

Sharon Howard

## **Gentlemen and interpersonal violence in seventeenth-century Britain**

In this paper, I want to explore certain aspects of the use of interpersonal violence by men of gentry status (and the occasional minor aristocrat) in seventeenth-century England and Wales. In the course of this, I'll consider what might well be thought of as an 'icon' of early modern elite masculinity and of early modern violence: the duel of honour. Over the years, duelling has received a good deal of attention from historians as a form of elite violence. Indeed, historians writing on duelling in Britain and elsewhere have quite often tended to present both the duel itself and the concern with personal honour that gave rise to it as something specific to elite men, and to argue that it was treated with special lenience.<sup>1</sup>

But recent research on early modern manhood and violence points to a need to rethink some of the older perspectives on duelling.<sup>2</sup> For example, Garthine Walker and Alex Shepard have both studied masculine violence in the seventeenth century, with some attention to the difference that social status made. Robert Shoemaker has done important work on male honour, violence and 'the taming of the duel' in the eighteenth century, in particular discussing 'the taming of the duel' in a broader context of changing attitudes to both violence and manhood. Similarly, a broad range of research has established that concerns with honour and reputation went far beyond social elites.

And confrontational masculine violence was *in general* a form of violence that was highly likely to be semi-tolerated by the law and by society, independent of the social status of the offenders. In England and Wales, men who killed in the course of such violence were likely to be convicted of manslaughter or killing in self defence rather than murder, and thus to escape the death penalty; and if they did find themselves facing execution, they were very likely to receive a pardon.

It can be argued that duelling was just one particular aspect of a broader context of masculine interpersonal violence that was all about defending status, authority, reputation, maintaining 'face', and was itself linked to the extensive legitimate use of violence as discipline during the period. There *were* some distinctive elements in the construction of elite male honour and violent behaviour. In her study of sixteenth-century French pardon letters, Natalie Davis noted that the 'anger plots' that were

presented to mitigate a killing in petitions for clemency could vary with social status, producing distinctive ‘Peasant Tales’, ‘Gentleman’s Tales’ and even ‘Artisan’s Tales’.<sup>3</sup> Similar themes can be found in the court records I work with. But in some important ways, most elite male violence in the 17<sup>th</sup> century – its causes and forms taken – did not differ greatly from more plebeian varieties.

Recent research in cultural and literary history has addressed the divisions and controversies surrounding duelling rather than taking attitudes towards it for granted. Not all elite men approved of duels or believed that duelling was an appropriate way of defending one’s honour. Nor were its meanings and practice static. Duelling boasted more elaborate rituals than did the usual run of men’s brawls; it was more extensively written about, condemned and defended, dramatised and satirised. Less often addressed however, is the question of how practice related to what was written about duelling in polemics and royal proclamations, in a ‘code duello’, or in dramatic and literary representations, and then how duelling practice related to other forms of male violence.

Much literature on the duel of honour emphasises the later 18<sup>th</sup> and 19<sup>th</sup> centuries and the pistol duel. But duelling with swords was around for two centuries before pistols became the more usual weapon, and sword duels were rather different, much less disciplined and less clearly defined affairs.<sup>4</sup> Shoemaker draws attention to ways in which the eighteenth-century duel changed with the adoption of pistols: it became less likely to be fatal, and it was less about defeating an opponent by one’s heroic prowess than displaying a stoic, almost passive, courage. Generally, the form of the duel in the 18<sup>th</sup> century became more regulated, more disciplined, less spontaneous, less public. It also became, I’d argue, much easier to identify as a distinctive phenomenon, whereas in the 17<sup>th</sup> century duelling was more difficult to separate out from other kinds of violent behaviour.

In order to begin to explore these questions, I’m following Shoemaker, Walker and Shepard in making extensive use of legal records. I should stress that at the moment this is fairly exploratory and tentative. My main source material for this purpose is a database of the pre-trial witness depositions (or testimonies) in homicide cases in the court files of Denbighshire, Flintshire and Cheshire, covering the period from roughly 1595 to 1705; this is supplemented by similar records of non-lethal interpersonal violence as well as some quantitative analysis (fairly rough and ready at this stage) based on indictments and other records of prosecutions.

