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# The Honor Code

HOW MORAL REVOLUTIONS  
HAPPEN

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W. W. NORTON & COMPANY

New York London

ONE

## THE DUEL DIES

... equality is indispensable.

—Rule XIV of *The Irish Practice of  
Duelling and the Point of Honour*

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## AN AWKWARD ENCOUNTER

A little before eight on the morning of March 21, 1829, the Duke of Wellington, England's prime minister, arrived on horseback at a crossroads south of the Thames, about half a mile beyond Battersea Bridge. Not long after, his cabinet colleague, Sir Henry Hardinge, the secretary of war, rode up to join him, followed, after another small interval, by the duke's doctor, in a coach.

Once the three men had greeted one another, the doctor walked past a small farmhouse into a large open area called Battersea Fields with a pair of pistols concealed under his greatcoat, and placed the weapons out of sight behind a hedge. Battersea Fields was well known as a site where gentlemen met to fight duels, and anyone who had witnessed this sequence of arrivals would have known what was going on. Almost every Londoner would have recognized the duke, whose face, with the great Roman nose and high forehead, had been famous since his first victories over Napoleon's armies in Spain, twenty years earlier. Any onlookers would have been curious, as a result, to see who would arrive next.

After all, once a gentleman, his second, and his doctor had appeared, you could anticipate the arrival of an opponent with *his* second. That the upright duke, who was the epitome of honor, a model of service to king and country, was preparing to fight a duel would naturally raise the question who could have impugned his honor.

And that question was soon answered when the three men

were joined by the Earl of Winchilsea and his second, the Earl of Falmouth. Lord Winchilsea's baptismal name was George William Finch-Hatton. (His grandson, Denys Finch-Hatton, was the handsome English aristocrat played by Robert Redford in the film *Out of Africa*.) Finch-Hatton was a good deal less famous than the duke, such notoriety as he had being due to his active opposition over the last year or two to the movement to lift some of the legal burdens on Catholics in Britain (burdens that had been in place, in one form or another, since the Reformation). An inspiring orator, he had spoken out often in and out of Parliament on the need to protect the faith and traditions of his fathers. He was a leader among those Englishmen who continued to believe fervently that you could not be loyal both to Britain and, as they saw it, to the Pope in Rome. Winchilsea was tall, black-haired, and powerfully built. He was in his late thirties, more than twenty years younger than the duke. He must have cut an imposing figure as he rode in with Falmouth, who was, like him, a former military officer.

The Duke of Wellington stood aloof while the two seconds, Falmouth and Hardinge, engaged in a heated exchange. Then the doctor loaded the pistols he had hidden behind the hedge—this was strictly speaking Hardinge's job, but Hardinge had lost his left hand in the Napoleonic wars—while Lord Falmouth loaded one of the two pistols that he had brought with him. Hardinge picked a spot for the duke, marched twelve paces, and instructed Lord Winchilsea to take up his position. Wellington objected to the first positioning. "Damn it," he said. "Don't stick him up so near the ditch. If I hit him, he will tumble in."<sup>1</sup>

Finally, once their places were set, Hardinge gave the duke a pistol, Falmouth took one to Winchilsea, and Hardinge stepped

back and, after a few more formalities, said firmly: "Gentlemen, are you ready? Fire." The duke raised his pistol and, following a brief pause apparently prompted by the fact that the earl had made no preparations, he discharged it. Winchilsea was unharmed. The earl then raised his pistol very deliberately over his head and fired into the air.

Wellington's doctor reported later a version of the exchange between the two seconds that followed:

The Duke remained still on his place, but Lord Falmouth and Lord Winchilsea came immediately forward towards Sir Henry Hardinge, and Lord Falmouth, addressing him, said, "Lord Winchilsea, having received the Duke's fire, is placed under different circumstances from those in which he stood before, and now feels himself at liberty to give the Duke the reparation he desires."

Falmouth was following the convention that all communications should take place through the seconds, and Sir Henry, as the duke's second, had the duty of replying. And so, after a tense few seconds pause, Hardinge said:

"The Duke expects an ample apology, and a complete and full acknowledgement of his error in having published the accusation against him which he has done." To which Lord Falmouth answered, "I mean an apology in the most extensive or in every sense of the word"; and he then took from his pocket a written paper containing what he called an admission from Lord Winchilsea that he was wrong. . . .<sup>2</sup>

After further lively discussion and an amendment proposed by the doctor, all parties agreed upon a slightly edited version of the apology that Falmouth had prepared.

The duke approached and bowed to the two earls, and Falmouth, who had clearly been a reluctant participant in the proceedings, explained that he had always thought Winchilsea was completely in the wrong. Hardinge now made it plain that *he* thought that if Falmouth felt this way, he shouldn't have acted as Winchilsea's second; and when Falmouth made a further attempt to explain himself, this time to the duke, Wellington interrupted him. "My Lord Falmouth," he said, "I have nothing to do with these matters." Then he raised two fingers to the brim of his hat, said, "Good morning, my Lord Winchilsea, good morning, my Lord Falmouth," and got back on his horse.

In exploring this infamous passage of arms and the responses to it, we can come to understand the changing culture of honor in Britain in the first half of the nineteenth century. The death of the duel in Britain—the disappearance of a practice that had defined the lives of gentlemen for some three centuries—is the first of the moral revolutions I want to explore. And Wellington and Winchilsea's encounter on Battersea Fields allows us to witness some of the pressures that brought it to an end.

### CONSTITUTIONAL CHALLENGES

The duel had its origins in Winchilsea's vociferous opposition to a bill that Wellington had been shepherding through the House of Lords: the Catholic Relief Act, which would permit Catholics

to sit in the British Parliament for the first time in over a hundred and fifty years. A year earlier, in June 1828, Daniel O'Connell, the Irish patriot and founder of the Catholic Association, which aimed to improve the situation of Catholics in Ireland, had been elected to the British Parliament. O'Connell and his policies were enormously popular in Ireland, as the election showed, and his presence in London would have allowed their views expression in the legislature. But because he was a Catholic, he could not be seated in the House of Commons . . . unless he was willing to swear an oath that "the invocation or adoration of the Virgin Mary or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are superstitious and idolatrous. . . ." Obviously, no self-respecting Catholic could swear to that. Equally obviously, that was exactly why the oath was required. And this exclusion from Parliament reflected the many other exclusions Catholic Irishmen and women faced in their own country. Feelings in Ireland ran high about the issue and there was talk, in some quarters, of civil war.

Like most Tories, including Sir Robert Peel, who steered the bill through the House of Commons, Wellington had once opposed Catholic emancipation, and neither statesman had changed his mind casually. The duke, who was born in Ireland and had been Chief Secretary for Ireland as a young politician, was particularly well placed to appreciate the delicacy of the situation in that troubled island. He had changed his position on Catholic emancipation because, as he observed in his speech on the second reading of the bill in the House of Lords—a speech that many regarded as one of the best of his parliamentary career—Ireland seemed to be

in a state "bordering on civil war." And, the king's first minister added, to cheers in that august chamber, "I must say this—that if I could avoid, by any sacrifice whatever, even one month of civil war in the country to which I am attached, I would sacrifice my life in order to do it."<sup>3</sup>

But George William Finch-Hatton, tenth Earl of Winchilsea, was pleased to assume the worst, and he often avowed, as the bill's final passage drew near, that the Duke of Wellington was plotting an assault on the Protestant constitution. In a broadside in February 1829, Winchilsea had urged his "BROTHER PROTESTANTS! . . . boldly to stand forward in Defense of our Protestant Constitution and Religion. . . ." Because the "great body of your degenerate Senators are prepared to sacrifice, at the shrine of Treason and Rebellion, that Constitution for which our Ancestors so nobly fought and died," he called upon his countrymen to petition King and Parliament. He subscribed himself modestly the "humble and devoted servant" of his Protestant brethren, signing the flyer, not so humbly perhaps, "Winchilsea and Nottingham," since he happened to be the fifth Earl of Nottingham as well.

