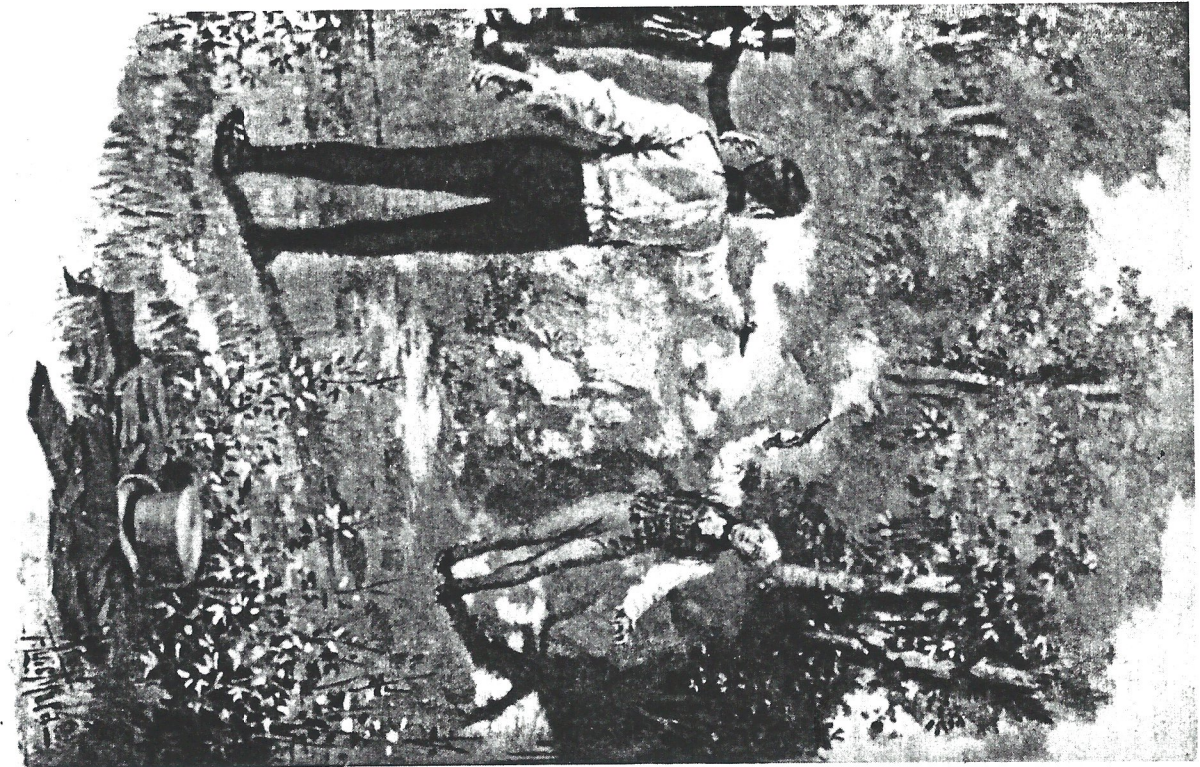


## The Social Origins of Dueling in Virginia

Bruce C. Baird



The late nineteenth century romanticized dueling. The reality was a slightly different, and usually less deadly, matter. Woodrow Wilson, *A History of the American People* (New York: Harper & Brothers, 1901), 3: 179.

The image of the duel—two men, accompanied by their seconds, taking to the field of honor to settle some question of personal integrity—resonates throughout the history of the early American republic. A roll call of some of the more celebrated duels would include many of the new nation's political elite—Andrew Jackson, Alexander Hamilton, John Randolph, Aaron Burr, Henry Clay, William Crawford—along with a whole host of lesser-known congressmen, senators, governors, and other government officials. Political differences sent Federalists, Republicans, Democrats, and Whigs willy-nilly to the field of honor. Indeed, the Civil War is often pictured as one grand duel between North and South.

But for all the importance of the code of honor to the early republic, historians have failed to explain adequately the origins of this passion for dueling. In colonial Virginia dueling was effectively suppressed by an upper-class consensus that condemned all forms of “honor violence” (violence employed in defense of one’s honor). Between the late 1760s and the late 1790s, however, a shift occurred. During the decade preceding the Revolution, as aristocratic rivalries and democratic challenges eroded the unity and control of the upper classes, dueling became more acceptable. By 1800, republican rhetoric and romantic ideals of chivalric honor provided a rationale for the upsurge in dueling, but the foundations for this phenomenon were laid in the social changes of the pre-Revolutionary era.

The outlines of this development were anticipated in 1767 in a duel that was not actually fought but nonetheless provoked a substantial public controversy, indeed the first and only major public debate in Virginia on the pros and cons of dueling and honor before the celebrated Hamilton-Burr duel of 1804.<sup>1</sup> The participants in the affair were members of two of Virginia’s most prominent families: the Mercers and the Lees. When seen in its full historical context, the Lee-Mercer affair provides an excellent window into the social complexities that underlay the changing notions about dueling in Virginia in the late 1760s. We see democratic forces at play in the pressure on members of the upper class to prove through displays of toughness that they—and not their political enemies—were



men of the people. At the same time some of the Virginia elite appealed to an admittedly aristocratic code of honor in the face of ubiquitous public condemnation of anything that smacked of aristocracy. The intertwining of these democratic and aristocratic influences throughout the late eighteenth century would eventually work a revolution in public opinion, promoting a widespread acceptance of dueling among the elite in the early republic as a means of simultaneously avoiding charges of cowardice from below and setting oneself off from the masses.

#### *The Lee-Mercer Affair*

Well before sunrise on the morning of April 28, 1767, Dr. Arthur Lee and his second, Corbin Griffin, set out on foot from Lee's house in Williamsburg. They had two sets of dueling pistols, one for themselves and the other for James Mercer, a Williamsburg attorney. They were headed across a field toward a green level spot in a valley on the left side of the road to Yorktown across from the race ground. They were on the spot when they heard the town clock strike five, the time they had informed Mercer they would be there to settle accounts.<sup>2</sup>

The affair was all part of an ongoing war between the Mercer and Lee clans being carried out on the pages of the *Virginia Gazette*, in "the publick coffee room," and on the streets of Williamsburg. The sons of Thomas Lee (Richard Henry, Francis Lightfoot, William, and Arthur) had long resented how the Mercers had taken control of the Ohio Company, a speculative land company, after their father's death in 1750. When he learned in 1765 that George Mercer, then residing in England, had been given the stamp distributorship, Richard Henry Lee took on the role of patriot leader inciting the mobs that first burnt Mercer in effigy and then, after Mercer's arrival from England, drove him to resign as stamp distributor and immediately take passage back to England, never to return again to Virginia. The next year the Mercers got their revenge when John and James Mercer, father and brother of the would-be stamp distributor, reported in the *Virginia Gazette* that Richard Henry Lee had himself applied for the stamp distributorship, to which Lee could only admit that he had at first not realized the serious moral and constitutional principles involved in the Stamp Act. Arthur Lee, a brash young man just returned from England after fifteen years of schooling at Eton and Edinburgh, took up the pen in defense of his brother, causing John and James Mercer to reply in kind. In a series of slanderous diatribes in the pages of the *Virginia Gazette*, the two clans viciously attacked each other throughout the summer and fall of 1766. Over the winter of 1766-1767 the quarrel seems to have hibernated only to erupt in late April 1767, when Arthur Lee felt himself obliged to send Griffin to call James Mercer to an account because, as Lee claimed, Mercer "had used him ill."

As the clock struck five, Mercer's manservant entered his room to wake him as instructed the night before. Mercer got up and dressed quickly. Although

Griffin the day before had promised to bring an extra set of dueling pistols, Mercer grabbed his pair of pocket pistols. Pocket pistols would not be as accurate as a pair of dueling pistols, but at least they would be better than nothing if Griffin had forgotten his promise. After rousing his landlord to witness some deeds that he had drafted the previous night—in order to secure his estate from a forfeiture in the event he killed Lee—Mercer was out the door by twenty minutes past five, just as the sun was beginning to rise. He walked briskly through town toward the race ground, stick in hand, and arrived at the agreed-upon spot about five-thirty.

Anyway, that is the way that Griffin and Mercer independently recalled the events of that early morning later that spring and summer in accounts in the *Virginia Gazette*. But while we would have no trouble reconciling the two accounts in their description of events before 5:30, reconciling them on what took place between 5:30 and 6:00 is indeed difficult. If we are to believe both sets of accounts, both parties were at the green from 5:30 to 6:00, but neither saw the other.

Griffin reported that he and Lee "walked up and down the fence which leads almost directly from [Mr.] Mercer's lodgings to the place appointed, and upon the plain that commands the road leading directly from the town until near 6 o'clock; when, not having seen or heard any thing of [Mr.] Mercer, we returned to Doctor Lee's lodgings slowly, stopping and looking round us several times, to no purpose." Mercer called out three times but heard no answer, sat down for three or four minutes on a dead stump at a spot where he would be sure to see them, walked through the field leading to Dr. Lee's house, asked two people hanging around the race ground whether they had seen a couple of gentlemen walking in the field that morning—to which they replied in the negative—and then walked back to his lodgings.

