of Chivalry. Of these, about 250 cases involved either duels or challenges to duels, equating to around 40 challenges per year. This is a significant increase from the reign of James I, during which the Star Chamber dealt with around 15 cases of dueling every year. To at least some degree, James' fears had become reality: the duel of honor had spread.

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<sup>68</sup> V.G Kiernan. *The Duel in European History: Honour and the Reign of the Aristocracy*. (Oxford, 1988), 83.

<sup>69</sup> *Ibid.*, 83.

<sup>70</sup> "The Court Under Charles I." The Court of Chivalry. <http://www.court-of-chivalry.bham.ac.uk/charles.htm>. Accessed March 24, 2014.

The first significant blow to dueling was dealt during the English Civil War. During this conflict, the Parliamentarians issued their *Articles of War*, which, among other things, outlawed dueling and, in contrast with the Stuart tradition, allowed the death penalty to be applied not only to would-be duelists, but also to certain officers who failed to prevent duels from occurring: “whatsoever Officer shall suffer any under his command to go a Duelling or Combatting, shall lose his Place; and if he be Serjant or Corporal of the Watch and did not hinder them, and yet might, he shall die.”<sup>71</sup> Though records are scarce from this chaotic period of English history, dueling seems to have declined during the period. This may speak, in part, to the changing identities of duelists: during the Civil War and the Restoration, dueling came to be a militaristic institution. Military officers, rather than aristocrats, became the face of dueling in England, as the *Articles of War* attest. There was another shift in dueling during this period, however, as guns began to replace swords as the primary instrument of dueling. In spite of the fact that duels largely continued to be ignored by both the English crown and parliament (as late as 1841 Queen Victoria expressed sympathy for a man, the Earl of Cardigan, who was tried for wounding an opponent in a duel), they largely remained restricted military officers and continued to decline throughout the 18<sup>th</sup> and early 19<sup>th</sup> centuries.<sup>72</sup> There were about 1000 reported duels between 1785 and 1845, most of which occurred earlier, as the last reported duel between Englishmen occurred in 1845.<sup>73</sup>

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<sup>71</sup> “Laws & articles of war, for the government of His Majesties forces within the Kingdom of Scotland.”

[http://eebo.chadwyck.com/search/fulltext?SOURCE=var\\_spell.cfg&ACTION=ByID&ID=D00000516176040000&WARN=N&SIZE=24&FILE=../session/1395691940\\_10569&SEARCHSCREEN=CITATIONS&DISPLAY=DATE\\_ASC&ECCO=N](http://eebo.chadwyck.com/search/fulltext?SOURCE=var_spell.cfg&ACTION=ByID&ID=D00000516176040000&WARN=N&SIZE=24&FILE=../session/1395691940_10569&SEARCHSCREEN=CITATIONS&DISPLAY=DATE_ASC&ECCO=N). Accessed March 24, 2014.

<sup>72</sup> John Busain. “The Cardigan Dual”. *The Examiner* (London). 683.

<sup>73</sup> There was another duel in 1852 in England, but both men involved were actually French.

There is no obvious or widely agreed-upon reason for the ultimate disappearance of the duel in England. One possible explanation is a shift of both public and private opinion about the duel: as the years went by, duels came to be seen not as an honorable tradition, but as an anachronistic waste. Such a change in perceptions of the duel may have been shaped by the actions of prominent duelists who regretted their involvements in duels. One such person may have been Daniel O'Connell, an Irish statesman who killed a man in a duel and afterwards wore a white glove to church as a sign of his contrition.<sup>74</sup> Another possibility for the decline of duels is that the prosecution of duelists came to be less reliant on the actions of the crown. Men who killed their opponents in duels became more and more likely to be charged with murder than with manslaughter or some lesser crime, and duelists could be arrested and tried without direct royal intervention. Regardless of the exact cause, dueling in England had ceased to be by the middle of the 19<sup>th</sup> century.

Now the question must be asked: was the Jacobean anti-dueling campaign a failure? One certainly cannot argue that King James I succeeded in stamping out dueling in England: it continued to be practiced for 220 years after his death. Nor, indeed, did he succeed in containing the duel, as it spread from the court to the countryside. In these ways, the campaign was certainly a failure. However, dueling could also have become a much larger problem, as it did in France. The duel of honor, which had spread from France to England in the first place, remained a major fixture of French society for far longer and more severely than it did in England. Though Henry IV had attempted, like King James I, to eliminate duels in his country, these attempts failed. In 1626, a year after the death of James, King Louis XIII of France formally outlawed dueling, and both he and his son Louis XIV attempted to eradicate the practice to no avail. Between 1685 and

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<sup>74</sup> Denis Gwynn. *Daniel O'Connell*. (Cork, 1947), 126.