I want to note that the depositions database is not straightforwardly representative of homicide prosecutions in the three counties during the period of study. To begin with, most of the cases are from Denbighshire, and although in total it covers the period roughly from 1595 to 1705, it's somewhat weighted towards the post-Restoration period. That's in large part a legacy of my PhD research, which focused intensively on Denbighshire from 1660 to 1730, and also a consequence of the fact that the survival of Flintshire and Cheshire depositions is patchy and irregular compared to those of Denbighshire. Depositions survive for almost every homicide recorded in Denbighshire from the late 16<sup>th</sup> century onwards. In addition, similar materials survive for substantial numbers of cases of nonlethal violence. In terms of completeness and detail over a long period of time, few British archives can compare. But it does skew my analysis somewhat in geographical terms.

The witness depositions or examinations are detailed but *not* verbatim records of witnesses' accounts of events taken before a coroner's inquest or a justice of the peace, usually very soon after the events in question occurred as part of the process ultimately leading to court proceedings. Those witnesses were then, usually, bound to appear in court to give their evidence again (the depositions were not part of the formal legal record). Now, for most serious crimes in the period, such documents consist almost entirely of evidence for the prosecution, partly because that was all that was required of legal officers and partly because of the heavy emphasis on private initiative in policing and prosecution during the period. But in homicide cases the depositions are often rather more diverse and open-ended, particularly when the depositions derive from coroner's inquests – and most are also considerably more detailed than the depositions from other types of offence.

My homicide depositions database currently contains a total of 126 cases. The majority, more than 100, involved men as both defendants and victims.<sup>5</sup> In about 20 of these 'masculine' cases – this is a minimum because the social status of those involved isn't always clearly recorded – the protagonists included at least one man of gentry status or above. (To clarify, the men I am concerned with *are* mostly gentry, not aristocrats; there are no notorious courtiers or national politicians here. Indeed, some are extremely obscure local squires, and their precise status and wealth can be hard to determine. Others, though, were members of major families in the county communities and politics of north Wales and Cheshire and even beyond.)

At the moment I can't give you precise numbers, but my initial quantitative analysis of more formal

records of prosecution backs up what the numbers from the depositions database suggest: gentry males were substantially overrepresented in the records of lethal violence in the three counties. This is not exceptional: studies of 17<sup>th</sup>-century Yorkshire and 18<sup>th</sup>-century London both tell, to varying degrees, a similar story.<sup>6</sup>

The general characteristic that gentlemen's cases shared with the rest was that the majority resulted from angry confrontations between at least two men, in public spaces, following a perceived insult or challenge of some kind. There was little or no premeditation, and it was additionally far from being only a scenario of *lethal* violence. The affronts that could lead to violence may often seem trivial. There were fights caused by interfering with a man's drink, or his girl, disproportionately violent reactions to accidental and minor injuries. Alcohol had not infrequently been consumed. For example, Thomas ap Roger and John Thomas ap Robert were drinking and playing table games at a Flintshire alehouse in 1607 when Thomas's son William arrived and called John Thomas a 'cogging knave'. This insult led in short order to William drawing his sword and John pulling out a dagger for a short fight in which William killed John.<sup>7</sup> Both men were described in the record of the inquest as gentlemen, but there is little to distinguish the cause and progression of this confrontation from dozens of others in the database that didn't involve men of gentry status.

Many cases turned on slanderous insults with the power to damage reputation and social standing: accusations of dishonesty or underhand behaviour, suggestions of cowardice or lack of manliness, disparagement of a man's status, economic worth or his work. ('Knave' was a more serious insult than we might think today.) Men of non-gentry status, especially craftsmen whose livelihoods might depend on their reputation for honesty and workmanship, were just as sensitive to such slights as were gentlemen.