As they were walking back, Lee reportedly told Griffin "that a person who could act in such a manner he should not think worthy his notice for the future." But upon hearing that Mercer was telling everyone that Lee had failed to meet him, Lee sent Griffin to explain the affair by his testimony in the public coffeehouse. When Mercer persisted in his stories, Lee went to the coffeehouse himself, intent on giving Mercer a caning. Instead, Mercer thrashed Lee. A pseudonymous "Essay on Pride" published in the *Virginia Gazette* later described the scene:

Canes and pistols are removed, by the resistless command of the surrounding crowd, to fifty-cuffs go the exalted duellists. O sad, said the Doctor [Arthur Lee], instead of being handsomely run or fired through the body, which would have given him infinite satisfaction, is bled at the nose, and has his eyes closed, as if he had been no better than a clown or a peasant. The poor, abused, unfortunate Doctor, lifts his discomposed, tumefied, bloody, and sightless head; and, notwithstanding the inconvenience of such a situation for a display of oratory, makes a very fine harangue on the most grossly and shamefully violated laws of honour; for which, as a mischief to society, with a truly disinterested spirit, he expresses more concern than for any



injury done to his own person. The Coffee-House world manifest their esteem by laughing.<sup>3</sup>

Biographers of Arthur Lee, the only historians who have taken a close look at the Lee-Mercer affair, have assumed that no one was really lying about the events of the early morning hours of April 28, 1767, that the participants were simply a little off in their times, Lee and Griffin slightly earlier and Mercer slightly later than they asserted. Yet by all modern standards of evidence, one has to believe that James Mercer was telling the truth and Arthur Lee and Corbin Griffin were lying. While Lee and Griffin rested their case on their word as gentlemen, Mercer set about amassing and then having published an impressive collection of sworn affidavits from every individual who knew something of the events, as well as his own highly detailed, five-page sworn deposition vouching for everything he had said earlier in the public coffee room. Several independent witnesses who had been up and about in those early hours had seen Mercer; not one had seen Lee or Griffin, even the two who had been told by Mercer's landlord at about five-thirty to watch the comings and goings from the doctor's house.

This rather farcical affair offers more than just another unsolved historical puzzle, for it provides an excellent window into the complex tensions in the attitudes of white Virginians toward honor, violence, and dueling in the eighteenth century. When compared to the later antebellum era, the late 1760s seem remarkably free from honor violence. Yet by the standards of the earlier colonial era, the late 1760s saw a veritable rash of challenges and, even more remarkably, acceptances of challenges—at least three—by members of the elite, at least one of which culminated in an actual duel. Before the late 1760s no member of the Virginia elite had ever accepted a challenge let alone fought in a duel in Virginia since the spring of 1624 when George Harrison, planter, challenged and fought Richard Stephens, merchant somewhere near James City.<sup>4</sup> What was happening in the late 1760s to cause such a change? Before we can begin to address this question, we need to understand better the historical context out of which the Lee-Mercer affair and these other affairs of honor emerged.

### *The Seventeenth-Century Background*

When Englishmen settled in Virginia in the seventeenth century, they brought with them from England two competing ideals of honor, one that encouraged honor violence and one that thoroughly condemned such violence as a threat to the social order. Although forever anxious about their reputations, Virginians' concern for the social order won the day. Furthermore, the elite of colonial Virginia were quite successful in checking not only dueling among themselves but all forms of honor violence.

If a chivalric warrior ethic proved the dominant notion of honor among the English nobility in the medieval era, the sense of what honor meant underwent

a sea change in the sixteenth century as honor was "increasingly required to adapt itself to the demands of religion, and to those of the state." The reign of the Tudors marked the rise of a state-centered honor system under which the realm and the community of honor became identical with the crown, "the fount of honour."<sup>5</sup>

This transformation was aided greatly by Sir Thomas Elyot's classic *The Boke named the Governour*, which restated "the honour code in terms of the popularized humanism of the age." Elyot's Stoic-Christian ethic of gentility fundamentally challenged the chivalric warrior ethic. The Renaissance ideal of the gentleman governor was by definition a defender and servant of the common good within "a remodelled and unified community of honour" under the crown. Elyot's ideas were echoed by a legion of later writers in the sixteenth, seventeenth, and eighteenth centuries.<sup>6</sup>

Nevertheless, the chivalric warrior ethic did not entirely disappear in England. Indeed, the sixteenth century saw the introduction of the private duel. Some gentlemen found ways of defending dueling and honor violence as basic to the common good; some accepted the inevitability of the practice as a "genteel vice." Still others forsook rationalizations and simply proclaimed themselves subject to a higher law above the common good when matters of honor were at stake.<sup>7</sup> Furthermore, advocates and critics alike noted the power of public opinion to force even men opposed to dueling to engage in duels. Writers in England from Shakespeare to Locke to Mandeville to Boswell lamented the practice but also believed that men were not free to ignore a challenge or redress personal affronts in courts out of fear of being labeled a coward. Yet the dominance of gentility in seventeenth- and eighteenth-century England checked the prevalence of dueling despite its popularity among certain aristocratic and military circles. The defenders of a state-centered honor system condemned honor violence as leading to public disorder and anarchy, as totally contrary to the common good.<sup>8</sup>

Englishmen carried this same tension between "honor-as-virtue" and "honor-as-valor" to seventeenth-century Virginia. However, far more than in the mother country, valor took a back seat to virtue in Virginia. Seventeenth-century Virginia and Maryland—far from being the violent and chaotic frontier so often depicted in history textbooks—were "intensely governed societies" remarkable for "the primacy of law" and their social and political stability. Elyot's image of the gentleman governor was, if anything, a more dominant normative expression in seventeenth-century Virginia than in the mother country. Quite consistently, these Virginians universally condemned and effectively suppressed the practice of dueling.<sup>9</sup>

Colonial Virginians had their genteel vices—sexual misconduct, drunkenness, gambling, and certainly the smoking of tobacco—all behaviors traditionally associated with dueling in Europe. But the colonial Virginia elite drew the line at the vice of dueling. After the Harrison-Stephens affair of 1624, the few challenges sent always ended in the challenger's being dragged into court for disturbing the peace or contempt of authority. Occasionally, one notes an individual who,



because of some combination of personality, education, and experience, had absorbed aristocratic notions of honor and dueling, but the other colonists soon put the upstart in his place.<sup>10</sup>

As for more primitive forms of honor violence, there is only sketchy evidence and that restricted almost totally to the lower classes after the mid-eighteenth century. One cannot even say that the lower classes in Virginia were particularly violent. The number of trials of free persons for homicide in Virginia never amounted to more than two or three a year and for manslaughter to no more than one or two a year over the colonial era. What violence there was in colonial Virginia—that directed at Native Americans, felons, servants, and slaves—was strictly controlled by the elite in order to maintain the hierarchical order.<sup>11</sup>

Although they were opposed to honor violence, Virginians were very much concerned about their reputations. Modern scholars who have studied court records have been astonished at the proportion of time consumed by the early county courts in settling cases of slander and defamation, treated as both a civil and criminal offense, brought by individuals from all walks of life. Courts awarded damages, commanded offenders to pay a fine for the public use or to perform a public service, and imposed humiliating public penances on offenders, such as placing them in stocks, towing them over creeks, ducking, whipping, and ordering them to apologize in public. In an era when most members of the Virginia elite served in some public capacity, they were “all quick to take offense at any word or action which indicated the least lack of respect for their official dignity.”<sup>12</sup>

Early Virginians found “a means of channeling social friction through the courts . . . and potentially bloody contests over honor, rank, and status were for the most part avoided.” But honor violence did not raise its head even after the courts—overloaded by personal defamation suits—adopted procedural and substantive barriers against litigation in the late seventeenth century, a move that led to “a marked decrease in the number of private defamation actions, civil and criminal.” And at other times the colonial elite seemed quite content to ignore personal affronts. Politics in seventeenth- and early-eighteenth-century Virginia could be anything but genteel. In this rough-and-tumble politics, “public oaths and remarks such as ‘scurrilous,’ ‘Dogg,’ ‘bitch,’ ‘Fifth Monarchist,’ ‘notorious liar,’ ‘Beelzebub,’ ‘muthinous,’ ‘treasonous,’ ‘son of whore,’ which would be considered by later generations as libelous and justifications for a defense of honor, were hurled with relative abandon.” Yet colonial Virginians could agree that whether one chose to ignore or prosecute an insult, these were proper matters for the courts or one’s conscience, not for the field of honor or the streets.<sup>13</sup>

### *The Scotch-Irish Arrive*

The societal consensus began to fall apart sometime in the mid-eighteenth century and Virginia took a turn for the violent. Numerous influences played a role

in this shift toward greater violence. One obvious influence was the arrival in the Virginia backcountry in the mid-eighteenth century of large numbers of Scotch-Irish.<sup>14</sup>

If medieval notions of honor violence had begun to fade in England, the same could not be said of England’s neighbor to the north, Scotland. The Scots seem to have maintained their traditional “addiction . . . to fighting and violence.” By the early sixteenth century, “the pride and touchiness of the Scot had already become proverbial. There was something in his character like ‘quills upon the fretful porpentine.’” With *lex talionis* (an eye for an eye, a tooth for a tooth) the law of the land, the national emblem the thistle, and “its motto *Nemo me impune lacessit*—no one attacks me with impunity,” “the Scot was quick to take offense, lest any man consider him a weakling.”<sup>15</sup>