In a letter to the newspaper, the *Standard*, published on March 16, about a week before the bill finally passed, Winchilsea made a more specific attack upon the Duke of Wellington. He alleged that the king's first minister had dissembled in offering his financial support for the creation of King's College London as an Anglican institution to counterbalance the recent secular foundation of London University. The duke's involvement in this ostentatiously Protestant project was a "blind," Winchilsea claimed, that would allow him, "under the cloak of some outward show of zeal for the Protestant religion," to "carry on his insidious designs for the

infringement of our liberties, and the introduction of Popery into every department of the State."<sup>4</sup>

No one could doubt that Winchilsea felt strongly about the English Church. Charles Greville—who served as clerk to the Privy Council, the body that included all the monarch's senior political advisers, from 1821 to 1859—described him as "a peer of no personal importance, but a stalwart upholder of Church and State."<sup>5</sup> Still, accusing the hero of the wars against Napoleon, the "Saviour of Europe" and the victor of Waterloo, of dissembling about his true faith and betraying the Constitution was surely—as the gentlemen in the London clubs among whom the accusation circulated might have put it—going too far.

Stung, as it seemed, by Winchilsea's published charge, Wellington insisted that the earl apologize . . . which the latter, after a hurried exchange of notes, declined to do. And so, on March 20, the duke sent him a scornful message in which he asked: "Is the King's Minister to submit to be insulted by any gentleman who thinks proper to attribute to him disgraceful or criminal motives for his conduct as an individual?" And he answered himself immediately: "I cannot doubt of the decision which I ought to make on this question. Your lordship alone is responsible for the consequences." He therefore insisted that Winchilsea grant him "that satisfaction which a gentleman has a right to require and which a gentleman never refuses to give."<sup>6</sup> The next morning, the duke and the earl met with their seconds on Battersea Fields.

A few weeks later, the Catholic Relief Act gained George IV's royal assent and, with it, the force of law. It was rumored that the anti-Catholic king had wept as he signed the bill, compelled to do so by Wellington's threat to resign.

## WHAT WAS HE THINKING?

Such were the circumstances that gave rise to Wellington's challenge. But now consider this. The duke was not an enthusiast for dueling. Indeed, unlike many military officers of his day, and despite an immensely distinguished military career, he had never dueled previously and he never did so again. While he was a field commander in the Napoleonic wars, he apparently believed that British military honor would be diminished if dueling were totally suppressed in the army. But in 1843, fourteen years after the infamous duel while he was still commander in chief, the Articles of War were amended to institute serious penalties for dueling in all branches of the armed forces, after lobbying by many prominent figures, including Queen Victoria's beloved husband, Prince Albert. In later life the duke was a prominent member of the Anti-Duelling Association.

What's more, dueling was unlawful. As Sir William Blackstone had written in the 1760s, in his *Commentaries on the Laws of England*, the common law of England "justly fixed the crime and punishment of murder" upon duelers and their seconds, who "wanton with their own lives and those of their fellow creatures."<sup>7</sup> Canon law and Christian moral teaching opposed the duel, too.

Then there were the *political* implications. Had he been killed, the country and the king would have lost a prime minister in the midst of a constitutional crisis in an illegal affair that was *about* the issues at stake in that crisis. Few things could have been more destabilizing in an already unsettled realm. Had he killed Winchilsea, on the other hand, the duke would have had to be tried before the House of Lords for murder. (As Lord Cardigan was to

be tried in 1841 for wounding a Captain Tuckett in a duel: their lordships acquitted.)<sup>8</sup> At a minimum, he would surely have had to resign from the cabinet, just as two other Anglo-Irish politicians, Canning and Castlereagh, had had to resign as foreign secretary and secretary of war respectively after their own duel two decades earlier. In either case, there is reason to doubt that the House of Lords would have passed the Catholic Relief Act.

Had there been a trial, the Lords would have faced a difficult choice. The French Revolution and the execution of Louis XVI and his queen in 1793 had raised the banner of republicanism in Europe. The Jacobin Club—the leading radical organization of the Revolution—spread new ideas about liberty and equality through France; which quickly gained adherents in England as well. At the turn of the nineteenth century, British governments took measures regularly to confront the threat of Jacobinism, fearing a rising tide of hostility not just to the monarchy but to the aristocracy and, indeed, to all inherited privilege.

After Wellington defeated Napoleon at Waterloo, there was a period of high unemployment, exacerbated by the so-called Corn Laws, which aimed at keeping out cheap grain. These laws protected the economic interests of the farmers who grew wheat and similar crops in the United Kingdom, but raised the cost of food for the British poor. The flagrant insensitivity of the ruling classes to the sufferings of the worst-off added impetus to radical demands. In 1819, more than 50,000 men and women gathered at St. Peter's Field in Manchester to press for parliamentary reform. When they refused a magistrate's order to disperse, members of the military class that Wellington represented cut down ordinary men and women in the streets, killing a dozen men and three women,

half a dozen of them sabered before they were trampled to death. The massacre was called "Peterloo," a none too subtle reference to the slaughter at Wellington's greatest victory.

By 1829, then, as the Catholic Relief Act was being debated, many in Parliament and the country were agitating for more substantial reforms and they were being resisted by a highly unrepresentative Parliament, dominated by an unelected aristocracy. It was not a good moment for the authorities to look mildly on a serious breach of the peace by an aristocrat while they were dealing with the lower orders with such violent resolve. And, in the unlikely event that his peers declined to excuse him, they would have imposed that unpopular task on the king, since actually executing Wellington was out of the question.

In sum, dueling was contrary to Wellington's own inclinations, to civil law and to Christian teaching, and, so it might seem, to political prudence. So what was the first minister of a king who was also head of the Church of England doing out there in Battersea at eight o'clock that brisk spring morning? What on earth was he thinking? Well, as anyone in the small knot of curious bystanders could have told you, Arthur Wellesley, Knight of the Bath, Baron Douro of Wellington, Viscount Wellington of Talavera and of Wellington, Earl of Wellington, Marquess of Wellington and of Douro, and Duke of Wellington (to supply his full battery of titles) was defending his honor as a gentleman.

### THE FORMS OF RESPECT

According to the codes that governed his society and his class, Wellington had the right as a gentleman to be treated with respect by

other gentlemen, a prerogative flagrantly violated by Winchilsea's public accusation. At the heart of honor, then, is this simple idea: Having honor means being entitled to respect.

But what do we mean by respect? The philosopher Stephen Darwall has recently distinguished two fundamentally different ways in which we may respect a person. One, which he calls "appraisal respect," involves judging a person positively according to a standard. And doing well by a standard essentially means doing better than most others. It is in this sense that we respect Rafael Nadal for his tennis skills or Meryl Streep for her acting. (I shall often use the word "esteem" for this kind of respect.) Wellington was hardly indifferent to such respect. As a soldier he had lived up to the highest standards of military achievement. The honor that came to him as a result was competitive: he got it by doing better than other people. Most of his many titles were given him out of respect for those achievements.

But there is another kind of respect, "recognition respect," that involves (to put it rather abstractly) treating people in ways that give appropriate weight to some fact about them. When we respect powerful people—a judge in court, say, or a police officer when we're out driving—we treat them warily because they have the capacity to compel us to do things. Our respect *recognizes* the fact of that power. But we can also respect a sensitive person, by speaking to him gently, or a disabled person, by assisting her when she asks for help. Respecting people in this sense, in other words, doesn't require you to rate them especially highly.

Because there are so many kinds of facts about people we can recognize and respond to, recognition respect for people can have a great variety of emotional tones and can come along with



attitudes both positive and negative. When the Roman emperor Caligula said, "*Oderint dum metuant*—Let them hate so long as they fear," he was expressing his depraved delight in getting one sort of respect; but it wasn't the sort of positive respect that goes with honor.

As a result, the sort of recognition respect that is important for honor involves more than just "giving appropriate weight to some fact about " a person. It also requires, especially as we conceive it today, a positive attitude of a certain sort. I think, in fact, that the relevant attitude is the very one we display when we esteem people highly. So, from now on, when I talk about recognition respect, I mean the kind that involves a positive regard for the person in virtue of the fact that it recognizes. Though this regard is found in esteem as well, it remains important, as we shall see, to distinguish the different bases of the judgments associated with these different sorts of respect.

These two kinds of respect—esteem and positive recognition respect—correspond to two kind of honor. There is competitive honor, which comes in degrees; but there is also what we could call "peer honor," which governs relations among equals. (This is a conceptual distinction; I don't say that these two kinds of honor are always tidily compartmentalized in actual usage.) Peer honor does not come by degrees: either you have it or you do not.

Henry V of England—Shakespeare's Prince Hal—was born to honor, owing to his royal parentage, but he was especially proud of the competitive honor he achieved from his military prowess, as at the battle of Agincourt, where his armies defeated the massed forces of the French king ("for as I am a soldier, / A name that in my thoughts becomes me best," he says in Act III, Sc. iii). A

fifteenth-century warrior king not only ruled his realm, he also led his armies. His unearned royal honor was supplemented by the martial honor he earned for himself.