1716 there were 10000 duels in France, or about 320 every year. This number clearly eclipses any proportion found at any point in English history, and though, as in England, dueling in France eventually fell into decline, it did so both later and more slowly than it did in England.

With the French contrast in mind, did King James' efforts to contain dueling help to decrease its prevalence in England? Naturally this is a question which cannot be answered, though this writer believes that they did not. Even without royal intervention, there was still a great deal of public opinion that was strongly opposed to dueling: as noted in chapter 2, both Puritans and members of the Church of England decried the practice. Furthermore, while dueling became somewhat ingrained in French culture (the last duel in France occurred in 1967), it never became a staple of English noble society. Even in their heyday, duels in England were still relatively rare. The strongest case for the efficacy of the Jacobean campaign against dueling is that England's implementation of dishonor for duelists rather than capital punishment may have dissuaded dueling from picking up steam. As Sir Francis Bacon himself noted, duelists were not likely to be dissuaded from their actions by the threat of execution, as they were already putting their lives at risk in the act itself. If anything, this may have helped stymie the tide of dueling in England, though whether this was truly the case or not is a question which will never be answered.

A loose end unearthed in the course of the research for this thesis is the idea of sovereignty, which was mentioned briefly in Chapter 3. There is a general sentiment underlying most of the documents condemning dueling in England that the duel was a foreign institution, as it was. At odds with this idea of the duel of honor as a foreign influence is the idea, espoused by the Tudor monarchs, that England maintained its sovereignty both in the face of the Catholic Church and its neighbors. A deep exploration of the duel as it relates to sovereignty goes outside

of the scope of this paper, and it is not certain that there is even much in the way of primary evidence to support such a project, but it is one of the many possible extensions of an analysis of the duel of honor in the Jacobean era.

### Conclusion

Government is, by its very nature, concerned chiefly with the exercise of power and authority. A government which is able to consistently enforce its precepts, orders, and laws upon its populace is considered a good and stable one, while an inability to do so demonstrates weakness. It is important for the government to respond to challenges to its authority for this reason, and to prevent other parties, emboldened by the first infraction, from daring to challenge the government in their own manner.

Dueling presented such a challenge to the authority of King James I. While dueling in and of itself may seem innocuous, it represented a challenge both to James' political and spiritual authority. A noble who could fight for his honor on his own volition, as dueling implied, was a noble who the king could not manipulate: King James, like Elizabeth before him, wanted to be the sole source of honor, and the greatest dishonor was to be separated from his person. Furthermore, after dueling was formally and unambiguously outlawed in 1614, its legal status was quite secure and obvious. To duel was to violate one of the laws of the realm, and since the king was the head of government and the physical representation of the realm, a violation of these laws was to defy his authority. As a monarch who was already having trouble controlling his aristocrats, King James could not let any case of dueling go unpunished for fear of losing face and further influence with his court. There was also already a system in place to deal with issues of honor between aristocrats: the Commissioners Marshall. In both of his proclamations King James prescribed using this institution to deal with any problems which might otherwise have led to duels. Given that there was a way for them to solve their issues without dueling, when aristocrats decided to duel anyway it represented a flagrant disregard for the king's existing institutions. Finally, one of both King James' and Sir Francis Bacon's greatest worries about



dueling was that it would spread throughout the kingdom. Stability was incredibly important to the Jacobean regime, and James perceived the duel of honor, if unchecked, could result in chaos throughout England.