However influenced by institutional and environmental factors, the Scotch-Irish carried similar cultural attitudes toward honor violence to Ulster and eventually to America. The early reputation of the Ulstermen in the American colonies for being a pugnacious people was one rooted in fact. Although dueling was a fairly rare form of honor violence in Ulster, the no-holds-barred fighting that disgusted so many visitors to the South was clearly imported by Ulstermen. The Scotch-Irish shocked Bostonians in the 1720s with their barbarous fighting style, revealed “most graphically in the practice of biting off ears in the course of fights.”<sup>16</sup> In Pennsylvania in the early 1740s, the Scotch-Irish, besides spontaneous brawls, engaged in scheduled, deliberate “riots” at fairs and other public places involving rival groups of men. By midcentury, Virginians began to hear of gouged eyes and chewed-off ears in vicious rough-and-tumble contests, moving the assembly in 1752 “to re-enact the 22 and 23 Charles II, chapter I, preamble and all, with practically no changes” making it “a felony to put out an eye, slit a nose, bite or cut off the nose or lip, or to cut off or disable any limb or member.”<sup>17</sup>

The Scotch-Irish in Virginia provided the inspiration in the early 1760s for Robert Bolling’s poem *Nemthe*, “the first appearance in American literature of the brutal ‘fight’ story that eventually became a staple of Southern frontier humor.” The poem highlights a vicious fight between Euphenor and Dolon on the Eastern Shore in which the opponents bite, squeeze testicles, gouge, and knee-in-the-face, until finally Euphenor kicks Dolon to death. At one point in the poem, “Bolling interrupts the narrative to find an Irish (rather than English) origin for ‘our good Planters fistcuff’”:

You English wou’d abhor that Plight,  
Who strain no Tackling, gouge, nor bite.  
Unknown to Britain are our Modes  
Of Fight, or, if she knows, explodes.  
Upright, her Bruisers ply their Fists  
And all is Peace, when one desists.  
The we from Britons are descended;  
Hibernians have our Manners mended.  
When our good Planters fistcuff,



They never think, they hurt enough:  
A toute Outrance they Combat wage;  
Submissions scarce their Wrath assuage.<sup>18</sup>

As Bolling shows, by the time he was writing in the early 1760s, many Anglo-Virginians had adopted Scotch-Irish modes of fighting.

Indeed, when Reverend Charles Woodmason wrote his famous "Burlesque Sermon" in the late 1760s condemning equally the litigiousness and no-holds-barred "fisty Cuffs" of the backcountry South Carolina settlers, he singled out not the Scotch-Irish but "Virginians." He warned his parishioners to avoid getting entangled with "the Virginian Crackers—for they'll bluster and make a Noise about a Turd—And they'll think they have a Right because they are American born to do as they please and what they please and say what they please to any Body." Woodmason advised that "when You do fight Not to act like Tygers and Bears as these Virginians do—Biting one anothers Lips and Noses off, and gowging one another—that is, thrusting out one anothers Eyes, and kicking one another on the Cods, to the Great damage of many a Poor Woman."<sup>19</sup>

Woodmason was undoubtedly poking fun at the pretentiousness of the Virginian-born Scotch-Irish like the Chesnuts to whom the sermon was addressed.<sup>20</sup> Nevertheless, prosecutions for maiming and gouging suggest that by the late 1760s rough-and-tumble fighting in Virginia was no longer strictly a Scotch-Irish phenomenon and hardly just a frontier phenomenon. Just how pervasive the Scotch-Irish influence over Virginia society had become is well shown in Philip Vickers Fithian's classic account of a planned riot in Westmoreland County in the Northern Neck in 1774:

By appointment is to be fought this Day near Mr Lames two fist Battles between four young Fellows. The Cause of the battles I have not yet known: I suppose either that they are lovers, and one has in jest or reality some way supplanted the other; or has in a merry hour call'd him a *Lubber*, or a *thick-Skull*, or a *Buckskin*, or a *Scotchman*, or perhaps one has mislaid the other's hat, or knocked a peach out of his Hand, or offered him a dram without wiping the mouth of the Bottle; all these, and ten thousand more quite as trifling and ridiculous, are thought and accepted as just Causes of immediate Quarrels, in which every diabolical Strategem for Mastery is allowed and practised, of Bruising, Kicking, Scratching, Pinching, Biting, Butting, Tripping, Throttling, Gouging, Cursing, Dismembering, Howling, etc. This spectacle, (so loathsome and horrible) generally is attended with a crowd of People!

Although Fithian looked upon "animals which seek after and relish such odious and filthy amusements [as] not of the human species," his description captures the growing support of a large segment of Virginia society for displays of honor violence in the pre-Revolutionary years.<sup>21</sup>

Today the sheer brutality of such modes of fighting might blind us to the more important historical question of why Anglo-Virginians so readily abandoned taboos against honor violence. Such a ready abandonment suggests how very tenuous the balance really was between honor-as-valor and honor-as-virtue

in colonial Virginia. For some Anglo-Virginians, all it took to shift the balance in favor of honor as valor was the introduction of a new factor, the Scotch-Irish, to which the elite of Virginia were either unwilling or unable to adjust in order to maintain the ban against honor violence. But this raises the greater question of why there might have been a breakdown in traditional hierarchical control.

#### *Breakdown of Deference*

Other factors contributed to the increased levels of violence in mid-eighteenth-century Virginia. A second major influence tending both to undermine societal consensus and to spur violence was the fragmentation of the elite in the increasingly contested politics of the era. The political and press battles of the late 1760s unleashed an unprecedented level of personal invective that led some Virginia gentlemen to believe a formal challenge their only recourse to salvage their honor.

In the 1730s and 1740s, about the same time that the Scotch-Irish were arriving in the backcountry, politics in some Virginia counties was getting quite heated. County elections became "boisterous affairs with liquor flowing freely, with jeering, fighting, and riots." For the most part, however, Virginia as a whole remained fairly calm. Although short-lived factions had arisen from time to time in the ninety years following the collapse of Bacon's Rebellion, nothing major had occurred "to ruffle the surface calm of political life in the Old Dominion." Among the elite there were no differences in political philosophies, no long-lasting political feuds, and no attempt on the part of any faction "to appeal to the small planter for support in creating a permanent party. Such a thought would have been alien to the whole philosophy of these men."<sup>22</sup>

But in the peculiar political climate following the Stamp Act crisis—when as Governor Fauquier reported, "Every Thing is become a Matter of heat and Party Faction"—political violence became common throughout the colony. From the mob "led by some of the city's most respectable merchants" that chased George Mercer through the streets of Williamsburg in fall 1766, through the Norfolk smallpox inoculation riots of 1768–1769 led by borough sergeant Joseph Calvert, the gentry played a key role in stirring up the mob violence of the late 1760s. Virginians on the wrong side of the political fence sometimes found themselves tarred and feathered or severely beaten with elite approval or contrivance.<sup>23</sup>

The first major fault line emerged over how aggressive a response Virginia should take to the Stamp Act. This conflict pitted the Tidewater Establishment—led by John Robinson, the man who as joint treasurer of the colony and speaker of the House of Burgesses had thoroughly dominated colonial government for nearly a quarter of a century and kept the Virginia gentry in line—against "the young hot and giddy members" led by Patrick Henry, Richard Henry Lee, and George Mason, generally identified with the Northern Neck, piedmont, and frontier counties. It is quite possible that the factions might have smoothed over their differences as they had in the past but for the death of John Robinson in



May 1766. Following his death, the gentry fractured to a degree that consensus seemed no longer possible.<sup>24</sup>

This fundamental fracture led directly to Virginia's first all-out newspaper war, which further spurred faction by giving Virginians an open forum for expressing all their pent-up grievances. From the establishment of the *Virginia Gazette* in 1736 until May 1766 Virginia was served by only one newspaper, its editors avoiding "Scandal and Detraction." Following the Stamp Act crisis and the death of the old printer Joseph Royle, some of the burghesses decided to bring in their own printer, William Rind, to establish a more independent *Gazette*. At the same time Royle's old foreman, Alexander Purdie, and his partner John Dixon, in an attempt to win the support of other burghesses for the public printing contract, resumed publication of the original *Gazette*.<sup>25</sup>

With the rivalry between the two *Virginia Gazettes*, "the excited inhabitants of the Old Dominion [had] what they had never before experienced, the sensations and sensationalism of a free press." And in 1766 there was much to cover: the issue of whether, with the death of John Robinson, the burghesses should split the positions of speaker and treasurer; allegations of Robinson's embezzlement of funds funneled to his friends and relations; the murder of Robert Routledge by John Chiswell (Robinson's father-in-law) and the furor over Chiswell's balmment by Robinson cronies; and, last but not least, the feud between the Lee and Mercer clans.<sup>26</sup>

In such a heated political atmosphere, once the dike of deference had been breached, the walls came a-tumbling down. "Our writers," as one anonymous Virginian put it, "are generally such as have been very little used to Contradiction, and know not how to bear it from one another; and when they find their Writings not treated with that Respect they have been accustomed to in their private Characters, they grow angry, and sometimes abuse one another." Thus the free press gave rise to "a vastly different, more openly combative style of politics."<sup>27</sup>

Members of the Virginia gentry responded to newspaper attacks in many different ways. Some complained that freedom of the press was being too easily turned into license. At the same time they often answered in kind with their own anonymous and pseudonymous calumny. Still others appealed to the public by publishing signed statements refuting the charges against them.<sup>28</sup>