There are frequent evocations of the martial ideal in the literature of chivalry: in the stories, for example, of the knights of King Arthur's Round Table that were staples of the education of upper-class boys in England well into the twentieth century. In the earliest literary version of these tales, the *Morte D'Arthur*—which Sir Thomas Malory probably began in the 1450s as a prisoner in the Tower of London, where Henry V's son and heir, Henry VI, was also incarcerated—Sir Tristram says that he fought "for the love of my uncle king Mark and for the love of the country of Cornwall and to increase my honor."<sup>9</sup> And, indeed, Shakespeare's Henry V says, in the play's most famous speech, at the beginning of the battle at Agincourt:

... if it be a sin to covet honor

*I am the most offending soul alive. (Act IV, Sc. iii)*

Yet competitive honor, of the sort that Sir Tristram and Prince Hal and the Duke of Wellington won in battle, is not the form of honor that the duel served to defend. Wellington treated Winchilsea as a gentleman in challenging him to a duel. In so doing he displayed recognition respect: he treated Winchilsea in a way that gave what was (by the standards of his society) appropriate positive weight to the fact that the earl was a gentleman. In turn, Wellington, though he was clearly entitled to a good deal of appraisal respect as the most successful military commander (and one of the greatest statesmen) of the age, required from Winchil-

sea only the recognition respect due to any gentleman. It was respect between equals.

The honor of peers is something people of the right station either have, if they keep the codes, or don't have, if they don't. And the respect that gentlemen were supposed to show each other in eighteenth- and early nineteenth-century England was just such respect among equals, grounded not in esteem but in recognition. You owed the same courtesy to one gentleman as you owed to all the others. Provided you were of the right social standing, the respect to which you were entitled as a gentleman, your gentlemanly honor, was no greater whether you were a magnificent military success, like the Duke of Wellington, or an ordinary country squire.

It's important to understand that while honor is an entitlement to respect—and shame comes when you lose that title—a person of honor cares first of all not about being respected but about being *worthy* of respect. Someone who just wants to be respected won't care whether he is really living up to the code; he will just want to be *thought* to be living up to it. He will be managing his reputation, not maintaining his honor. To be honorable you have both to *understand* the honor code and to be *attached* to it: these are the conditions that the anthropologist Frank Henderson Stewart takes to define a *sense of honor*.<sup>10</sup> For the honorable person, honor itself is the thing that matters, not honor's rewards. You feel shame when you have not met the standards of the honor code; and you feel it—remember Descartes—whether or not anyone else knows you have failed.

Shame is the feeling appropriate to one's own dishonorable behavior. (Because of this connection between honor and shame,

one way of speaking of those who are especially dishonorable is to say that they are shameless.) The appropriate response from others if you breach the codes is, first, to cease to respect you and, then, actively to treat you with disrespect. The feeling we have for those who have done what is shameful is contempt; and I shall have occasion in this book to make use of the slightly old-fashioned verb "contemn," which means both to regard and to treat contemptuously, just as the verb "honor" means both to regard and to treat with respect.

What you should feel when you are honorable (or act honorably) is a more complicated matter. Pride is shame's opposite, and you might think that it is, therefore, the right response to one's own honorable behavior. But pride seems especially apt when you have done something out of the ordinary; and an honorable person will often think that what he has done is simply what he had to do. If you are truly honorable, you may be no more inclined to be proud of living up to your standards than you are to be pleased with yourself for breathing. Honor can consist in taking the code for granted.

One difficulty for pride, then, is that modesty may be part of an honor code. In chapter 2, I shall discuss another reason why, in the Christian world at least, pride's connection with honor is more complicated than shame's; namely, a tradition of moral hostility to pride (or vanity, as it is called when we are disapproving), an antagonism that goes back to the Stoics.<sup>11</sup> Henry V identifies the problem clearly after he receives the reports of the scale of his victory at Agincourt: "And be it death proclaimed through our host / To boast of this or take the praise from God / Which is His only" (Act IV, Sc. viii).

But other societies—ancient Greece, for example, in the long-ago past, or Asante, where I grew up, even today—have thought

that pride and blowing your own horn were the natural accompaniments of honor.<sup>12</sup> There is a saying in my father's language that runs, "A person's honor is like an egg; if he doesn't hold it well, it falls and breaks." Part of making sure you're holding your honor right may be reminding other people that you know your worth. In the *Iliad*, Achilles does nothing to diminish his honor when he says, matter-of-factly:

*And look, you see how handsome and powerful I am?  
The son of a great man, the mother who gave me life  
a deathless goddess.*<sup>13</sup>

In Wellington's world, though, this sort of boasting would have been ungentlemanly. You showed your worth in action, not by singing your own praises. For him, the right emotional response to his own honor was not pride but simple self-respect.

I said that the honorable person cares about honor itself, not simply about the social rewards of being considered honorable. Emotions like shame (and pride) are reinforced, it's true, when other people are watching—especially those whose respect matters to me most. Nevertheless, honor requires me to conform to the standard for its own sake, not merely for the sake of reputation and its rewards. And someone who aims at reputation for its own sake is taking a dishonorable short cut.

That is one reason why honesty is so central to honor. (*Honestus* in Latin can mean both "honest" and "honorable.") Accusations of lying were one of the principal causes of duels. The rewards of a good reputation are substantial, and the temptations of getting them without meriting them are therefore substantial,

too. Perhaps that is why the penalties in terms of loss of respect—including contempt and eventual ostracism—tend to be severe.

So it's very much to the point that Wellington had been accused by Winchilsea of dishonesty, in trying to distract the public from his support for Catholics by contributing money to a Protestant cause. Had he, in fact, been doing what Winchilsea alleged, it would have been shameful. The code required that, once an allegation of this sort had been made, you had to clear your name: you had to establish that it wasn't true. And the first way to do this was to ask for and receive a public apology. If the apology was denied, the same code required you to challenge your accuser to a duel; and that would show, among other things, that you were willing to risk your life rather than be thought to be guilty of something dishonorable.

The duel displays a slightly awkward amalgam of concern for being shown respect with concern with being worthy of it. What initiates it is a slight of some sort: a display of disrespect. But why, if you are worthy of respect, should the mere fact that someone disrespects you matter? Shouldn't it matter only if their disrespect is justified, as Winchilsea's surely was not? The answer, in Wellington's world, was that the code of the gentleman insists that to be worthy of respect you have to be willing to respond to such slights. A man of honor must be ready to defend his honor—to risk his life, in fact, to ensure that he gets the respect that is his due. Both Wellington and Winchilsea thought that, in dueling, they were defending their honor.

## HONOR WORLDS

To be respected is, of course, to be respected *by* somebody. Because of the conceptual connection between honor and being respected,

we can always ask whose respect is at stake. Usually, it is not the respect of people in general, it is the respect of some particular social group, which I will call an "honor world": a group of people who acknowledge the same codes. Shakespeare's character Henry V, like his historical model, doesn't care much about the opinions of peasants: he expects their obedience, and no doubt they appraise him highly. But he does expect them both to respect him and to treat him with respect. On the other hand, he won't worry if strangers—faraway Saracens, for example—don't respect him. For one thing, they may not understand the codes by which he lives.

To say that people have honor is to say that they are entitled to respect according to the codes of their honor world. But it's misleading to say that someone has honor when you don't accept those codes yourself. Better, in those circumstances, to say he or she was honored in such and such an honor world. If you and I share the codes, though, we won't need to relativize in this way. Within a common honor world saying, "We honor him" and saying, "He has honor" have the same practical effect.

In taking the measure of Wellington's honor world and its norms, we should notice that, of the ten men who preceded Wellington as prime minister, three—Lord Shelburne, William Pitt the Younger, and Canning—fought duels, as did Charles Fox and the Earl of Bath, each of whom was almost prime minister; and Peel, who eventually followed the Duke to the premiership, had shown himself willing to accept challenges.<sup>14</sup> In the most notorious of these episodes, Canning took to the field in 1809 against Viscount Castlereagh, when they were members of the same government. While this episode led to their resignation from the cabinet, they both went on with political careers of further distinction:

Castlereagh began a decade of service as foreign secretary in 1809, guiding the British alliances that defeated Napoleon; Canning succeeded him as foreign secretary and went on to be prime minister for a few months in 1827.