Some cases can appear quite bizarre to a modern reader: for example, pulling off a man's hat was a highly provocative act that was very likely to enrage him, judging by the numbers of cases in which this seemingly trivial act led to serious violence. Yet it points to a crucial issue: the relationship between violence and authority. A man's hat was a matter of considerable sensitivity because hats were status symbols; doffing one's hat was a sign of deference to a social superior; so, conversely, snatching a man's hat from his head was a highly demeaning act. And many of the cases centred on perceived challenges to status and to personal authority; they represented efforts to discipline the

offender in order to regain face. This didn't apply only to cases involving gentlemen, but they were unsurprisingly particularly sensitive about it, whether they were dealing with men of their own or of subordinate status.

Another recurring source of conflict concerned issues of precedence and shared space: what we might be tempted to call road rage, after a man obstructed another's passage on narrow pavements or highways, accounted for a number of cases. Indeed, this scenario seems to have been quite a notorious cause of fatal quarrels, since it was used in key law texts' discussions of mitigating factors in homicide cases.<sup>8</sup>

This may help, for example, to explain the intemperate behaviour of Robert Lord Cholmondley<sup>9</sup> and his gentry companions in August 1673 when their coach was obstructed by the cart of James Woodall and John Blore in a highway near Bunbury in Cheshire: an ensuing confrontation left Blore seriously wounded and Woodall dying of a sword thrust in the belly from Chomley himself. Not unusually, there were two sides to the story of what ensued. Chomley and his associates claimed provocation: Blore, the driver, refused to pull the cart over at a convenient passing place, saying that 'hee would not stopp his carte for any coach in England', and then the carters had assaulted four of Chomley's servants in turn. Blore, however, told the coroner's inquest that he had agreed to pull over as soon as he could but the servants had got impatient and struck at his horses and then himself with their whips, at which he had simply defended himself. What was not seriously disputed was that at this point, Chomley and his two companions piled out of the coach, drew their swords and attacked both carters, who were armed with no more than whips or sticks.<sup>10</sup>

In the seventeenth century, men of all classes habitually carried weapons, or items that could easily be used as weapons: knives, sticks and staves. (If nothing else came to hand, they might snatch up pieces of furniture, fencing, branches from trees, working equipment, or simply rely on fists and feet.) The court files indicate that sword carrying was not entirely confined to gentlemen and noblemen, but the association is nonetheless a very strong one. In the database, 16 of the 20 gentlemen's cases involved the use of at least one sword; of the other 80 or so male cases, only 15 did so.<sup>11</sup> (And of those, some of the sword users were soldiers.)

It should be stressed, though, that gentlemen's swordfights in seventeenth-century records rarely live

up to the ideals of any idealised duelling codes. A group of gentlemen assembled at Chester in August 1661 to follow (on horseback) a foot race to Wrexham: they included Roger Grosvenor, heir to Sir Richard Grosvenor of Eaton Hall, John Pulford of Wrexham and Hugh Roberts of Hafod-y-bwch, near Wrexham. The two runners were Laurence, Grosvenor's footman, and Astyn, John Pulford's servant. Some time during the race, an argument began when Grosvenor accused Hugh Roberts of riding in front of Laurence and stirring up dust. Grosvenor dismounted and drew his sword and attacked Roberts, who followed suit, and during a brief sword fight, Roberts mortally wounded Grosvenor in the belly.<sup>12</sup>

Here we have again a confrontation over hindered passage on a highway, though in an unusual form, a quite specific context of gentlemen's competitive leisure. This fight was certainly over a perceived affront and involved two gentlemen with swords; in just about every other respect the version of events we have falls far short of what we'd expect of a duel of honour. To be sure, contemporaries recognised the 'spontaneous' duel, in which a verbal challenge and fight followed immediately after the initial affront, rather than awaiting a written challenge. But in this case not even a verbal challenge was reported; indeed, Grosvenor barely gave his opponent time to dismount and draw his sword to defend himself. It seems deeply unsatisfactory. In fact, on first encountering it in the court files, I didn't think of it as a duel at all.