A few Virginians decided to sue their critics. William Byrd III sued Robert Bolling for libel after somehow finding out that Bolling was responsible for the anonymous insinuations in the *Gazette* about Byrd's role in the balmment of Chiswell. John Wayles—unable to identify his pseudonymous critic "R. M."—filed a suit against both Purdie and Dixon, and Rind for libel. But, in the spirit of the times, few "Friends of Liberty" would even consider such an indictment of libel against authors or newspapers publishing pieces aimed at "correcting the haughty Spirits of some of our great Men, who, from their Fortunes, Connections, and Stations, had conceived very high Ideas of Self Importance." The grand jury returned the indictments against Bolling, Purdie and Dixon, and Rind, "not true bills."<sup>29</sup>

When traditional methods of resolving their disputes failed to achieve their purposes, some Virginia gentlemen turned to physical violence or the threat of physical violence. Invoking *lex talionis*, James Mercer attacked Richard Henry Lee's libels against Mercer's brother by threatening that "had the same facts been sworn to before a tribunal having jurisdiction, I could legally have got the author's ears condemned; indeed, had I known him in due time, I would have attempted it by force of arms." When in Williamsburg, Mercer had begun to carry around a pair of pocket pistols that he said were "sufficient to protect me from Dr. Lee's attacks in the streets, or in company."<sup>30</sup>

Other gentry appealed to the code of honor. Political battles fought in the press lay behind the three challenges of record in the late 1760s. When justice failed Byrd, he challenged Bolling to a duel the following day. Similarly frustrated, Dr. Arthur Lee challenged James Mercer in April 1767, and Joseph Calvert challenged Thomas Burke in the summer of 1769. The would-be duelists (Byrd excepted) had regularly engaged in libelous attacks on their opponents in the pages of the *Gazette*.<sup>31</sup>

### The Problem of Honor

Despite this rash of challenges, dueling still faced an uphill battle before gaining general social acceptance. On top of the traditional opposition to honor violence as a threat to the social order, Virginians in the late 1760s steadfastly condemned the aristocratic pretensions of dueling. Yet one can definitely see the origins of a fundamental shift in public opinion in the novel pressure on Virginians to accept duels and the failure of the authorities to take would-be duelists as seriously as they had in the past.

Although we rarely hear what went on in the taverns, inns, and coffee rooms of Williamsburg and the rest of Virginia, what we do hear leaves no doubt that what Rhys Isaac calls "extravagant ways of talking" were quite characteristic of such places. Honor comes alive when we listen to Morgan Edwards's description from 1772 of "a prolonged battle of wits between himself and 'a number of colonell[s], captains, esquires etc. who had met [at an inn in Goochland County] for public business." The locals clearly took great pleasure in the verbal repartee, "their skill in pressing provocation beyond permitted limits, and then seeming to step back half a pace, to within acceptable bounds." One gentleman might say, "You lie, Sir; I mean on the bed"; to which the butt of the humor would respond, "And you lie, Sir; I mean under a mistake," all accompanied by loud guffaws and applause.<sup>32</sup>

Such an environment undoubtedly led to scuffles at times, as the coffeehouse wrangle between Lee and Mercer demonstrates. But more impressive are the severe restraints placed on honor violence in the colonial era. However much they spoke of their honor, the elite of colonial Virginia almost always seemed to know where to draw the line. And the line was most clearly drawn in the overwhelming consensus against dueling.



Although dueling may have been extremely rare in colonial Virginia and Virginians may have been a bit rusty on some of the fine particulars of the code of honor, they certainly knew what dueling was all about. When Griffin offered Mercer his choice of weapons, Mercer opted for pistols since he "was totally ignorant of the small sword, and pistols were thought equally genteel." After all, these Virginians were still very much Englishmen and knew well what was going on in England from constant commerce, communication, and traveling back and forth. Throughout the colonial era the *Virginia Gazette*s were filled with stories about dueling in England, the Continent, and around the world.<sup>33</sup>

Furthermore, dueling even had its sophisticated proponents in pre-Revolutionary Virginia, most notably Arthur Lee. In defending dueling in 1767, Lee and the anonymous author of the "Essay on Honor" (which most Virginians assumed was written by Arthur Lee) employed all of the arguments that defenders of dueling were using in England and would later use in the antebellum South. In particular, these defenders of dueling celebrated the principles of what eighteenth-century Englishmen called "modern honour" (in contrast to the "ancient honour" of classical Greece and Rome) that they associated with chivalrous knights, principles that "perpetually dictate a fairness, justice, and nobleness of conduct," the protector of one's most valuable possession—one's reputation—which only the law of honor could protect, either through the fear of "the shame of contempt" at being posted as a coward or the ultimate sanction of the threat of death in a duel. "I mean, Sir," Lee wrote to the *Virginia Gazette* six months after his nonduel with Mercer, "that honour which the illustrious *Montesquieu* defines to be the *prevailing principle in monarchies, where it gives life to the whole body politic, and even to virtues themselves*." Lee went on to proclaim honor "that principle which the British constitution considers in the highest degree, sacred and inviolable . . . in fine, that principle, which *Montesquieu* deems the parent of virtues in the best constituted form of society."<sup>34</sup>

The law of honor, Lee argued, operated even on those gentleman who opposed dueling in principle because "the opinion of mankind, which is as forcible as a law, calls upon a man to resent an affront, and fixes the contempt of a coward upon him if he refuse." Lee recognized that both common and statute law stood firmly opposed to dueling but seconded Cesare Beccaria, the leading European authority on penal reform, that "[i]n vain have the laws endeavoured to abolish this custom (duelling) by punishing the offenders with death. A man of honour, deprived of the esteem of others, foresees that he must be reduced, either to a solitary existence, insupportable to a social creature, or become the object of perpetual insult; considerations sufficient to overcome the fear of death." Honor rose above all other standards, a law of nature that might prove contrary to the laws of God and man.<sup>35</sup>

But far from earning support for Lee's case, these essays only aggravated Lee's reputation. Denizens of the coffeehouse world laughed at Arthur Lee not because they supposed him a coward for challenging Mercer to a duel and then failing to show up. Certainly Mercer himself felt he had to go to great lengths even after the coffeehouse wrangle to prove by sworn affidavits that he had been at the

right place at the right time, for he had no second to vouch for him and Lee did. Rather, they laughed at Arthur Lee as they laughed at Landon Carter and all Virginians who went on and on about their honor. When Lee continued to press the point, a few of Mercer's supporters gathered together and burned Lee in effigy before his own door. As John Mercer summarized general opinion: "In short he has lost his credit (if he had any to lose) and, what I dare say he values much more, his [medical] practice is much hurt, as will very probably dwindle to nothing as his immoderate pride and self-conceit will not suffer him to open his eyes and see how much, how very much, he is fallen into contempt."<sup>36</sup>

Aristocratic notions of honor like Lee's had no place in pre-Revolutionary Virginia. Public opinion before the Revolution did not tolerate challenging someone to a duel or making fine speeches about honor. Arthur Lee was simply out of touch with his native Virginia. Thoroughly discredited, Lee abandoned Virginia the following year for England, but even there he could not escape the taunts. He ever after had bitter feelings toward the people of Williamsburg—a place he called that "sink of idleness and vice"—for the way he had been treated.<sup>37</sup>

For most Englishmen, whether in the colonies or the mother country, the honor that Arthur Lee espoused was a false honor of unrestrained passion and mere vainglory, a fashionable vice, Gothic barbarism. Lee himself lamented sometime after the coffeehouse wrangle, "that honour is become now a subject of ridicule, is either prostituted to infamous purposes, or treated as a chimera." Opponents of dueling were not unconcerned with reputation but believed the true fountain of honor was virtue and character, not opinion. Virginian critics condemned the barbarous practice of dueling in a civilized age, criticizing the order of chivalry as an age in which a group of "hectors"—no more than "professed bullies" or "licensed lunatics"—"strolled about from one kingdom to another, destroying their fellow creatures with impunity." They mimicked the exchanges between duelists as "the ravings of insanity":

Sir, you have injured me in the most outrageous manner, and I demand reparation. The reparation I demand is that you should meet me with a case of pistols, and endeavour to blow my brains out. If you do, there will be an end of the matter. If you lose your life in the attempt, I shall die with pleasure on a gibbet, having thus vindicated my honour by trespassing on the laws of my country.<sup>38</sup>

Friends, relatives, and concerned citizens went out of their way to prevent duels. At two o'clock the night before their scheduled duel, Byrd and Bolling were both arrested and sworn over to keep the peace, apparently turned in to authorities by the storekeeper from whom Byrd purchased the pistols. Mercer, with all of his many coffeehouse comrades, could not get anyone to serve as his second. He tried to get his friend Dr. William Pasteur to attend him as a witness and surgeon in case he were injured. At first Pasteur refused to be concerned at all. Then "at his [Mercer's] earnest request," he promised to go with him but only "to be in hearing of the pistols, so as to be ready, if necessary; but he positively refused to be an eye witness of Dr. Lee's or my throwing away our



lives, as he termed it." Mercer's friends later insisted that he ignore any implied challenge in Griffin's published account of the duel and simply "publish a true account of the affair." Mercer's cousin, Thomson Mason, had a pair of pistols that, as he put it, could "hit the bigness of a dollar many yards," but he refused to lend them to Mercer because they would surely kill Lee and then Mercer "shou'd be guilty of murder." Instead, Mason, like Byrd's storekeeper, informed the authorities to prevent the duel.<sup>39</sup>