No one suffered any penalties for his participation in the Wellington-Winchilsea affair. Neither Winchilsea nor Falmouth seems to have been destined for greatness, so perhaps all the evidence we have about them is that there was no prosecution; but Wellington remained prime minister, and Hardinge went on to become Viceroy of India, eventually returning to England in 1852 to succeed the duke as the British army's commander in chief, a position he held during the Crimean War, a few years later.

The duel appealed to the political elites of the new American republic, whose culture was an offshoot of Britain's, as well. A quarter of a century earlier, in July 1804, two of the most prominent politicians in the early American republic, Alexander Hamilton and Aaron Burr, had met in a fatal duel on the Heights of Weehauken in New Jersey; fatal, that is, for Hamilton. Hamilton was one of the authors of the *Federalist Papers* (1788) that continue to define the meaning of the American Constitution; he was also a former secretary of Treasury. Burr was a sitting vice president. And Hamilton's early death—he was not yet fifty—was one of the great scandals of the day. Yet, while Burr was charged with murder in both New Jersey and New York, he was never actually tried, and he saw out his term as vice president, even though many thoroughly disapproved of what he had done.

Burr's freedom from the legal consequences of what was a crime in New Jersey as in Britain would not have surprised anyone in England. It was essentially unheard of, in the century before Wellington

and Winchilsea faced each other on Battersea Fields, for a British gentleman who observed the rules of honor to be prosecuted successfully for murdering an opponent in a duel.<sup>15</sup> The standard pattern, if one party was killed, was for the other one to disappear abroad and wait to see if a prosecution was brought. If you were not charged, you could return quietly and go about your business. If you were prosecuted, and you had behaved properly, you would present the facts to a jury of your peers, the judge was quite likely to be sympathetic, and the jury was most likely to acquit you anyway even if he was not. In the unlikely event you were convicted and sentenced to death, connections at court made it likely you would eventually be pardoned. Dueling was one way of literally getting away with murder.

This was not because the authorities were squeamish about executions. In a typical year in the eighteenth century, there were some one hundred executions in England and Wales; in the mid-century, there were more than thirty a year at Tyburn, London's place of public execution, alone. And execution for gentlemen, even members of the House of Lords, was not just a legal possibility: in 1760, a member of the House of Lords, Earl Ferrers, was hanged for murder at Tyburn. No, the reason duelists were not condemned was that the official legal norm conflicted with the social consensus among the British elite.

Indeed, since Wellington's youth, there had almost certainly been an increase in the frequency of dueling, in part because the turn of the nineteenth century was an extended period of warfare. Some half a million Britons had served in the Anglo-French warfare between the execution of Louis XVI in 1793 and the battle of Waterloo.<sup>16</sup> Their officers came back from Europe imbued with the military's culture of honor.

## CHANGING CODES

The conduct of Wellington's duel reflected conventions originating in the early sixteenth century in Italy and codified in documents such as the Irish Duello or Duel Code "settled at Clonmel Summer Assizes, 1777, by the gentlemen delegates of Tipperary, Galway, Mayo, Sligo and Roscommon, and prescribed for general adoption throughout Ireland"—also known as the "twenty-six commandments."<sup>17</sup> Wellington's challenge, delivered by his second, Sir Henry Hardinge, a veteran of the military campaigns in Portugal and Spain that had made Wellington a national hero, required only the mention of a gentleman's demand for satisfaction in order to be understood. Hardinge had provided a coach to bring Wellington's doctor, Dr. John Robert Hume, but had not told him on whose behalf he was being summoned. (This was conventional; because the duel was illegal, telling him could have opened him up to prosecution as an accessory if things had gone badly.) As a result, when the good doctor arrived, he was astonished, as he told the Duchess of Wellington later, to find his patient preparing to shoot and be shot at. Wellington, laughing, said to Hume: "Well, I dare say you little expected it was I who wanted you to be here." And the doctor replied, "Indeed, my Lord, you are certainly the last person I should have expected here."<sup>18</sup>

There is some dispute as to the proper interpretation of what happened after Hardinge shouted: "Gentlemen, are you ready? Fire." Wellington fired first, as we saw, and, according to some accounts, fired wide deliberately. But it would have been hard to tell if he was making a good faith effort to shoot the earl, since

dueling pistols were not very reliable and, in any case, though he was a great general, he was apparently not much of a shot.

The correspondence of English ladies of the era abounds in surprisingly sympathetic stories of His Grace's accidents in the chase. Lady Palmerston wrote from Middleton, home of the Earl and Countess of Jersey, on January 16, 1823: "The Duke has been unlucky at Wherstead; he peppered Lord Granville's face with nine shots, fortunately he miss'd his eyes, but it has given him a great deal of pain. . . ." <sup>19</sup> (You might have thought that it was Lord Granville who had been unlucky.) And Frances, Lady Shelley, recounts a day when, after wounding a dog and hitting a gamekeeper's gaiters, Wellington ended a chapter of accidents by shooting an old woman who was unwise enough to do her washing by an open window. "I'm wounded, Milady," the woman screamed. "My good woman," Lady Shelley replied, "this ought to be the proudest moment of your life. You have had the distinction of being shot by the great Duke of Wellington!" <sup>20</sup>

There is no dispute, though, as to what happened after Wellington fired. As we saw, Winchilsea pointed his pistol in the air over his head and fired a bullet that no one could have thought was aimed at the prime minister. This practice was known as "deloping." It was an indication that he did not want the duel to continue.

This business of deloping was controversial. Rule XIII of the Irish Code was quite clear: "No dumb shooting, or firing in the air, admissible *in any case*." And it went on to say with equal clarity why. "The challenger ought not to have challenged without receiving offence; and the challenged ought, if he gave offence, to have made an apology before he came on the ground: therefore *children's play* must be dishonorable on one side or the other, and is

accordingly prohibited." <sup>21</sup> But the gentlemen of Ireland here protested too much. It was clear enough what the point of deloping was. A gentleman's presence at a duel indicated willingness to die defending his honor and this established that he met one of the criteria for being honorable. Though risking your life might show you cared about honor, actually killing in defense of your honor showed only that you were a good, or, at the least, a lucky, shot. A man who put himself at risk while making no effort to defend himself established his courage all the more clearly.

Winchilsea had actually written to his second, Lord Falmouth, on the night before the duel, saying that he would delope. Indeed, it was only with this understanding that Lord Falmouth was willing to participate, since he (like almost everyone else) thought that Winchilsea owed the duke an apology. "After the first fire," Winchilsea wrote, "I shall offer the expression of regret that I shall then be ready to make." And, though he admitted in the same note that he should not have published the letter, he insisted, nevertheless, that he could not have apologized for doing so in the manner proposed by Sir Henry Hardinge, because to do so "might have subjected me to imputations which would have made life to me utterly worthless." <sup>22</sup>

What were those "imputations"? The reference to Hardinge provides the clue. For once Hardinge had written to Winchilsea on Wellington's behalf, it was clear that he had been summoned as a potential second. Once that had happened, Winchilsea *could* have been thought to be apologizing merely to avoid the duel. After the duel, Lord Falmouth offered Dr. Hume a different explanation. Winchilsea, he said, "could not have made any apology sufficiently adequate to the offence consistently with his character as a man of

honor without first receiving the Duke's fire."<sup>23</sup> On this account, Winchilsea felt that apologizing even though he was in the wrong was dishonorable, though forcing the duke into a duel, being shot at, deloping, and then apologizing, was not. Simply put: having wrongfully accused Wellington, he thought he owed the prime minister a chance to have a shot at him.

If this was indeed what he was thinking, some of his contemporaries thought he had failed to do things entirely *comme il faut*. John Cam Hobhouse, Lord Byron's friend and a radical MP, wrote in his memoirs: "I believe that it was not reckoned fair for the person accused to terminate the duel before he had exposed himself to two shots; and on the Monday following this business, as the Speaker and myself were talking it over in his library, he remarked that Lord Winchilsea had no right to fire in the air, but ought to have received the Duke's second fire. . . . The fact was, neither party gained much credit by the transaction."<sup>24</sup> It's part of the fascination of this duel that even Winchilsea and Falmouth didn't have a single consistent story as to what they were doing; and that others in their circle did not share their view as to what was and was not appropriate. The code was no longer working as it was supposed to.

### TRADITIONAL OBJECTIONS

Given the pronounced ambivalence of British society about dueling, it's worth reflecting on the considerations that led both the law and conventional Christian morality to oppose the practice. One source of the modern European duel was what was called "judicial combat," in which members of the military ruling class,

gentlemen of the rank of squire and above, could settle legal disputes by passage of arms, provided they were "granted the field" by a sufficiently important feudal lord—the Duke of Burgundy, say, or a monarch.