As important to the Jacobean regime as political authority was the idea of spiritual authority. Both King James I and his son King Charles I were adherents to the theory of the Divine Right of Kings. James saw himself as God's chosen individual to lead the kingdom of England, and he not only derived his political authority from this appointment, but also spiritual authority. It was this idea, or a permutation of it, which allowed the English monarch to be the head of the Church of England, invested with not only supreme political power, but also with absolute authority in regards to religious matters as well. As a divinely-appointed monarch, any challenge to James' authority was also a challenge to God as well. Dueling was not only a problem of authority, however, but also of morality. Central to pre-modern English political and theological thought was the idea that a man's life was not his own: it belonged first to God, and then to the realm. Dueling, like suicide, was a waste of a man's life which could otherwise be used either for the glory of God or the defense of the realm. Dueling was condemned on religious grounds not only by the king and his agents, but also by clergymen of all denominations. There was not a single religious argument for the duel: it was universally reviled as a manifestation of sin. It was very important for King James to maintain a level of religious authority because of the fact that England during this period was very much a realm divided. Though the kingdom was theoretically united under the auspices of the Church of England, the reality is that factions within the church were constantly at odds. Particularly important during this period was the Puritan movement. While James and the Puritans were often at odds, they agreed strongly on the

evils of dueling. James would have been strongly aware of this fact when he was dealing with dueling, and this may have been another factor in his decision to attempt to squelch it.

Although maintaining control and authority was the major factor behind King James' attempts to eradicate the duel of honor in England, he did have an example to which to look. France, England's neighbor on the other side of the English Channel, had already been dealing with dueling for years by the time it made its way to English shores, and King James and his agents were both motivated to act against dueling by the state of affairs in France and given a basic model to examine in devising their solution to dueling. The duel of honor had spread to France from Italy, and it quickly became a staple of French aristocratic society. Intrepid musketeers were quick to challenge each other to duels, and the threat of the gibbet did little to coerce them to cease. Sir Francis Bacon looked at how the French kings had dealt with dueling and saw some methods which he admired, but also some with which he took issue. In particular, he approved of the idea of the French king becoming personally involved in cases of dishonor between aristocrats and absorbing the dishonor from the wronged party, thus eliminating the need for the duel. However, he strongly disagreed with the policy of executing offenders. He reasoned that since duelists obviously did not care about their own lives, the threat of hanging would not dissuade them. Instead, he argued that duelists should be dishonored by being banished from court and the king's presence.

The Jacobean anti-dueling campaign was ultimately a failure, and dueling continued to be practiced not only during James' reign but until the middle of the 19<sup>th</sup> century. In spite of this fact, King James could not have stood idle while the duel of honor infiltrated his court. It represented a fundamental challenge to every aspect of his authority, and he would have lost both credibility and influence if he had done nothing at all to curb it in his court. Furthermore, he had

learned from France, where dueling had become a staple of aristocratic culture and could not be excised, and he feared that the same would happen in England if he did not act. Regardless of the specific outcome of his campaign to eliminate dueling, the conflict speaks to an enduring theme in English history: the struggle for control between the nobility and the crown. From the signing of the Magna Carta by King John in 1215 to the Petition of Right in 1628, in pre-modern England the aristocracy constantly fought against the crown for advantage. The duel of honor represents yet another battleground in this centuries-long struggle for dominance, in which the authority of the king was challenged by the insubordination and perceived rights of the aristocracy.

### **Bibliography**

Two of the most important primary sources used in this paper are the two royal proclamations which James made addressing dueling. These are identified as Proclamation 132, "A Proclamation prohibiting the publishing of any reports or writings of duels," and Proclamation 136, "A Proclamation against private Challenges and Combats: With Articles annexed for the better directions to be used therein, and for the more judicial proceeding against Offenders." The proclamations were published on October 15<sup>th</sup>, 1613, and February 4<sup>th</sup>, 1614, respectively. These two documents provide the most direct responses from the crown against dueling. The second is especially critical not only because it formally outlawed the duel of honor, but also because it outlines in detail the king's reasons for doing so, and proposes some means of curtailing and ultimately abolishing the practice.

A second critical document from the royal perspective is Sir Francis Bacon's case against the practice in the Star Chamber. Sir Francis Bacon was the attorney-general during most of King James's reign, including the year 1613, and he was given the task of trying attempted and successful duelists in the Star Chamber, a special judicial body usually set aside to try aristocrats for crimes against the king himself. This source is valuable to the discussion for two main reasons: first, because it can be taken as a representation of the opinion of the crown, and second, because Bacon provides a detailed overview of what he sees as the growing threat which dueling poses and outlines a plan to curtail it. The royal perspective is further elaborated upon by "Duello Foiled." This text was published under the name of Edward Coke, but is thought to have actually been written by Henry Howard, the Earl of Northampton and one of James' staunch

allies. Howard's position close to the king allows this source to be treated as another royal response, since it is also thought to have been written at James' request.<sup>75</sup>

The other primary sources used in this paper represent the writings of clergymen and historians from the reign of James I. Of the historians, John Selden is undoubtedly the most prominent. In 1610 he wrote *The Duello or Single Combat*, a history of the duel from antiquity to the Jacobean era. While Selden was very much a historian and does not stray much into questions of legality, he does provide a detailed view of the duel as a historical phenomenon from the perspective of the people of the period.