The Virginia gentry also found more primitive modes of honor violence unacceptable. Despite his blustering about cutting Richard Henry Lee's ears off, James Mercer understood the need for, as he put it, "a more eligible reprisal, and such as is agreeable to the laws of God and man. *Lex talionis* is of higher authority than human law" and the vengeance denounced against whomsoever should slay Cain, whom the Almighty preserved from death to perpetuate his torments, determines me not to attempt to shorten this Proteus's life." Members of the elite like Benjamin Gyimes, who resorted to bullying tactics, were regularly ridiculed just like Arthur Lee.<sup>40</sup>

Fresh in the minds of all Virginians in the late 1760s was the notorious affray—not a duel—of the summer of 1766 in which John Chiswell stabbed and killed Robert Routledge in a tavern quarrel over some debts. Despite the fact that after being thoroughly abused by Chiswell, an intoxicated Routledge had thrown wine out of his glass into Chiswell's face—an indignity which even Chiswell's most severe critics acknowledged any man of honor might react to violently—no Virginian was willing to excuse Chiswell's stabbing to death an unarmed Routledge or declare in print that this was an affair of honor. Chiswell was roundly condemned as a murderer and, luckily for him, died before he could be tried and hanged. Fearful of the same fate, both Lee and Mercer made plans for escape in the event that either happened to kill the other.<sup>41</sup>

In spite of expressed opinion so set against dueling and the great efforts of individuals to prevent duels, other evidence suggests that by the late 1760s the general community had become quite complacent about dueling. In the Lee-Mercer affair, the local justice, Thomas Everard, was out taking sworn affidavits to vouch for the honor of one of the would-be duelists rather than arresting Lee and Griffin for sending and carrying challenges, as local authorities had done previously and were obliged to do under English common law. Apparently, the sending and carrying of challenges was no longer seen as a threat to public order. The Chiswell affair, ironically, may very well have encouraged a greater (if still unspoken) acceptance of dueling and the formality of the code of honor as necessary to avoid even greater disorder, the lesser of two evils.<sup>42</sup>

This shifting consensus also appears reflected in a greater pressure on the Virginia gentry to accept a challenge. This is not to say that challenges always led to acceptance. Despite a general understanding by the Mercers that Griffin's published account of the duel was a second challenge and Mercer's "giving the lie" to Griffin and Lee in print, no duel ever took place between Lee and Mercer, or Griffin. Mercer observed in his sworn statement that if Lee had really wanted to duel, he could have easily come and found Mercer that morning. Likewise

neither Byrd nor Bolling felt any need to take up their thwarted duel. But Bolling, Mercer, and Burke, despite their apparent aversion to dueling, did feel pressure to accept the challenges made by Byrd, Lee, and Calvert. Mercer was afraid that if he declined Lee's challenge, then Lee would have plumbed himself at Mercer's expense. Thus Mercer was quite upset with his cousin for informing the authorities, out of fear that people would think that he had put Mason up to it in order to avoid the duel.<sup>43</sup>

The pressure to accept a challenge is quite striking in the case of Thomas Burke who, in the aftermath of the Lee-Mercer affair, published in the *Gazette* a signed essay condemning dueling as "destructive of every moral, christian and generous sentiment, dangerous to the peace of society, to liberty and justice," encouraging "men to fly in the face of our most sacred laws, and subversive of magnanimity and christian heroism." Burke furthermore denied that public opinion supported duelists, asserting that it was "the common practice for mankind to look with contempt upon him who gives an affront, not on him who tamely suffers it." Yet in 1769, less than two years after he wrote that essay, Burke fought a duel with Calvert, indeed the only affair of honor in the late 1760s to culminate in an actual duel, although apparently neither was injured.<sup>44</sup>

### The Revolution in Public Opinion

If the shift in public opinion in support of dueling began in the late 1760s, the revolution was complete by 1800. This transformation came about through the continuing evolution of democratic influences, spurred especially by the heated national politics of the 1790s. But there is much evidence that the rise of dueling also reflects aristocratic and monarchical influences, an attempt on the part of at least a few of the Revolutionary generation to find some sort of replacement for the state-centered honor system whose head had been cut off with the break from England.

Contemporaries had no trouble laying the root of the problem at the door of public opinion. In sermons, essays, and private letters, critics and advocates alike in the early national period noted the power of public opinion to force even men opposed to dueling to engage in duels. What is amazing, however, in this era when newspapers supposedly played such an important role in shaping the public sphere, is how public opinion could have come to stand so staunchly behind dueling when one can find practically no positive defense of dueling in print.<sup>45</sup>

Some northern opponents of dueling, like Thomas Burke earlier, argued that the public opinion in support of dueling was the opinion only of duelists, in direct opposition to the view of the masses. To the question "Who then is this public?" Timothy Dwight answered, "It is the little collection of duellists, magnified by its own voice, as every other little party is, into the splendid character of the public."<sup>46</sup>

There are several explanations of why the elite might have turned indepen-



density to honor violence at this time. Numerous scholars associate the rise of the duel in various nations with an elite threatened by the lower orders and/or outsiders. The duel set the bounds of the circle of honor while the code of honor provided the strong inner bond to an aristocratic class pervaded by tension and antipathy as well as fraternity. Perhaps, then, the numerous political duels between Federalists and Republicans in the early republic were all part of a general caste response to the democratic changes accompanying the Revolution. For ambitious young men, appeals to honor may also have proven attractive as a means of asserting one's right to membership in the post-Revolutionary elite.<sup>47</sup>

Most observers at the time, nevertheless, believed the public opinion in support of dueling far more pervasive than the small band of actual duelists. Some noted a passive acceptance among the general public in not speaking out for enforcement of laws and in the election of politicians who had fought duels. However, observers disagreed on whether this seeming public acceptance of dueling was more the result of the top-down spread of elite culture or the bottom-up expansion of the lower orders' social values. If northern and Federalist critics tended to see elite opinion trickling down to the masses, southern and Republican critics tended to see widespread (if corrupt) public opinion sanctioned by the entire community working its way up to the elite.<sup>48</sup>

Elites generally play an important role in shaping public opinion. However, much evidence suggests that in Virginia as in the rest of the early republic, the transformation in public opinion behind dueling combined elements from both ends of the social spectrum. The American Revolution worked a fundamental transformation in public opinion, greatly expanding the "public" and democratizing the "opinion." Even before the Revolution—in Virginia at least since the 1740s—some politicians attempted to maintain their independence of the electorate, but others were quite willing to follow the will of their constituents, and their numbers grew after the Revolution. And there is evidence to suggest that after the Revolution, Americans across regional and class lines increasingly accepted many forms of "justifiable" violence they had previously rejected. But these democratic sources should not blind us to the inherently aristocratic nature of dueling, as developments in Virginia made clear.<sup>49</sup>

### *John Randolph and the Romantic Revolution*

By the end of the 1790s, the last link in the transformation of public opinion in Virginia behind dueling would be complete with the fruition of Arthur Lee's aristocratic notions of honor and dueling that Virginians had so staunchly condemned in the pre-Revolutionary era. No one epitomized these changes better than John Randolph of Roanoke.

Arthur Lee died in 1792, back home in Virginia and—as far as we know—never having engaged in an actual duel (although as quarrelsome as he was, he was challenged a few times).<sup>50</sup> That same year John Randolph (not yet of Roanoke) fled Williamsburg after engaging in the first of his many duels as a first-

year student at the College of William and Mary. And, like Lee, Randolph ever after had bitter feelings toward the people of Williamsburg for the way he had been treated. Williamsburg had not changed that much in twenty-five years.

Yet the times were a-changing. Randolph did not fight his first duel out of frustration following some vicious political feud, as did all the participants in the affairs of the late 1760s, but as a result of a dispute in his debating society with another student, Robert Barraud Taylor (afterward a leading Virginia Federalist), over the pronunciation of some word. As Lemuel Sawyer, one of Randolph's biographers and a member of Congress with him for sixteen years, described the affair, "[T]hey had taken opposite sides in politics and were both fiery spirits and full of Virginia pride of chivalry." Neither was hurt in the duel, and they later became the best of friends, although to their dying days they continued to argue over how the word was pronounced. Randolph's aristocratic view of honor might have been out of place in colonial America but not among certain elements of Virginia society in the early republic. In retrospect, we can see Randolph as a harbinger of the chivalric romanticism that would sweep the South and the rest of the United States in the nineteenth century.<sup>51</sup>

For the origins of this chivalric revival one might not have to look any farther than the American Revolution. Administrators bemoaned the way the youth on college campuses across the nation appealed to revolutionary principles to justify a rash of riots in the years 1798–1815. Heroic wars have always had a tendency to put chivalric ideas in the heads of idealistic youth who come of age hearing tales of the courageous deeds of "our illustrious Heroes and patriots," reflected most strongly in the veneration bestowed on the great American warrior George Washington in the early American republic.<sup>52</sup> "The generation which grew to manhood in this interval [the twenty-five years following the Revolution]," recalled John Pendleton Kennedy in the 1840s,

were educated in all the reminiscences of the war of Seventy-six, which, fresh in the narratives of every fireside, flamed the imagination of the young with its thousand marvels of soldierlike adventure. These were told with the amplification and the unction characteristic of the veteran, and were heard by his youthful listener, with many a secret sign, that such days of heroic hazard were not to return for him.<sup>53</sup>

But the chivalric revival led by John Randolph was in many ways more a rebellion against than a fulfillment of parental values. There is no better proof of this rejection of older social norms than the passion with which the second generation of Virginia patriots took to dueling. The period of intense campus rebellions also saw a dueling craze sweep the College of William and Mary, although students knew that involvement in a duel in any way brought immediate expulsion.