The popes declared their opposition to judicial combat early on: in the middle of the ninth century, Pope Nicholas I wrote a letter to the emperor Charles the Bald condemning it;<sup>25</sup> and the Roman Catholic Council of Trent took the trouble, in 1563, at the end of the Reformation, to fulminate, in its final session, against "the detestable custom of dueling, introduced by the contrivance of the devil, that by the bloody death of the body, he may accomplish the ruin of the soul. . . ."<sup>26</sup> The presupposition of this practice was that God would accord victory to the knight whose cause was just.

It was this form of combat that the Church first opposed. One objection was a matter of biblical morality. In Luke 4, verses 9 to 12, Satan placed Christ on "a pinnacle of the temple" in Jerusalem, "and said unto him, If thou be the Son of God, cast thyself down from hence":

*For it is written, He shall give his angels charge over thee, to keep thee: . . .*

*And Jesus answering said unto him, It is said, Thou shalt not tempt the Lord thy God.*

Christ is quoting a passage from Deuteronomy 6:16, which refers to an episode where the ancient Israelites forced God's hand by threatening to stone Moses if he didn't get Him to produce water for them in the desert. Tempting God here means some-

thing like trying to force God's hand. In judicial combat, the lord and those he granted the field were all, in a similar manner, tempting God.

The more obvious objection, however, was the violation of the sixth (or, if you are Catholic or Lutheran, the fifth) commandment: Thou shalt do no murder. In a duel over a point of honor, you set out deliberately to kill a man who has offended you or a man who has taken offense. Neither is, from a Christian point of view, sufficient reason to take someone's life.

These objections to judicial combat extended to the modern duel. The rational problem was at bottom that a duel was *about* an offense by A against B's honor, but—granted God's non-interference—its outcome depended in no way on whether A or B was in the wrong. This problem was especially evident when the offense in question was an accusation of lying. When Touchstone—the clown in Shakespeare's *As You Like It* (written around 1600)—mocks the intricacy of the duello, he does so by elaborating the processes of a quarrel between himself and “a certain courtier,” which begins with the clown disparaging the courtier's beard, but only reaches an actual duel seven stages later when the courtier finally accuses the clown of lying (Act V, Sc. iv). Yet a duel does nothing to establish the truth: and being willing to respond to the “lie direct” by issuing a challenge shows only that you are willing to back up your word with your sword, whether or not what you have said is true.

A duel could establish that you were brave or foolhardy enough to fight, and so refute one particular kind of insult to a gentleman, namely, that he was a coward. But neither killing your opponent nor being killed established that you were any braver than him. Murdering another human being, an offense against the moral

law, and being murdered, an offense against rational self-interest: both risks were by-products of the process. And the question was whether the ostensible aim of the duel, the protection of honor, was worth that price.

From early on there were doubters. Francis Bacon, writing in his *Charge Touching Duels* (1614), more than two centuries before Wellington challenged Winchilsea, complained, “it is a miserable effect, when young men, full of towardness and hope, such as they call *aurora filii*, sons of the morning . . . shall be cast away and destroyed in such a vain manner; but much more it is to be deplored when so much noble and gentle blood shall be spilt upon such follies. . . .”<sup>27</sup>

Once the duel had passed from judicial combat, which could take place only with the king's permission, to a private and illegal act, claimed as a right of the nobility, it posed a further problem: it was now *lèse majesté*. Among the great enemies of the duel, accordingly, were men like Francis Bacon and his younger French contemporary Cardinal Richelieu, who were engaged in extending the power of the state, in part by subordinating the nobility, with its independent claim to honor, to the increasingly all-embracing reach of the monarchy.

The cardinal, who was Louis XIII's chief minister, famously had the Comte de Bouteville executed in 1627, when he ignored new royal edicts underlining existing laws against dueling. (Since he had fought more than twenty duels previously, the comte was entitled to be surprised at this new insistence on the letter of an old law.) Louis, who was an enthusiast for chivalric ideals, had only reluctantly agreed to attempts at enforcing the long-standing legal ban on dueling, when Richelieu persuaded him that the cost in noble



blood was too high. (In his father's reign more than eight thousand people had been killed in duels.) Lord Herbert of Cherbury, the British ambassador to Louis' court, wrote in his *Autobiography* that among "the French at that time" there was "scarce any man thought worth the looking on, that had not killed some other in a duel."<sup>28</sup> And the French historian and memoirist Amelot de Houssaye said that "the ordinary conversation of persons when they met in the morning was, 'Do you know who fought yesterday?' and after dinner, 'Do you know who fought this morning?'"<sup>29</sup>

From the point of view of the modern state, which was developing in tandem with the rise of the duel, the duel was, as Francis Bacon nicely put it, an "offence of presumption." It

expressly gives the law an affront, as if there were two laws, one a kind of gown-law, and the other a law of reputation, as they term it, so that Paul's & Westminster, the pulpit and the courts of justice must give place to the law . . . of ordinary tables, and such reverend assemblies; the year books and statute books must give place to some French and Italian pamphlets. . . .<sup>30</sup>

At the time Bacon was writing, "private quarrels among great men"<sup>31</sup> had become distressingly common around the court of James I, and this led the king to issue an ordinance punishing not just "singular combat" at home or abroad, but also making or transmitting challenges, acting as a second, or granting the field. Bacon had been Attorney General for about a year when his *Charge Touching Duels* appeared, and it included part of his argument in a case he had brought before the Court of the Star Chamber.

In the particular case that Bacon chose to make the king's

point, there were two charges: "the one against William Priest, gentleman, for writing and sending a letter of challenge, together with a stick which should be the length of the weapon; and the other against Richard Wright esquire, for carrying and delivering the said letter and stick unto the party challenged." These two people met the minimum conditions for a duel: they were gentlemen. Bacon admitted to the judges that he "could have wished that I had met with some greater persons, as a subject for your censure."<sup>32</sup> Still, the matter was urgent and this case had come up. Besides, "it passeth not amiss some-times in government, that the greater sort be admonished by an example made in the meaner, and the dog to be beaten before the lion." Already, in the early seventeenth century, the duel is an equalizing institution, and it is Bacon, speaking against it, who is insisting upon distinctions of rank among gentlemen.

### THE ENLIGHTENMENT DEBATE

For us today, the most obvious argument for permitting dueling is probably that it is the free act of willing participants. The first person I know of who makes essentially this suggestion is William Hazlitt, the great English essayist and critic; writing, probably, a year or two before Wellington's duel, he opined that dueling should be legal because it involved, to use a modern formulation, consenting adults.<sup>33</sup> But it was too radical an idea at the turn of the nineteenth century to withdraw legislation against bad behavior just because it only harmed volunteers.

The best defense of the duel available within the intellectual frameworks of the time runs parallel to the Utilitarian theory of

punishment. "All punishment," as Jeremy Bentham, the great Utilitarian philosopher-reformer, wrote in 1823, "in itself is evil."<sup>34</sup> So it might at first seem that when we punish people, we are only adding a new evil to the evil they have already done. But, as Bentham went on to argue, a world with the institution of punishment, properly advertised and administered, is a world free of other evils that we could not escape without it. Provided the evil of punishment is outweighed by the evils it deters, we may rationally support it for that reason.

Consider now the duel. A society of people who treat each other with respect, where reputations are not sullied by lies—where, in a formula, gentlemen mind their manners—is preferable to one where they do not. The institution of the duel provides a rather compelling incentive for gentlemen to mind their manners. But the duel is unlike punishment in one important respect. You can defend punishment as a deterrent because it is a practice enforced by public institutions for the general good. By contrast, for dueling, which is a private practice, to do its work, duelists have to believe that it serves some end of their own, since encouraging third parties to be honorable is not something for which most people would ordinarily be willing to risk their lives. Why should I enter into mortal combat with you in order to keep other people polite? The sense of honor gives men just such private reasons for dueling. From within the institution, the reason for making and responding to challenges is obvious: if you don't, you will lose your right to the respect of your fellows. Still, to justify dueling because it deters discourtesy is to take a perspective from outside the world of honor.