Clerical sources also deal prominently with dueling, though most only mention dueling in passing. Thomas Middleton's *The peace-maker: or, Great Brittaines blessing* comments on the relative lack of conflict which he sees as being a characteristic of England. He does, however, address dueling, which he sees as a threat to the stability and peace of the kingdom. Two of the richest clerical sources are also the latest chronologically: Thomas Adams' *Eirenopolis: The City of Peace* was published in 1622, and Thomas Scott's *Vox Dei* in 1623. Though these texts come later than the others, only preceding James' death by two or three years, they nevertheless address dueling as a moral and political concern, outlining reasons that they violate natural and divine law.

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<sup>75</sup> There is no definitive answer as to why "Duello Foiled" was published under a different name. However, given Coke's notoriety as a skilled and learned jurist, having his name attached to it probably increased its legitimacy. Furthermore, if Howard had published it as himself he may have appeared to have been simply furthering the royal agenda (as he probably was).

## Primary Sources

“The Act in Restraint of Appeals.” 1533.

[http://www.historylearningsite.co.uk/act\\_restraint\\_appeals.htm](http://www.historylearningsite.co.uk/act_restraint_appeals.htm). Accessed January 2, 2014.

Adams, Thomas. “Eirenopolis: The City of Peace.”

[http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-)

2003&res\_id=xri:eebo&rft\_id=xri:eebo:citation:99850480. Accessed December 1, 2013.

“Andrewes v Farmer,” The Court of Chivalry. <http://arts->

[itsee.bham.ac.uk/AnaServer?chivalry+0+start.anv+case=4&ftext=duel](http://itsee.bham.ac.uk/AnaServer?chivalry+0+start.anv+case=4&ftext=duel). Accessed March 22, 2014.

Bacon, Sir Francis. “The charge of Sir Francis Bacon Knight, his Maiesties Attourney generall, touching duells vpon an information in the Star-chamber against Priest and Wright. With the decree of the Star-chamber in the same cause.”

[http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-)

2003&res\_id=xri:eebo&rft\_id=xri:eebo:citation:99856244. Accessed October 3, 2013.

Busain, John. “The Cardigan Dual”. *The Examiner* (London). 683.

Castiglione, Baldassare. *Book of the Courtier*, trans. Sir Thomas Hoby.

[http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-)

2003&res\_id=xri:eebo&rft\_id=xri:eebo:citation:99857182. Accessed October 6, 2013.

Chevalier, Guillaume de. “The Ghosts of the Deceased Sieurs, de Villemor, and de Fontaines.” [http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-)

2003&res\_id=xri:eebo&rft\_id=xri:eebo:citation:99843497. Accessed December 1, 2013.

Coke, Edward. “Duello Foiled,” in *A collection of curious discourses written by eminent antiquaries upon several heads in our English antiquities. Together with Mr. Thomas Hearne's preface and appendix to the former edition. To which are added a great number of antiquary*

*discourses ... In two volumes* vol. 2, ed. Thomas Hearne (London: W and J Richardson, 1771.)  
225-242.

<<http://find.galegroup.com/ecco/infomark.do?&source=gale&prodId=ECCO&userGroupName=nash87800&tabID=T001&docId=CW3302767872&type=multipage&contentSet=ECCOArticles&version=1.0&docLevel=FASCIMILE>>. Accessed October 3, 2013.

The Court of Chivalry 1634-1640. <http://www.court-of-chivalry.bham.ac.uk/index.htm>.  
Accessed March 22, 2014.

Daniel, Samuel. "The Collection of the Historie of England."  
[http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:citation:99842987](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:99842987). Accessed December 2, 2013.

Elizabeth I. *Tudor Royal Proclamations*, ed. Paul L. Hughes and James F. Larkin. New Haven: Yale University Press, 1969.