The post-Revolutionary revival shares many parallels with other chivalric revivals, such as the Elizabethan, in which dueling also played an important role. Like "the aspiring mind of the Elizabethan younger generation," the second generation of Virginia patriots believed new circumstances demanded new principles. Reacting against the rationalism of their parents' generation, they sought



solutions in romanticism. While critics condemned dueling as "passion run amok," this generation would come to assert that "passion, in its noblest form, was the major force leading men to resent aspersions on their characters, as well it should."<sup>54</sup>

But the rise of chivalric romanticism and dueling in Virginia cannot be explained by strictly local factors. The early nineteenth century also saw the introduction or revival of dueling in many parts of the English-speaking world, including England, Upper Canada, the West Indies, and other English colonies, as well as in post-Revolutionary France. Bourgeois German university students in the early nineteenth century created for themselves a world bound by a code of honor and regulated by the duel, much as did William and Mary students.<sup>55</sup>

Although the timing of the rise of dueling in America can hardly be explained, as some historians are wont to do, by the direct influence of Sir Walter Scott—"the Sir Walter disease" as Mark Twain put it—which came much later, one cannot deny that European opinions and fashions had a significant impact on notions of honor and dueling in America. The romanticism of Virginia youth was part of the romantic movement that swept Europe and America. These young Virginians' volte-face on the French Revolution paralleled those of the European romantics like Wordsworth, Blake, Coleridge, and Hölderlin, who were swinging from the prorevolutionary "millenarian excitement" to Burkean conservatism.<sup>56</sup>

Again John Randolph captures perfectly this tremendous swing in opinion. In 1793, the year after being expelled from William and Mary for dueling, he wrote to his stepfather, St. George Tucker, asking permission "to go immediately to France, and to enter into the army of the Republic. . . . My wish is to serve the noblest cause in the world. . . . What life can be so glorious what death so honorable?" Randolph feared the middle-class alternative: "the pursuits of a miserable attorney who stoops to a thousand petty villainies in order to earn the sum of fifteen shillings." The law bored him, but "I feel the most ardent enthusiasm for the cause. I dream of nothing else. I think of nothing else; what [word blotted] do you suppose, then, I should make of old Coke, when my thoughts are dwelling on the plains of Flanders?"<sup>57</sup>

Yet by the second administration of Thomas Jefferson, Randolph had converted "from a partisan to an enemy of the French Revolution and of all revolution," and his rereading of Edmund Burke's *Reflections on the French Revolution* had led him "to suspect that there may be something in the enjoyment of liberty which soon disqualifies a people for self-government, which is but another name for freedom."<sup>58</sup>

Southern romanticism was hardly a simple spreading out of ideas from Europe to America; rather, both involved independent intellectual developments emerging out of "specific social and political crises." But the parallels with European romanticism are indeed striking, such as the increased emphasis on emotion, passion, and introspection; a focus on provincial self-justification; and a shared melancholy emerging at first out of reaction to the French Revolution but sustained by "the permanent crisis of modern industrial society."<sup>59</sup>

### Conclusion

Few if any Virginians in the early republic seemed aware of how dramatically views about honor, violence, and dueling, as well as the actual levels of honor violence, had changed since the colonial era. Or, at the very least, they never commented on any such changes. Yet there can be no doubt that such a transformation did occur, and that it has attracted insufficient attention from early American historians. More difficult to assess, though, is why the transformation occurred.

Perhaps, at the risk of oversimplification, we might see the transformation in America and elsewhere as part of a working out of competing democratic and aristocratic tendencies in many parts of the world in the late eighteenth and early nineteenth centuries. In pre-Revolutionary Virginia, the increased levels of honor violence among the lower classes suggest a breakdown in traditional hierarchical control among people who took honor very seriously. Such a breakdown was fostered by divisions among the Virginia elite that opened the door to an increasingly open and more violent politics. Whether—as one anonymous Virginian critic of dueling in the early republic put it—"politicians in turning to dueling consciously succumbed to the "general prejudice" in order "to obtain the applause, or avert the contempt of the giddy multitude" or whether they simply succumbed to an increasingly democratized public opinion, democratic factors played an important role in increasing elite acceptance and adoption of the violent means of the lower classes. Such trends continued even more strongly after the American Revolution and reached something of a climax in the heated politics of the early republic.<sup>60</sup>

At the same time the gentry were attempting to redefine the hierarchical order along aristocratic lines. For these would-be aristocrats, ideas of chivalric honor and dueling could provide a means of simultaneously avoiding charges of cowardice from below and setting oneself off from the more barbarous modes of honor violence of the masses.<sup>61</sup> In the pre-Revolutionary era, the arguments of Arthur Lee were ill received; only in the early republic did such appeals seem to resonate with a substantial number of the Virginia elite, reinforced by the cross-currents of the romantic movement. The net result of these changes was a dramatic transformation in Virginian precept and practice, from a colonial world where Virginians could ridicule those who would employ violence to defend their honor, to an antebellum world where honor violence was no longer a laughing matter and, indeed, for many, would come to define the very essence of what it meant to be a Virginian.

### NOTES

1. In August 1780, a meeting of the Phi Beta Kappa Society debated "Ye Question, Whether Dueling ought to have toleration in this or any other free state," although we do not know what arguments were made. See "Original Records of the Phi Beta Kappa Society," *William and Mary Quarterly*, 1st ser., 4 (1896): 238.



2. This account of the Lee-Mercer affair draws primarily upon the following sources: Corbin Griffin, letter to editor, *Purdie and Dixon's Virginia Gazette*, May 28, 1767; James Mercer, letter to editor, *Rind's Virginia Gazette*, July 23, 1767; Amicus Superbae, "An Essay on Pride," Purdie and Dixon's *Virginia Gazette*, July 30, 1767; Lois Mulkearn, ed., *George Mercer Papers* relating to the Ohio Company of Virginia (Pittsburgh: University of Pittsburgh Press, 1954), 203-4. For secondary accounts, see Louis W. Potts, *Arthur Lee: A Virtuous Revolutionary* (Baton Rouge: Louisiana State University Press, 1981), 38-42; A. R. Riggs, *The Nine Lives of Arthur Lee* (Virginia Patriot (Williamsburg: Virginia Independence Bicentennial Commission, 1976), 18-19.
3. Purdie and Dixon's *Virginia Gazette*, July 30, 1767.
4. Alexander Brown, *The First Republic in America* (Boston: Houghton Mifflin, 1898), 582.
5. Mervyn James, *Society, Politics and Culture: Studies in Early Modern England* (Cambridge: Cambridge University Press, 1986), 12, 309, 320, 328-38, 381; Arthur B. Ferguson, *The Chivalric Tradition in Renaissance England* (Washington, D.C.: Folger Shakespeare Library, 1986), 17-18.
6. Sir Thomas Elyot, *The Book named the Governour*, ed. S. E. Lehmberg (London: Dent, 1962); James, *Society, Politics and Culture*, 322, 338, 379; Ruth Kelso, *The Doctrine of the English Gentleman in the Sixteenth Century* (Urbana: University of Illinois Press, 1929); W. Lee Ustick, "Changing Ideals of Aristocratic Character and Conduct in Seventeenth-Century England," *Modern Philology* 30 (1932): 147-66; Richard B. Schlatter, *The Social Ideas of Religious Leaders, 1660-1688* (London: Oxford University Press, 1940), 106-23; George C. Brauer, Jr., *The Education of a Gentleman: Theories of Gentlemanship Education in England, 1660-1775* (New York: Bookman, 1959); John M. Major, *Sir Thomas Elyot and Renaissance Humanism* (Lincoln: University of Nebraska Press, 1964); Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (Oxford: Oxford University Press, 1982), 26, 34, 59; James, *Society, Politics and Culture*, 358-62, 377-78, 393-94; Ferguson, *Chivalric Tradition*, 63-64; V. G. Kiernan, *The Duel in European History: Honour and the Reign of Aristocracy* (Oxford: Oxford University Press, 1988), 86.
7. Research to date indicates minimal levels of dueling in late-sixteenth and seventeenth-century England. Lawrence Stone, *The Crisis of the Aristocracy, 1558-1641* (Oxford: Clarendon Press, 1979), 242-50; J. A. Sharpe, *Crime in Seventeenth-Century England: A County Study* (Cambridge: Cambridge University Press, 1983), 129, 253 n. 87; Kiernan, *Duel in European History*, 53, 80-83, 100-105, 153. On the late-eighteenth and nineteenth centuries, see Antony E. Simpson, "Dandylions on the Field of Honor: Dueling, the Middle Classes, and the Law in Nineteenth-Century England," *Criminal Justice History* 9 (1988): 99-155; Brauer, *Education of a Gentleman*, 16-18; James, *Society, Politics and Culture*, 313-14, 322; Kelso, *Doctrine of the English Gentleman*, 99-100, 103; François Billacois, *The Duel: Its Rise and Fall in Early Modern France*, ed. and trans. Trista Selous (New Haven: Yale University Press, 1990), 127-28, 206-7.
8. *The Works of John Locke*, 10 vols. (London: Thomas Tegg, 1823), 2:106; Kelso, *Doctrine of the English Gentleman*, 104; Kiernan, *Duel in European History*, 11, 102; Donna T. Andrew, "The Code of Honour and Its Critics: The Opposition to Duelling in England, 1700-1850," *Social History* 5 (1980): 409-34; James, *Society, Politics and Culture*, 322, 338, 379, 394, 410; Kiernan, *Duel in European History*, 89; Billacois, *Duel*, 30-33.
9. Wyatt-Brown, *Southern Honor*, 78-87; James, *Society, Politics and Culture*, 342-48, 356; David Hackett Fischer, *Albion's Seed: Four British Folkways in America* (New York: Oxford University Press, 1989), 396-97; James Horn, *Adapting to a New World: English Society in the Seventeenth-Century Chesapeake* (Chapel Hill: University of North Carolina Press, 1994),