Something like this argument was often made in the eighteenth century, though, frequently by men who agreed that the

practice was immoral or irrational or both. In his *History of the Reign of the Emperor Charles V*, the Scottish historian and divine Dr. William Robertson, principal of Edinburgh University, wrote that the practice was "not justified by any principle of reason," but, he went on,

it must be admitted that to this absurd custom, we must ascribe in some degree the extraordinary gentleness and complaisance of modern manners, and that respectful attention of one man to another, which at present render the social intercourses of life far more agreeable and decent, than among the most civilized nations of antiquity.<sup>35</sup>

This Enlightenment commonplace—that the duel is un-Christian and unreasonable yet does, at least, improve manners—had clearly irritated the leading philosopher of the Scottish Enlightenment, David Hume. For in 1742, he added a discussion of dueling to his essay "Of the Rise and Progress of the Arts and Sciences," aimed at refuting the claim that the institution was useful "for the refining of manners."

Hume is scathing in his rebuttal: "conversation, among the greatest rustics, is not commonly invested with such rudeness as can give occasion to duels," he says. And he objects that, in distinguishing the man of honor from the man of virtue—in recognizing a normative system of honor distinct from morality—the honor code allows "debauchees" and "spendthrifts" to keep their place in a society that should repudiate them.<sup>36</sup>

In the same year, Francis Hutcheson—the father, it is conventional to say, of the Scottish Enlightenment—condemns duel-

ing in his textbook *Philosophiae Moralis Institutio Compendiaria* (translated in 1745 as *A Short Introduction to Moral Philosophy*). For lies and libels, the duel is too cruel a response: "death is too grievous a punishment for opprobrious words." And, in any case, "the fortune of the combat is as blind and capricious as any."<sup>37</sup>

Indeed, given the unreliability of the eighteenth-century dueling pistol, firing at each other at the normal distance of twelve to fifteen yards amounted in most cases to leaving the outcome to chance. Joseph Hamilton in his well-known *Duelling Handbook*, which appeared soon after Wellington's duel, quotes "a celebrated writer" who made this point sharply with a persuasive analogy:

If having seized a man who has murdered my wife, I should carry him before a tribunal, and demand justice, what should we think of that judge, if he should order that the criminal and I should cast lots which of us should be hanged.<sup>38</sup>

Adam Smith, in his *Lectures on Jurisprudence* (1762), argues that duels persist because the law does not protect men sufficiently from the affronts to honor that lead to challenges: he suggests that this is a deficiency of the law. "As the injury done was with a design to expose the person and make him ridiculous, so the proper punishment would be to make the person who injured the other as ridiculous as he had made him, by exposing to shame in the pillory, and by imprisonment or fine, arbitrarily adapted to the circumstances of the affront."<sup>39</sup> Smith is here insisting on a point that Hutcheson had made: it is up to the government to make sure that the law provides a sufficient remedy for the harms for which

gentlemen seek satisfaction. If the "civil governors" have not done this, Hutcheson says, the "larger share of the guilt" of the duel lies with them. Smith, like Hume, does not put much effort into arguing that the duel is bad in itself. That is left, as I say, to an introductory philosophy textbook.

William Godwin, the eighteenth-century philosophical analyst, in an appendix to his *Enquiry Concerning Political Justice* (1793) on dueling, focuses not on questioning whether it is irrational and wrong—this he, too, takes for granted—but rather on showing that it takes more courage to resist a challenge than to accept it. "Which of these two actions is the truest test of courage," he asks, "the engaging in a practice which our judgment disapproves, because we cannot submit to the consequences of following that judgment; or the doing what we believe to be right, and cheerfully encountering all the consequences that may be annexed to the practice of virtue?"<sup>40</sup> So here, in effect, he couched an argument against dueling in the language of honor. Even Dr. Johnson, who could hardly be said to be an enthusiast for the Enlightenment, conceded to James Boswell, in one of the discussions of dueling they had in the Hebrides, that "he fairly owned that he could not explain" the "rationality" of the duel.<sup>41</sup> When Voltaire remarked—in an aside in the *Philosophical Dictionary*—that dueling is "forbidden by reason, by religion, and by all the laws," he was reporting an intellectual consensus.<sup>42</sup>

But we misunderstand this consensus if we fail to see how much these gentlemen also felt the lure of honor. In his *History of England*, Hume says that dueling has "shed much of the best blood in Christendom during more than two centuries," but he finds

himself conceding that the “absurd” maxims underlying the duel are nevertheless “generous” (i.e., noble); and he points out that, “notwithstanding the severity of law and authority of reason, such is the prevailing force of custom, they are far from being entirely exploded.”<sup>43</sup> Smith believes that the duel is a response to a genuine affront. Hutcheson is not denying that there are important stakes in the duel; he is only insisting that the duel is not a reasonable way of pursuing them.

There is little evidence that their arguments made much headway among gentlemen. James Boswell—not only Johnson’s biographer but also a Scottish gentleman of rank (he was ninth laird of Auchinleck)—contemplated accepting a number of challenges, even though he had forced Johnson to admit they were irrational; and his son, Sir Alexander Boswell, was one of the last victims of the duel in Scotland, dying in March 1822 after a duel at Auchtertool in Fife.

But Boswell père captured the conflict between Christian duty and the laws of honor as clearly as anyone in one of the many fascinating footnotes to his *Life of Johnson*:

It must be confessed, that, from the prevalent notions of honor, a gentleman who receives a challenge is reduced to a dreadful alternative. A remarkable instance of this is furnished by a clause in the will of the late Colonel Thomas, of the Guards, written the night before he fell in a duel, September 3, 1783: “In the first place, I commit my soul to Almighty God, in hopes of his mercy and pardon for the irreligious step I now (in compliance with the unwarrantable customs of this wicked world) put myself under the necessity of taking.”<sup>44</sup>

If cogent rational and moral argument failed in their efforts to weaken the institution, what succeeded? The aftermath of the Wellington-Winchilsea affair is suggestive.

## THE AFTERMATH

Once Winchilsea fired his gun into the air and so satisfied his somewhat eccentric sense of the proprieties, his written expression of contrition, which had been drafted before the duel began, was presented to Wellington through the seconds. Wellington’s response was: “This won’t do. This is no apology.” Hardinge insisted that they would have to continue firing unless the document was amended to make it clear that Winchilsea was apologizing. It was at this point that Dr. Hume made the splendidly useful suggestion that the actual word “apology” be inserted. Winchilsea and Falmouth complied. Dr. Hume witnessed the revised document. It included a promise, on Winchilsea’s part, to print the text of the apology in the *Standard*, in the very pages where he had published the accusation that had led to Wellington’s challenge.

Not surprisingly, these events were soon the talk of London. Many people professed themselves shocked that the prime minister had taken part in a duel. *The Times* declared that the duel had been quite unnecessary. The *Morning Herald* observed sententiously: “No wonder the multitude break laws when the law makers themselves, the great, the powerful and the famous, set them at open defiance.”<sup>45</sup> But others wondered at the great man’s participation not so much because it was illegal as because it made him look, well, ridiculous. An anonymous cartoonist published an image of the five men, with Winchilsea dancing on an anti-

Catholic petition as the duke shoots off the tail of his coat. Under Wellington runs the verse:

*The Duke when marshaled in the tented field,  
To no aspiring enemy would deign to yield;  
Shall he when dignified by royal favor  
Submit to insult by each—?—no never!*

Below Winchilsea we read: "The fundamental doctrines of Christianity subverted."<sup>46</sup> In the background, Falmouth proffers a paper to Hardinge, on which is written the single word: "Apology." The overall effect is, indeed, comical.

Newspaper comments and cartoons like these were of crucial significance in the changing response to the duel. The rise of a popular press and of working-class literacy made it increasingly clear—and, as democratic sentiment grew, increasingly unacceptable—that gentlemen were living outside the law. When dueling was an aristocratic practice known mostly only within the class of those who practiced it, there was no place for the attitudes of ordinary people to shape its honor world. The modern press brought all the citizens of Britain into a single community of knowledge and evaluation.<sup>47</sup>

Despite this gentle mockery, Wellington clearly got the better of the affair. Hardinge had expressed grim indignation on Battersea Fields at Winchilsea's refusal to apologize when he was so clearly in the wrong. That was the essence of a protest he read once the principals were in their positions. In exchanges with Falmouth both before and after the duel, Hardinge stressed each time the impropriety, in his view, of having imposed on the duke the neces-



"King's Colledge [*sic*] to wit—a practical essay." Anon. (perhaps Thomas Howell Jones). Published by S. W. Fores, 41 Piccadilly, 1829. British Cartoon Archive, University of Kent, [www.cartoons.ac.uk](http://www.cartoons.ac.uk). (The attribution to Jones comes from the Web site of King's College London: <http://www.kcl.ac.uk/depsta/iss/archives/wellington/duel17.htm>.)

sity of an exchange of fire. Lord Falmouth's frantic attempts to get Hardinge and Wellington and even Dr. Hume to acknowledge his reasons for agreeing to act as Winchilsea's second reflected his awareness that they thought his participation unworthy.