Gee, Henry, and Hardy, John William, ed. *Documents Illustrative of English Church History*. New York: Macmillan, 1896. <http://history.hanover.edu/texts/engref/er79.html>  
Accessed October 28, 2013.

Gent, S.R. "The Covrte of ciuill Courtesie."  
[http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:image:11108](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:image:11108). Accessed October 6, 2013.

Hall, Joseph. "Quo Vadis?" [http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:citation:99854226](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:99854226). Accessed December 1, 2013.

Henry VIII, "Anno tricesimo primo Henrici octavi Henry the VIII. by the grace of God kynge of England and of France, defender of the fayth, Lorde of Irelande, and in earth supreme hed immediatly vnder Christ of the church of Englande, to the honour of almyghty God, conseruation of the true doctrine of Christes religion, and for the concorde quiet and vvelth of this his realme and subiectes of the same helde his moste hyghe court of Parliament begonne at VVestm[inster] the. xxviii. daye of Aprill, and there continued tyll the. xxviii. daye of Iune, the. xxxi. yere of his most noble and victorious reigne, vvherin in vvhere establysshed these actes

folovvinge.” [http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:citation:99900334](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:99900334). Accessed 7 October, 2013.

James I. “The true lavv of free monarchy, or The reciprocall and mutuall duty bettvixt a free king and his naturall subjects. By a well affected subject of the kingdome of Scotland.” [http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:citation:99872985](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:99872985). Accessed October 7, 2013.

James I. *Stuart Royal Proclamations*, ed. James F. Larkin and Paul L. Hughes. Oxford: Clarendon Press, 1973.

Middleton, Thomas. “The Peace-Maker: or, Great Brittaines Blessing.” [http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:citation:99843166](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:99843166). Accessed December 1, 2013.

Rawlinson, John. “Mercy to a beast: A sermon preached at Saint Maries Spittle in London on Tuseday in Easter-weeke.” [http://eebo.chadwyck.com/search/fulltext?SOURCE=var\\_spell.cfg&ACTION=ByID&ID=D00000998509180000&WARN=N&SIZE=128&FILE=../session/1395711992\\_13459&SEARCHSCREEN=CITATIONS&DISPLAY=AUTHOR&ECCO=N](http://eebo.chadwyck.com/search/fulltext?SOURCE=var_spell.cfg&ACTION=ByID&ID=D00000998509180000&WARN=N&SIZE=128&FILE=../session/1395711992_13459&SEARCHSCREEN=CITATIONS&DISPLAY=AUTHOR&ECCO=N). Accessed March 24, 2014.

Scott, Thomas. “Vox Dei.” [http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-2003&res\\_id=xri:eebo&rft\\_id=xri:eebo:citation:21503630](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_id=xri:eebo:citation:21503630). Accessed December 1, 2013.

Selden, John. *The Duello, or, Single Combat: From Antiquity Derived into this Kingdom of England; With Several Kinds and Ceremonious Forms thereof from Good Authority Described.*

[http://eebo.chadwyck.com/search/full\\_rec?SOURCE=pgthumbs.cfg&ACTION=ByID&ID=99852320&FILE=../session/1366945960\\_4104&SEARCHSCREEN=CITATIONS&SEARCHCONFIG=var\\_spell.cfg&DISPLAY=AUTHOR](http://eebo.chadwyck.com/search/full_rec?SOURCE=pgthumbs.cfg&ACTION=ByID&ID=99852320&FILE=../session/1366945960_4104&SEARCHSCREEN=CITATIONS&SEARCHCONFIG=var_spell.cfg&DISPLAY=AUTHOR). Accessed on October 1, 2013.

“Submission of the Clergy Act 1533.” Available at [Legislation.gov.uk](http://www.legislation.gov.uk). <http://www.legislation.gov.uk/aep/Hen8/25/19/section/I>. Accessed October 28, 2013.



Stafford, Anthony. "Stafford's Niobe, or his Age of Teares."

[http://gateway.proquest.com/openurl?ctx\\_ver=Z39.88-](http://gateway.proquest.com/openurl?ctx_ver=Z39.88-)

2003&res\_id=xri:eebo&rft\_id=xri:eebo:citation:99842021. Accessed December 2, 2013.

The Charter of Liberties of Henry I. Available at Britannia.com.

<http://www.britannia.com/history/docs/charter.html>. Accessed October 28, 2013.