And yet, the records of both the Grosvenors and Roger's wife's family, the Myddletons of Chirk Castle in Denbighshire, reveal a very longstanding belief among his relatives and descendants that Roger Grosvenor did indeed die in a duel. Today, you can find a mention of it at the Eaton Hall website and in the DNB online biography of Roger's son.<sup>13</sup> Not that memories of it have always been entirely wedded to fact, mind you: at the end of the 18th century, a local antiquarian referred to it as 'a duel on horseback with pistols'.<sup>14</sup>

In the seventeenth century, both the Grosvenor and Myddleton families were respectable, solid and inclined to piety. Roger's grandfather, Sir Richard Grosvenor, was a well-known 'godly' magistrate of the early 17th century; Sir Thomas Myddleton, Roger's father-in-law, was a moderate parliamentarian in north Wales during the Civil Wars. Neither family could have been entirely happy at the idea of Roger getting himself killed in a duel, but it may well have been preferable to admitting either to themselves or others that he had been killed in a rather ugly and not noticeably

honourable fight on a public highway. After all, duelling *did* possess higher social and cultural status than the brawls of commoners, and if the case is a reminder that in practice most elite men's violence in the seventeenth century was not very different from that of commoners, it equally suggests that they already needed to *think* of it as something different.

A notable feature of elite male violence throughout the 17<sup>th</sup> century is its connection with politics and the political rivalries between leading county families. At the same time, there are some signs that the nature of this kind of violence was changing, and becoming less dangerous and disruptive. The 1590s and early years of the 17<sup>th</sup> century marked a period of considerable political tension in Denbighshire, marked by election riots, accusations of political and criminal corruption against leading magistrates, involvement in major political plots and risings. Personal feuds mixed with these political factions to spark off some serious breaches of public order. In the spring of 1600, a series of quarrels between various 'friends and servants' of Sir John Lloyd of Bodidris (including Myddletons and members and associates of one branch of the Salusbury family) and a group of gentlemen and followers headed by Thomas Thelwell and John Price and his supporters culminated in a lethal fight involving about 20 people armed with swords in the churchyard in Ruthin town.<sup>15</sup>

We might compare that Ruthin melee with a quarrel between two Denbighshire gentlemen in 1690. Again, this was a period of considerable political friction in the area; there were, to put it mildly, mixed feelings about the Glorious Revolution and disaffection would repeatedly flare well into the eighteenth century. John Moris complained to a magistrate about the events following his refusal to vote with John Doulben at an election; Doulben threw a glass of drink in his face and 'said he would tread on his heels'. Not long afterwards, John Moris was riding from Ruthin towards Denbigh when he overtook a group of gentlemen that included Doulben. Doulben rode after him and called him a 'rogue & rascall', accused him of blocking Doulben's way (there it is again!) and then struck and wounded Moris on the head with a large cane. Then, when Moris tried to defend himself, Doulben threatened him with a pistol. But no one died, no swords were drawn – and no one else, as far as we can tell, joined in.<sup>16</sup> By the end of the seventeenth century it would have been unthinkable to have servants in livery lining up behind the two disputants as had been the case in 1600, and hard, too, to imagine the likes of the gentleman who had fervently declared 'that he would loose his bludd before' [his kinsman] 'shuld susteigne wrong at eny wans hand'.

I don't want to push too far the significance of the contrasts between these two particular cases. At the beginning of the seventeenth century, a pitched bloody battle among gentlemen and their followers was hardly an everyday event; conversely, in the 1690s, gentlemen were not yet done with killing each other with swords, let alone with behaving badly. But the contrast does seem to me to point to a significant change, taking place over the course of the seventeenth century into the first half of the eighteenth century. By the end of the seventeenth century, gentlemen's violence was becoming more individualistic, more contained, and less politically dangerous and socially disruptive. A growing emphasis on reason and politeness, civility and self-discipline, was coming to challenge older virtues of 'heroic' prowess and physical mastery.<sup>17</sup> The gentleman was a long way from being tamed, and my research is a long way from definitive answers. But I do want to suggest that in Britain the long seventeenth century was a key period in the process of 'civilising' this small but socially and politically crucial class of men, and that we still have much to learn about how that process was experienced and its wider implications.