Hardinge's speech before the duel is a splendid exercise in condescension. After insisting to Winchilsea and Falmouth that they alone were responsible for the fact that the dispute had reached this extreme outcome, he told them that they alone would have to bear responsibility for the consequences. And he ended by saying, "if I do not now express my opinion to your lordships in the same terms of disgust I have done in the progress of the affair, it

is because I wish to imitate the moderation of the Duke of Wellington." (Of course, saying you are refraining from calling someone's behavior disgusting is just a roundabout way of expressing your disgust. Dr. Hume recorded that he heard Winchilsea mutter something in response about "rather strong language.") When Falmouth tried, once more, to justify Winchilsea's persistence in the duel, Hardinge cut him off even more contemptuously: "Indeed, my Lord Falmouth," he said, "I do not envy you your feelings." You can almost hear him restraining a sneer.

In Dr. Hume's narration, Falmouth's increasing agitation contrasts with Hardinge's solid correctness. By the end, Falmouth—the doctor is not quite sure—may have tears in his eyes. Hardinge's position is straightforward: as a man of honor, the duke believed he had no choice but to issue his challenge, but it was a contemptible thing to have forced this upon him.

The latter sentiment—indignation at Winchilsea's refusal to obviate the duel with an apology—was widely shared. Charles Greville's summary of the response (at least in his elevated circles) is straightforward: "Nothing could equal the astonishment caused by this event. Everybody, of course, sees the event in a different light; all blame Lord Winchilsea, but they are divided as to whether the Duke ought to have fought or not." Perhaps Greville's most striking contribution was his description of Winchilsea as a "maniac."<sup>48</sup>

Yet something had changed. A generation earlier, there could have been no doubt that Wellington was doing what he had to. Few passages of the prose written at the time can have more clearly displayed the tension between the culture of honor and the new world that was emerging than Charles Greville's frank personal

evaluation—written, I should point out, for publication only after his death—of Wellington's decision to issue his challenge to Winchilsea.

I think the Duke ought not to have challenged him; it was very juvenile, and he stands in too high a position, and his life is so much *publica cura* that he should have treated him and his letter with the contempt they merited; it was a great error in judgment, but certainly a venial one, for it is impossible not to admire the high spirit which disdained to shelter itself behind the immunities of his great character and station, and the simplicity, and almost humility, which made him at once descend to the level of Lord Winchilsea, when he might, without subjecting himself to any imputation derogatory to his honor, have assumed a tone of lofty superiority and treated him as unworthy of notice. Still, it was beneath his dignity; it lowered him, and was more or less ridiculous.<sup>49</sup>

Is Greville committed to the ideology of the duel? The duke was ignoring the obvious risk to the public interest in hazarding his own life. The challenge, Greville says, was "juvenile," "ridiculous," yet the error in making it, he insists, was "venial." In the world of honor, though, making yourself ridiculous, acting beneath your dignity, is a mortal sin. Where Greville's defection from the old culture of the duel shows most is in his ignoring the principle that, on the field, all gentlemen are equal. Rule XXXVIII of the Royal Code, which William Hamilton proposed in the *Duelling Handbook* mentioned earlier, is clear: "The parties . . . have, by the very act of meeting, made an acknowledgment of equality. . . ."

And, though this Code was a novelty, another early nineteenth-century attempt to temper the extremes of the duel, this element of it was thoroughly traditional. If there were social ranks even among gentlemen—every member of the House of Lords had a place in an order of precedence—there was also, as I have insisted, an important sense in which they belonged to a single stratum: that is presumably why peers are called peers. In the world of honor, the equality of gentlemen, displayed in the duel, declared their shared superiority to the common people. Deny this and the whole scheme begins to fall apart.

Greville's doubts about whether Wellington should have asked Winchilsea for satisfaction reflected a certain tension in the codes of gentlemanly behavior. On the one hand, there was a distinctly hierarchical insistence on the inferiority of the "lower orders"; on the other hand, there was an egalitarianism within the ranks of gentlemen. When Greville said that the earl wasn't on the duke's level—so that the duke was "lowering himself" by treating him as an equal—whatever he meant by "level," he was appealing to an inappropriate standard. And, indeed, in rejecting the ideal of a form of equality that connected the grandest duke to the merest country squire, he was rejecting this one progressive feature of the dying code. In the culture of the duel, any gentleman—and nobody could deny that Winchilsea was that—was worthy of notice. Greville judged Wellington's encounter juvenile by a standard other than the gentlemanly honor that had long sustained the practice.

King George, it should be said, showed no such ambivalence. He continued in a long European tradition of royal toleration of the nobility's propensity for flouting laws that were supposed to

reflect the sovereign's will. Wellington was at Windsor by midday to report at court on what had happened. Greville tells us that the king was "highly pleased with the Winchilsea affair."<sup>50</sup> According to the editor of the *Literary Gazette*, His Majesty supposed that, given Wellington's sensitivity, "being a soldier . . . the course pursued had been unavoidable."<sup>51</sup> Military gentlemen, the king knew, occupied a defining place in the world of honor. And, perhaps for this reason, the opinion of many ordinary men and women seems to have swung behind Wellington, too; as the Duchess of Wellington told her son, whereas before "the Mob were . . . abusing your father, now they are cheering him again."<sup>52</sup>

This was almost certainly just what her husband had planned. In the heady atmosphere of constitutional debate, as popular discontent seethed in England as well as in Ireland, Wellington's conversion to Catholic emancipation had worried many of his conservative fellow citizens. Many aspersions had been cast against him. In picking the eccentric earl and his preposterous allegation to stand for his detractors, Wellington had made a shrewd choice. Writing to the Duke of Buckingham a month after the duel, Wellington claimed—it is halfway between an admission and a boast—that when Winchilsea's "furious letter" was published, "I immediately perceived the advantage it gave me."

The duel, for Wellington, as for Winchilsea, was an attempt to shape public opinion, though the stakes for the duke were predictably grander. He was seeking, he said, to shift public sympathy toward himself in the face of innuendo and rumor from those who opposed his political decision. And, on his account, he had been entirely successful. Winchilsea had played into his hands. He had made a preposterous allegation, offensively declined to with-

draw it, and then forced the duke to stake his life. Through it all the prime minister sought to make it appear that he was doing, as usual, only what duty required. "The atmosphere of calumny in which I had been for some time living cleared away. . . . I am satisfied," he concluded, "that the public interests at the moment required that I should do what I did."<sup>53</sup>

Perhaps Wellington's own account, if we take it at face value, represents the most scandalous defection of all. What had seemed a reluctant defense of personal honor is recast, in this letter, in cold-blooded, instrumental terms—as a matter of political calculation, even manipulation. The purest embodiment of the honor code has, it would seem, been recruited for ordinary political ends.

### WHAT KILLED THE DUEL?

So how was it that the duel itself eventually fell into contempt? How did a set of norms weaken sufficiently that an aristocrat like Charles Cavendish Fulke Greville could see the duke's act as "juvenile"? We've seen some of the elements. The rise of the administrative state, with its concern for orderly legality. A popular press that turned an in-group institution into a spectacle for mirthful outsiders. The weakening grip of the gentlemanly creed of equality-within-superiority. But might these be symptoms of a larger shift?

One powerful suggestion—made in the work of V. G. Kiernan, the preeminent historian of the European duel—is that the class whose norm it was gradually lost its central place in British public life. The ruling aristocracy was being superseded in the early nineteenth century, as Marx famously argued, by a new class; men like Peel whose family fortunes had been made in what the aristocrats

disparaged as "trade." New state bureaucracies were developing, with new tools, such as statistics, run by a growing and increasingly professionalized class of officials.

Businessmen believe in being businesslike; and bureaucrats famously prefer things orderly, too. Many in these new classes favored parliamentary reform: they wanted to deny the landed gentry their traditional rights to allocate seats in the Commons, to stop vote buying, and to extend the franchise. The Catholic Relief Act was one of the many tactical sallies and retreats in that battle. While allowing Catholics into Parliament, the bill increased the property requirements for voting for county seats in Ireland fivefold, from forty shillings (which is what it had been in England for nearly four hundred years) to ten pounds, thus contributing to the pressures for electoral reform that were to culminate in the disturbances that led to the passage of the Great Reform Bill a mere three years later, in 1832.