Westerne, Thomas. "The flaming bush. Or, An embleme of the true Church."

[http://eebo.chadwyck.com/search/fulltext?SOURCE=var\\_spell.cfg&FILE=../session/139562821](http://eebo.chadwyck.com/search/fulltext?SOURCE=var_spell.cfg&FILE=../session/139562821)

1\_19238&ACTION=ByID&ID=D00000998548880000&SUBSET=&DISPLAY=AUTHOR&E

CCO=N&WARN=N&SIZE=146. Accessed March 23, 2014.

## Secondary Sources

Adamson, John. "The Making of the Ancien-Régime Court 1500-1700." In *The Princely Courts of Europe 1500-1750*, edited by John Adamson. London: Weidenfeld and Nicolson, 1999.

Baldick, Robert. *The Duel; A History of Dueling*. London: Chapman and Hall, 1965.

Beik, William. *A Social and Cultural History of Early Modern France*. Cambridge: Cambridge University Press, 2009.

Billacois, François. Ed. Selous, Trista. *The Duel: Its Rise and Fall In Early Modern France*. New Haven and London: Yale University Press, 1990.

Carroll, Stuart. *Blood and Violence in Early Modern France*. Oxford: Oxford University Press, 2006.

Curry, Anne. *The Hundred Years War*. New York: St. Martin's Press, 1993.

Elton, G.R. *England Under the Tudors*. London: The Camelot Press, 1956.

Gwynn, Denis. *Daniel O'Connell*. Cork University Press: 1947.

Hirst, Derek. *Authority and Conflict: England, 1603-1658*. Cambridge: Harvard University Press, 1986.

James, Mervyn. *Society, Politics and Culture: Studies in Early Modern England*. Cambridge: Cambridge University Press, 1986.

Keen, Maurice. *Chivalry*. New Haven: Yale University Press, 1984.

Kiernan, V.G. *The Duel in European History: Honour and the Reign of the Aristocracy*. Oxford: Oxford University Press, 1988.

Mathew, David. *The Jacobean Age*. New York: Kennikat Press, 1971.

McCoy, Richard C. *The Rites of Knighthood: The Literature and Politics of Elizabethan Chivalry*. Berkeley: University of California Press, 1989.

Peltonen, Markku. *The Duel in Early Modern England: Civility, Politeness and Honour*. Cambridge: Cambridge University Press, 2003.

Peltonen, Markku. "Francis Bacon, the Earl of Northampton, and the Jacobean Anti-Duelling Campaign." *The Historical Journal* 44, 1 (2001): 1-28.  
<http://www.jstor.org.proxy.library.vanderbilt.edu/stable/3133659>. Accessed October 3, 2013.

Perroy, Edouard. *The Hundred Years War*. New York: Capricorn Books, 1965.

Rogers, Clifford. *Soldier's Lives through History: The Middle Ages*. Westport, Connecticut: Greenwood Press, 2007.

Selden, John. *The Duello, or, Single Combat: From Antiquity Derived into this Kingdom of England; With Several Kinds and Ceremonious Forms thereof from Good Authority Described*.  
[http://eebo.chadwyck.com/search/full\\_rec?SOURCE=pgthumbs.cfg&ACTION=ByID&ID=99852320&FILE=../session/1366945960\\_4104&SEARCHSCREEN=CITATIONS&SEARCHCONFIG=var\\_spell.cfg&DISPLAY=AUTHOR](http://eebo.chadwyck.com/search/full_rec?SOURCE=pgthumbs.cfg&ACTION=ByID&ID=99852320&FILE=../session/1366945960_4104&SEARCHSCREEN=CITATIONS&SEARCHCONFIG=var_spell.cfg&DISPLAY=AUTHOR). Accessed on October 1, 2013.

Smuts, R. Malcolm. *Court Culture and the Origins of a Royalist Tradition in Early Stuart England*. Philadelphia: University of Philadelphia Press, 1987.

Stone, Lawrence. *The Crisis of the Aristocracy 1558-1641*. Oxford: Clarendon Press, 1965.

Wollock, Jennifer G. *Rethinking Chivalry and Courtly Love*. Praeger, 2011.

Yates, Frances A. *Astraea: The Imperial Theme in the Sixteenth Century*. London and Boston: Routledge and Kegan Paul, 1975.