<sup>1</sup> Eg for Ute Frevert: duelling is “a phenomenon that sheds light on how Central European societies dealt with male violence and how and why they accepted it as long as it was practiced by the social elites according to certain rules”, in Spierenburg, ed, *Men of Violence*. Other examples: VG Kiernan, *The duel in European history: honour and the reign of the aristocracy* (1988). (I haven't yet read Frevert's book on duelling.) Spierenburg's own chapter in *Men and violence*, on knife fighting in early modern Amsterdam, is interesting but a bit peculiar; it presents the idea of 'popular duels', but only considers knife fights. This looks to me to be a slightly simplistic demarcation based purely on the weapon being used (i.e., knife = plebeian version of sword ?), because I can't see anything particularly distinctive about the contexts or dynamics of the fights themselves. Hmm.

<sup>2</sup> eg Alexandra Shepard and Garthine Walker and earlier 1990s Susan Amussen articles on violence. Even 1998 (the date of the *Men and Violence* book noted) is a long time ago in the historiography of early modern masculinity...

<sup>3</sup> Davis, *Fiction in the archives*, 38.

<sup>4</sup> Interesting reading, related to this point: Jeremy Horder, 'The duel and the English law of homicide', *Oxford Journal of Legal Studies*, 12 (1992).

<sup>5</sup> men were the sole or principal defendants in 104 cases. There were a few mixed cases, mostly husbands and wives.

<sup>6</sup> Shoemaker, 'Male honour and public violence' 15% of male defendants in his sample were gentry/nobility, 197. flints indictments – 5 cases, 1 = gent; cheshire – about 50 male defendants, 4 = gent and 3 = esq; Barbour-Mercer thesis; In Denbighshire between 1660 and 1730 people of gentry or higher status constituted about 16 per cent of defendants in all indictments for interpersonal violence (we lack the demographic research that would pinpoint exactly what proportion of the county's population belonged to this group, but it's safe to say it was nowhere near 16 per cent). (but Wales GS database 1730-1800: murder 573 people, gent 14, esq 1, so much lower, probably not far off proportion in population)

<sup>7</sup> GS 4/974/7.1-8, 18-?, 35-6.

<sup>8</sup> 'If A be passing the street and B meeting him (there being convenient distance between A and the wall) takes the wall of A and thereupon A kills him, this is murder; but if B had justled A this justling had been a provocation, and would have made it manslaughter...' Hale, *HPC I*, 455-6.

<sup>9</sup> 'Robert Cholmondeley of Cholmondeley... esqr otherwise Robert Lord Cholmondeley viscount Kelly in the kingdome of Ireland'

<sup>10</sup> TNA CHES 38/41 (part 2) (The class war aspect of the case was carried over into the legal process: the coroner's jury brought in a verdict of murder, the grand jury agreed with them, but the three gents had already secured pardons and the great sessions judge intervened to prevent a trial so they would not be thrown on the mercy of what Chomley called 'malicious... rustics'.)

<sup>11</sup> Idealist homicide cases: 126 total, 31 incl sword; 16/20 gentbb + sword\*; 15 sword\* not gentbb)

<sup>12</sup> NLW GS 4/25/2.21-2.

<sup>13</sup> Online, you'll find it mentioned at the Eaton Hall website, in the ODNB biography of Roger's son (if you have a subscription) and passing references at genealogy sites. It's referred to in the *Calendar of the Wynn of Gwydir Papers* and (I think) in one or two similar publications.

<sup>14</sup> W. M. Myddelton, *Chirk Castle accounts, 1605-1666* (1908), 33n; NLW CC E35 (letter of Philip Yorke, 11 November 1799), writing 'from memory' (though he refers to a written memoir) that Grosvenor was killed 'in a duel on horseback with pistols on Belgrave heath'!

<sup>15</sup> 4/12/1

<sup>16</sup> NLW GS 4/34/3.31.

<sup>17</sup> A. Fletcher, *Gender, sex and subordination in England 1500-1800* (New Haven, 1995), 129-31.