The tension between honor and legality must have been especially strong for Wellington because he was not only a professional soldier but also a public administrator of long service, in a family of public administrators. His elder brother, the Marquess Wellesley, was one of the leading public servants of the age. He had been Governor-General of India, Ambassador to Spain during the Peninsula Wars, and foreign secretary. William, the second son of their father, the Earl of Mornington, had also been Secretary for Ireland, and he was later Master of the Mint under Lord Liverpool, joining his brothers as Lord Maryborough in the Lords in 1821, where their youngest brother Henry, who had been Ambassador to France, also arrived in 1828, as Lord Cowley.

The duke himself—aside from his extraordinary military



career—had been Ambassador to France, first Plenipotentiary at the Congress of Vienna, and a member of the Privy Council since 1807, as well, of course, as Chief Secretary for Ireland; and he had entered the Irish Parliament as an MP at the age of twenty-one. As aristocrats with military connections, the Wellesleys might have been favorable to the duel; as public servants, they had the same reasons that Bacon and Richelieu had to oppose it.

Francis Bacon anticipated the mechanism of the duel's demise, when the modern duel was just beginning, in his address to the court in *Charge Touching Duels*:

I should think (my Lords) that men of birth and quality will leave the practice, when it begins to . . . come so low as to barber-surgeons and butchers, and such base mechanical persons.<sup>54</sup>

A duel was an affair of honor. It depended on the existence of a powerful class whose members could establish their status by getting away with a practice contrary to law that others could not. It was a further sign of the diminishing status of that class when, in the first decades of the nineteenth century, duels began to take place more frequently between people who, if they were gentlemen at all, were so by virtue of their membership in the professions or their success in trade. Once "base mechanical" persons could contemplate engaging in it, the duel's capacity to bring distinction was exhausted.

Bacon's is the view in prospect, as the duel is rising toward its eighteenth-century apogee. For a retrospect, listen to Richard Cobden, the great Liberal parliamentarian, in a speech in Roch-

dale in 1859, recalling when dueling was a regular "mode of meeting a certain description of insult." Cobden tells the electors of Rochdale:

Well, I remember that some linendrapers' assistants took it into their heads to go down one Sunday morning . . . and they began fighting duels; and that as soon as the linendrapers' assistants took to dueling, it became very infamous in the eyes of the upper classes. . . . Now nothing would be so ridiculous as any nobleman or gentleman thinking of resenting an insult by going out and fighting a duel about it.<sup>55</sup>

Cobden's view was that Bacon's prediction had been confirmed, however belatedly: the adoption of dueling by "base men" had led to its relinquishment by the aristocracy. And his mocking tone reminds us that in an increasingly democratic age, the duel was an unloved symbol of aristocratic privilege. Oscar Wilde said famously that so long as war was regarded as wicked, it would always have its fascination. "When it is looked upon as vulgar," he went on, "it will cease to be popular." Much the same might be said of the duel; and we might add that it was the increasing vulgarity of the duel that finally made its wickedness perspicuous. As long as the institution was merely condemned, as mad or bad, it could flourish; only when it was contemned did it falter.

Three years after his duel, in the "Days of May"—May 7–15, 1832—Wellington was unable to form a government for William IV, the new king. The duke's resistance to electoral reform—or rather the resistance of many conservatives like him in the Lords—

had led England to the brink of revolution. As rioting spread across the realm, the old aristocrat had to witness the concessions of the Great Reform Act, which marked the earliest steps toward the end of the supremacy of the House of Lords and the beginning of the rise of a House of Commons, now more representative of a new commercial and professional middle class. As John Stuart Mill wrote in 1840, "the government of England is progressively changing from the government of a few, to the government, not indeed of the many, but of many;—from an aristocracy with a popular infusion, to the régime of the middle class."<sup>56</sup>

Many of the new men shared the Evangelical convictions of William Wilberforce, who had worked for decades not just on anti-slavery and public morals—including the campaign against dueling—but also on parliamentary reform. Wellington and many of his peers were persuaded not to oppose the bill by the king's threat—under the insistent pressure of Earl Grey and his cabinet—to create enough new peers to outvote them. And when the new Parliament met, His Grace is supposed to have observed that he "never saw so many shocking bad hats in his life." These peevishly snobbish words, like the duel with Winchilsea, reflect the gap between his sentiments and the spirit of the times. Writing in 1865, at the end of a long life, Byron's friend John Cam Hobhouse remarked of Wellington's decision, "It is difficult at this time of day, so many years since the change of opinion, and of usage, in regard to dueling, to give an impartial judgment on this transaction." But, he continued, as if reporting the practices of an alien culture, "Dueling, like bull-baiting, prize-fighting, cock-fighting, and other barbarous usages, had its rules, which could not be transgressed without some amount of censure. . . ."<sup>57</sup>

## THE LAST DUELS

The changes I have been discussing occurred in Great Britain. In different places—the United States, Russia, Germany, Spain—dueling came to an end in different ways, as you'd expect, given the variety of the social and political contexts in these different societies. Honor did not disappear with dueling, of course, in the British Isles or anywhere else. But after centuries of trying, the bureaucrats, whose complaints we heard in Bacon's *Charge*, have had their way. Perhaps nothing displays the changing meaning of the word "gentleman" more sharply than the fact that Cardinal Newman did not feel it preposterous to say in 1852: "It is almost a definition of a gentleman to say he is one who never inflicts pain."<sup>58</sup> If that is what a gentleman is, nothing could be more ungentlemanly than the duel.

By the middle of the nineteenth century, honor could no longer be protected by the duel in the British Isles. James Kelly, the author of a history of Irish dueling, identifies a Captain Smith who was shot and killed in 1833 in Fermoy "following an 'angry discussion' over the relative merits of various regiments"; and Lord Londonderry and the Lord Mayor of Dublin and their opponents each emerged unscathed from the field later in the 1830s.<sup>59</sup> After them, the records fizzle out.

The last gentleman to be prosecuted for dueling in Scotland took the field in August 1826; he was a reluctant duelist, a Kirkcaldy linen merchant (a tradesman, Wellington might have insisted), and the opponent who forced him to his challenge was his banker, an ex-military officer. The banker died; the businessman was acquitted.<sup>60</sup>

And perhaps the last time a gentleman shot another on the field of honor in England was in 1852, when George Smythe (Disraeli's friend and the model for Coningsby) and a Colonel Romilly, both of them members of Parliament for Canterbury, met over an election dispute in what is often said to be the last duel in England.<sup>61</sup> It was, Kiernan tells us, "an appropriately burlesque event, with the two men and their seconds having to share the station fly at Weybridge." There is, indeed, something comical in the image of two gentlemen and their seconds getting off the train to share a taxi to a field where they plan to shoot at each other. As one contemporary observed: "The incident was dealt with in a witty article in the *Times*, and so ridicule at last did more than morality to kill dueling. *Solventur risu tabulae*."<sup>62</sup> The case is dismissed with laughter.

My own favorite among the last duels in England occurred when Sir William Gregory, husband of Lady Gregory, the well-known Irish literary figure, took to the field at Osterley Park in 1851 against another member of the Turf Club, in a rather complicated dispute over the concealment of the ownership of a horse. Writing much later, Sir William prefaces his account by saying that he wants his son to understand why he came to do something "so foolish, so wrong, and so contrary to public opinion."<sup>63</sup> The description of the duel—which was delayed a few days to allow him to collect his winnings from a horse race—is bound to strike a contemporary reader as unintentionally hilarious. At one point, Gregory's second, Sir Robert Peel, a son of the recently deceased prime minister, wonders out loud whether death is the appropriate penalty for lying about a horse. A moment earlier he observes, "Of course, . . . if we escape hanging, we shall have to live abroad

for the rest of our lives," and, Gregory tells us, they "discussed our future residence." One hopes that Sir William's son Robert Gregory (whose death in the First World War was the occasion of Yeats's "An Irish Airman Foresees His Death") was indeed edified by this narrative.

When Guy Crouchback in Evelyn Waugh's Second World War novel *Officers and Gentlemen* is asked what he would do if someone challenged him to a duel, his laconic answer is: "Laugh."<sup>64</sup> So it was at the end of the process; but the laughter was already beginning when the great Duke of Wellington was mocked for challenging that "maniac," the Earl of Winchilsea and of Nottingham.