334-80, quote at 380; James R. Perry, *The Formation of a Society on Virginia's Eastern Shore, 1615-1655* (Chapel Hill: University of North Carolina Press, 1990), 237; Bruce C. Baird, "Ideology, Behavior, and Necessity in Seventeenth-Century England and Virginia" (Ph.D. diss., University of Florida, 1995).

10. Kelso, *Doctrine of the English Gentleman*, 105; Brauer, *Education of a Gentleman*, 16-18; Dickson D. Bruce, Jr., *Violence and Culture in the Antebellum South* (Austin: University of Texas Press, 1979), 31; Kiernan, *Duel in European History*, 8, 81-82, 87, 120-21, 153-55; Thomas J. Wertenbaker, *Patrician and Plebeian in Virginia: The Shaping of Colonial Virginia* (1910; New York: Russell and Russell, 1958), 75-80; Arthur P. Scott, *Criminal Law in Colonial Virginia* (Chicago: University of Chicago Press, 1930), 178-79; "Virginia Gleanings in England," *Virginia Magazine of History and Biography* 20 (1912): 372-81; "The Case of Giles Bland, 1676," *ibid.*, 21 (1913): 126-35; Fischer, *Albion's Seed*, 318-19.

11. Scott, *Criminal Law in Colonial Virginia*, 200-205; Hugh F. Rankin, *Criminal Trial Proceedings in the General Court of Colonial Virginia* (Williamsburg: Colonial Williamsburg, 1965), 204-15; Timothy E. Morgan, "Turmoil in an Orderly Society: Colonial Virginia, 1607-1754: A History and Analysis" (Ph.D. diss., College of William and Mary, 1976); Fischer, *Albion's Seed*, 398-405.

12. Scott, *Criminal Law in Colonial Virginia*, 164-74, 181-83, quote at 171; Bradley Chapin, *Criminal Justice in Colonial America, 1606-1660* (Athens: University of Georgia Press, 1983), 51-52, 76-77, 85-89, 131-34; Mary Beth Norton, "Gender and Defamation in Seventeenth-Century Maryland," *William and Mary Quarterly*, 3d ser., 44 (1987): 3-39; Fischer, *Albion's Seed*, 396-97; Perry, *Formation of a Society*, 113-14, 201-2; Horn, *Adapting to a New World*, 363-68; Norman L. Rosenberg, *Protecting the Best Men: An Interpretive History of the Law of Libel* (Chapel Hill: University of North Carolina Press, 1986), 16-19, 28-30; David A. Williams, *Political Alignments in Colonial Virginia Politics, 1698-1750* (New York: Garland, 1989), 325-26.

13. Horn, *Adapting to a New World*, 367; Scott, *Criminal Law in Colonial Virginia*, 185; Rosenberg, *Protecting the Best Men*, 26-27; Williams, *Political Alignments*, 3, 47, 56, 364-66. Larry D. Eldridge notes a similar evolving leniency toward seditious speech; see Eldridge, *A Distant Heritage: The Growth of Free Speech in Early America* (New York: New York University Press, 1994).

14. Grady McWhiney, *Cracker Culture: Celtic Ways in the Old South* (Tuscaloosa: University of Alabama Press, 1988), 146-70; Fischer, *Albion's Seed*, 689-90, 735-38, 764-71; Fox Butterfield, *All God's Children: The Bosket Family and the American Tradition of Violence* (New York: Knopf, 1995), 3-18; Richard E. Nisbett and Dov Cohen, *Culture of Honor: The Psychology of Violence in the South* (Boulder: Westview Press, 1996), 4-9. This view has received sharp criticism from students of Appalachia. See "Culture Wars: David Hackett Fischer's *Albion's Seed*," *Appalachian Journal* 19 (1992): 161-200; Althia L. Waller, "Feuding in Appalachia: Evolution of a Cultural Stereotype," in *Appalachia in the Making: The Mountain South in the Nineteenth Century*, ed. Mary Beth Pudpup et al. (Chapel Hill: University of North Carolina Press, 1995), 347-76.

15. James G. Leyburn, *The Scotch-Irish: A Social History* (Chapel Hill: University of North Carolina Press, 1962), 6-7, 9, 68-70. See also Keith M. Brown, *Bloodfeud in Scotland, 1573-1625: Violence, Justice and Politics in an Early Modern Society* (Edinburgh: John Donald, 1986); Fischer, *Albion's Seed*, 623-29.

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17. Carlton Jackson, *A Social History of the Scotch-Irish* (Lanham, Md.: Madison Books, 1993), 70-71; Scott, *Criminal Law in Colonial Virginia*, 205; Rankin, *Criminal Trial Proceedings*, 200.
18. Lemay, "Southern Colonial Grotesque," 109, 121. Robert D. Arner, "The Muse of History: Robert Bolling's Verses on the Norfolk Inoculation Riots of 1768-1769," *Early American Literature and Culture: Essays Honoring Harrison T. Meserole*, ed. Kathryn Zabelle Denouian-Stodola (Newark: University of Delaware Press, 1992), 165.
19. Richard J. Hooker, ed., *The Carolina Backcountry on the Eve of the Revolution: The Journal and Other Writings of Charles Woodmason, Anglican Itinerant* (Chapel Hill: University of North Carolina Press, 1953), 154-59.
20. Woodmason's journal abounds with criticisms of "these Northern Scotch Irish," whom he thought "the worst Vermin on Earth," without any reference to Virginians. See Hooker, *Carolina Backcountry*, xxiv, 13-14, 50, 60-61, 142; Robert L. Meriwether, *The Expansion of South Carolina, 1729-1765* (Kingsport, Tenn.: Southern Publishers, 1940), 134-46, 160. In contrast, Richard Maxwell Brown believes Woodmason's references to violent Virginians refer principally to "British stock from the older sections of the Old Dominion." See Brown, *The South Carolina Regulators* (Cambridge: Harvard University Press, Belknap Press, 1963), 2, 27, 179 n. 2.
21. *Journal and Letters of Philip Vickers Fithian, 1773-1774: A Plantation Tutor of the Old Dominion*, ed. Hunter Dickinson Farish (Williamsburg: Colonial Williamsburg, 1943), 240-41. Purdie and Dixon's *Virginia Gazette*, October 25, November 8, 1770; October 17, November 7, 1771; April 23, May 7, 1772; Scott, *Criminal Law in Colonial Virginia*, 205-7; Jane Carson, *Colonial Virginians at Play* (Williamsburg: Colonial Williamsburg, 1965), 104-07; Rankin, *Criminal Trial Proceedings*, 199-202.
22. Williams, *Political Alignments*, 122, 280-82 (quote), 308, 317-20, 325-37, 357-58 (quote); Carl Bridenbaugh, "Violence and Virtue in Virginia, 1766," or, "The Importance of the Trivial," *Early Americans* (New York: Oxford University Press, 1981), 192-93 (quote); Charles S. Sydnor, *American Revolutionaries in the Making: Political Practices in Washington's Virginia* (New York: Free Press, 1952), 24-26; Richard R. Beeman, "Robert Munford and the Political Culture of Frontier Virginia," *Journal of American Studies* 12 (1978): 181; Morgan, "Turnmoil in an Orderly Society," 282-86.
23. Patrick Henderson, "Smallpox and Patriotism: The Norfolk Riots, 1768-1769," *Virginia Magazine of History and Biography* 73 (1965): 412-24; J. E. Morpurgo, *Their Majesties' Royal College: William and Mary in the Seventeenth and Eighteenth Centuries* (Williamsburg: College of William and Mary of Virginia, 1976), 145; Warren M. Billings et al., *Colonial Virginia: A History* (White Plains, N.Y.: KTO Press, 1986), 304-6.
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25. William H. Castles, Jr., "The Virginia Gazette, 1736-1766: Its Editors, Editorial Policies, and Literary Content" (Ph.D. diss., University of Tennessee, 1962), 26-28, 70-73; Lemay, "Robert Bolling," 102, 115, 119-20 n. 7; J. A. Leo Lemay, "The Rev. Samuel Davies' Essay Series: The Virginia Centinel, 1756-1757," *Essays in Early Virginia Literature Honoring Richard Beale Davis* (New York: Burt Franklin, 1977), 131-32, 160 n. 15. For earlier and later paper wars in Virginia, see Castles, "Virginia Gazette," 89-92, 170-73, 273-78; Morpurgo, *Their Majesties' Royal College*, 150-53, 162-65; Lemay, "Rev. Samuel Davies," 130-35.
26. Bridenbaugh, "Violence and Virtue," 199-200; J. A. Leo Lemay, "John Mercer and the Stamp Act in Virginia, 1764-1765," *Virginia Magazine of History and Biography* 91 (1983): 24-25; Lemay, "Robert Bolling," 99-102, 116, 126 n. 42; Ernst, "Robinson Scandal Redivivus," 162; Billings et al., *Colonial Virginia*, 309-14.
27. Letter from Virginia, *New York Journal or General Advertiser*, November 27, 1766; Billings et al., *Colonial Virginia*, 313; Bridenbaugh, "Violence and Virtue," 206. For a similar rise in partisanship and decline in deference in other colonies, see Rosenberg, *Protecting the Best Men*, 45-47.
28. Letters to the editor and "On Calumny," Purdie and Dixon's *Virginia Gazette*, July 4, September 26, October 3, November 6, 1766, March 5, May 21, 28, August 6, November 19, 1767. Mulkearn, *George Mercer Papers*, 204; Rind's *Virginia Gazette*, August 8, 1766; July 23, 1767. On popular attitudes toward "the present Freedom of the Press," see Rind's *Virginia Gazette*, August 15, 1766, March 24, 1768; Purdie and Dixon's *Virginia Gazette*, August 22, November 6, 1766; *New York Journal or General Advertiser*, November 27, 1766; Bridenbaugh, "Violence and Virtue," 206, 209-10; Leonard W. Levy, *Emergence of a Free Press* (New York: Oxford University Press, 1985); Rosenberg, *Protecting the Best Men*, 29-55.
29. Letters to editor, Purdie and Dixon's *Virginia Gazette*, July 25, August 22, October 17, November 6, 1766 (quote); *New York Journal or General Advertiser*, November 27, 1766 (quote); *Maryland Gazette*, October 30, 1766; Lemay, "Robert Bolling," 115-16, 126 n. 43; Lemay, "Robert Bolling," 99-142; Rosenberg, *Protecting the Best Men*, 34-35, 45-48, 286 n. 45.
30. James Mercer, letter to editor, Purdie and Dixon's *Virginia Gazette*, October 3, 1766, and to editor, Rind's *Virginia Gazette*, July 23, 1767. John Mercer made a similar threat against an enemy just a week earlier than did his son James. Purdie and Dixon's *Virginia Gazette*, September 26, 1766.
31. Lemay, "Robert Bolling," 105, 109, 116, 142 n. 141. Byrd's son, Thomas Taylor Byrd, acted in a similar fashion when accused of riotous behavior at William and Mary College in April 1769, even threatening the president of the College with violence in denying the charge of disruptive conduct. See "Journal of the Meetings of the President and Masters of William and Mary College," *William and Mary Quarterly*, 1st ser., 13 (1904): 134; Marion Tining, ed., *The Correspondence of the Three William Byrds of Westover, Virginia, 1684-1776*, 2 vols. (Charlottesville: University Press of Virginia, 1977), 2:778 n.
32. Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill: University of North Carolina Press, 1982), 95.
33. James Mercer to editor, Rind's *Virginia Gazette*, July 23, 1767. See the numerous references under "duels" in Lester J. Cappon and Stella F. Duff, eds., *Virginia Gazette Index, 1736-1780*, 2 vols. (Williamsburg, Va.: Institute of Early American History and Culture, 1950), 1:325-26.



34. Rind's *Virginia Gazette*, December 24, 1767; Purdie and Dixon's *Virginia Gazette*, August 13, November 5, 1767; April 7, 1768. On contemporaneous references to "modern honour" and protection of reputation, see *Virginia Gazette*, August 3, 1739; Rind's *Virginia Gazette*, December 24, 1772; August 19, November 18, 1773.
35. Rind's *Virginia Gazette*, December 24, 1767 (quotations), December 24, 1772; William Blackstone, *Commentaries on the Laws of England*, 2 vols. (New York: Collins and Hannay, 1832), 2:152; Kelso, *Doctrine of the English Gentleman*, 99-105; Kiernan, *Duel in European History*, 53, 100-105, 153; Billacois, *The Duel*, 127-28, 206-7; Joanne B. Freeman, "Duelling as Politics: Reinterpreting the Burr-Hamilton Duel," *William and Mary Quarterly*, 3d ser., 53 (1996): 315.
36. Mulkearn, ed., *George Mercer Papers*, 203-4; Purdie and Dixon's *Virginia Gazette*, April 7, 1768. For poetical attacks on Landon Carter and his response, see Watterson, *Thomas Burke*, 5-8; Lennay, "Robert Bolling," 114, 117; Rind's *Virginia Gazette*, July 23, 1767.
37. Purdie and Dixon's *Virginia Gazette*, October 31, 1771.
38. Letter to editor, Rind's *Virginia Gazette*, December 24, 1767; "An Essay on Duelling," Purdie and Dixon's *Virginia Gazette*, August 27, 1767. See also Purdie and Dixon's *Virginia Gazette*, July 30, 1767, January 28, 1773, December 1, 1774; Rind's *Virginia Gazette*, March 7, 1771, November 18, 1773.
39. James Mercer, letter to editor, Rind's *Virginia Gazette*, July 23, 1767; Mulkearn, ed., *George Mercer Papers*, 203-4; Lennay, "Robert Bolling," 116, 142 n.
40. Letters to editor, Purdie and Dixon's *Virginia Gazette*, August 29, October 3, 1766; Lennay, "Robert Bolling," 110, 124 n.
41. James Mercer, letters to editor, Purdie and Dixon's *Virginia Gazette*, July 18, 1766, July 23, 1767; Bridenbaugh, "Violence and Virtue," 188-212; Lennay, "Robert Bolling," 114-15, 125-26 n.
42. St. George Tucker, ed., *Blackstone's Commentaries*, 5 vols. (Philadelphia, 1803), 5:149, 149 n. Apologists for dueling in the early republic argued that the code of honor actually reduced undisciplined forms of violence. See "Reflections on Duelling," *Richmond Enquirer*, January 18, 1805; [George Tucker], *Essays on Various Subjects of Taste, Morals, and National Policy*. . . . *By a Citizen of Virginia* (Georgetown, D.C.: J. Milligan, 1822), 204-65.
43. James Mercer to editor, Rind's *Virginia Gazette*, July 23, 1767; Mulkearn, ed., *George Mercer Papers*, 203-4.
44. L. O. [Arthur Leel] to editor, Rind's *Virginia Gazette*, December 24, 1767; Watterson, *Thomas Burke*, 7-10; Arner, "Muse of History," 165-83.
45. See, e.g., Timothy Dwight, *The Folly, Guilt, and Mischief of Duelling: A Sermon, Preached in the College Chapel at New Haven, on the Sabbath preceding the Annual Commencement*, September, 1804 (Hartford: Hudson and Company, 1805), 7, 15; essays on dueling in the *Richmond Enquirer*, January 5, 18, March 30, 1805; Lyman Beecher, *The Remedy for Duelling* (New York: J. Seymour for Williams and Whiting, 1809) 11-12, 21-23, 43; [Tucker], *Essays*, 249-50, 257-58, 262, 265-67; Lorenzo Sabine, *Notes on Duels and Duelling* (Boston, 1856), 42-43; Dickson D. Bruce, Jr., *Violence and Culture in the Antebellum South* (Austin: University of Texas Press, 1979), 28, 42; Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the 19th-Century American South* (New York: Oxford University Press, 1984), 13-14; Freeman, "Duelling as Politics," 292-93, 315-16.
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57. Randolph to Tucker, May 25, 1793, quoted in May, *Enlightenment in America*, 246; Russell Kirk, *John Randolph of Roanoke: A Study in American Politics* (Chicago: Regnery, 1964), 12-13; Robert Dawidoff, *The Education of John Randolph* (New York: Norton, 1979).
58. Beverley Tucker quoted in Dawidoff, *Education of John Randolph*, 158, 217-20, 322-23. See also May, *Enlightenment in America*, 329.
59. O'Brien, *Rethinking the South*, 42-43, 49-52; Michael O'Brien, *The Idea of the American South, 1920-1941* (Baltimore: Johns Hopkins University Press, 1979), 4-5.
60. "On Duelling," *Richmond Enquirer*, January 5, 1805. For an example of such a bottom-up working of public opinion among upland southerners in the Old Northwest see Nicole Etcheson, "Manliness and the Political Culture of the Old Northwest, 1790-1860," *Journal of the Early Republic* 15 (1995): 59-77.
61. Dickson D. Bruce has ably demonstrated the general post-Revolutionary acceptance across all classes in the South of the inevitability of violence, so firmly rooted in the passions, while gentleman proved themselves distinct from the lower orders by "an ability, carefully cultivated, to control one's own passions," a self-control epitomized by the duel. See Bruce, *Violence and Culture*, 6-20, 31-41, quote at 40. See also *The Southern Essays of Richard M. Weaver*, ed. George M. Curtis III and James J. Thompson, Jr. (Indianapolis: Liberty Press, 1987), 162-64; Charles S. Sydnor, "The Southerner and the Laws," *Journal of Southern History* 6 (1940): 15; Buel, *Securing the Revolution*, 80-81.