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HAMILTON, HIP-HOP, AND THE CULTURE OF DUELING IN AMERICA

Glenn Harlan Reynolds

On July 11, 1804, Alexander Hamilton died at the hands of sitting vice president Aaron Burr in a duel conducted outside Weehawken, New Jersey.¹ Hamilton's famous end hangs over the entire *Hamilton: An American Musical*.

Most fans of *Hamilton* are probably vaguely familiar with the custom of dueling, though many may not realize that, at the time of Hamilton's death, it was a relatively recent import to North America. It caught on with amazing speed and completeness. Dueling existed as a class-privileged method of protecting reputational capital, supported by a body of custom that functioned outside of, and in many ways superior to, law. A party who was insulted could issue a challenge that, if he was of sufficient rank, could not be ignored by the challenged party without ostracism and social and possibly financial ruin.

In the early nineteenth century, partly as a reaction to the Hamilton–Burr duel, an antidueling movement sprang up, which stressed libel law and other alternatives in preference to duels, and which altered some state

constitutions to provide that duelists and their seconds would be ineligible for public office.² This movement also led to restrictions on weapons carriage that remain relevant in Second Amendment law to this day, as the antidueling movement tried to reduce the availability of handguns, an effort noted by Clayton Cramer in his *Concealed Weapon Laws of the Early Republic*.³ Yet vestiges of the custom of dueling occasionally surface, including one famous event during the 2004 presidential election, when Democratic senator Zell Miller of Georgia threatened to challenge television pundit Chris Matthews to a duel, and its most significant survivor can perhaps be found in honor-linked violence among young people living in certain urban settings. For example, Annie Sweeney describes how gang members in Chicago use “Facebook to challenge rivals or signal disrespect,” which often precedes gun violence.⁴

As William Oliver Stevens notes in his magisterial *Pistols at Ten Paces: The Story of the Code of Honor in America*,⁵ during the Revolutionary War, the practice of dueling rapidly caught on in the colonies. It wasn’t until the last quarter of the eighteenth century that dueling became *de rigueur* in North America, as a combination of colonist sons returning from education at Eton and Oxford, and British and Continental military men over for the war, brought the culture of duels and dueling with them. Although the criminal law made no exception for duels, public opinion meant that duelists were almost never charged with murder and, if they were, were almost never convicted—even Burr, who was indicted in both New York and New Jersey for the murder of Hamilton, was not tried, much less convicted. The code of dueling existed, by common consent, outside the otherwise applicable rules of society, under its own strictures and conventions. In a surprisingly short time, dueling went from something largely alien to American culture to a fixture.

At the time of Hamilton’s duel, and for nearly one hundred years thereafter, dueling was a custom limited to the gentry; despite America’s formally classless character, a gentleman was under no obligation to respond to a challenge from those viewed as low class (though an aggrieved lower-class challenger might respond by simply gunning the “offender” down with no further ado; honor-based violence of a less structured kind was so common that the formalities of the duel were often defended as a civilizing influence). Certain words or phrases carried special weight: “The language of insult between gentlemen usually required a specific term,

unmistakably from the lips of the insulter, such as *rascal*, *coward*, *liar*, *scoundrel* to bring things to the brink of gunfire.”⁶ And while words could be cured by an apology or reconciliation, which a duelist’s seconds were honor-bound to seek, a blow generally could not be addressed except by violence.

The use of large-caliber smoothbore firearms, usually at short range, meant that the fatality rate for American duels was considerably higher than that on the Continent. A duel with swords could be stopped at “first blood,” something far less practical when gunfire was being exchanged. In general, the giving and receiving of challenges was in deadly earnest. Social pressure in favor of the dueling code was so strong that failing to give a challenge when insulted, or failing to accept a challenge when received, was unthinkable. One who failed to go along with the code was likely to be stigmatized as a coward, a stigma that carried real-world consequences. Not only was a man with such a reputation likely to face additional, and worse, insults, such a reputation meant social exclusion, with serious consequences for one’s marriage prospects or those of one’s children, and often had financial implications as well. As Joanne Freeman observes, “‘Character assassination’ set the tone of political debate; to destroy a man’s character was to destroy his reputation, and to destroy his reputation was to crush the very foundations of his public career.”⁷

Sometimes the two duelists were reluctant participants, swept along by social pressure that they were unable to resist, even together. To modern ears this sounds absurd, but the custom of dueling was widely accepted and had many defenders. On the one hand, it was held to promote courage, which in a sense it did, as the social pressures meant that one might face death at any time. Simply to function as a member of polite society thus required a degree of courage that few display today.

In addition, the custom took hold at a time when third-party sources of reputational capital, ranging from credit rating agencies, to a “neutral” press, to political parties, were weak or nonexistent, and libel suits were rare and disfavored, making individual reputations vital. Defending one’s reputation under such conditions was serious business, serious enough that defense might extend to lethal force. On the other hand, many defended the formalities of dueling as a restraint on violence. With on-the-spot violence in response to perceived slights being astoundingly common by modern standards, many saw the dueling code as a civilizing

influence: it imposed a cooling-off period, and seconds were charged with seeking a reconciliation. (“Your last chance to negotiate. / Send in your seconds, see if they can set the record straight.”)⁸ Such reconciliations often happened, and the argument was that without the code, thoughtless violence would be more common, and more deadly.

By the time of the Hamilton–Burr duel, the dueling code had taken hold, both on the elites themselves and on society in general. This gave the whole affair a momentum of its own, eventually claiming Hamilton’s life and, despite his short-term dueling victory, Burr’s political career. (As fellow duelist Andrew Jackson told Burr later, Hamilton dead was a more formidable political adversary than Hamilton alive.)⁹

As such affairs go, the Hamilton–Burr duel would have to be categorized as rather optional. There was no face-to-face encounter, no episode of Hamilton calling Burr names in front of witnesses, no disrespectful blow. Instead, the duel was built up out of Burr’s outrage and insecurity at having lost the New York governor’s race, and of Hamilton’s feeling that he could not disregard the challenge without losing face and thus political support.

As Benjamin Barton explains in his chapter in this volume, the “insult” of which Burr complained came via the ambiguous words of a third party, Charles Cooper, who in a piece of correspondence published in a Federalists newspaper assured his correspondent that he “could detail . . . a still more despicable opinion which General Hamilton had expressed of Mr. Burr.” As Joanne Freeman notes, “Though Cooper only hinted at a personal insult, Burr seized on this remark as a provocation for an affair of honor and demanded an explanation from Hamilton.”¹⁰

But there was more to it than personal honor. Dueling, Freeman maintains, was a part of the overall political system at the time. “[To] early national politicians, duels were demonstrations of manner, not marksmanship; they were intricate games of dare and counter-dare, ritualized displays of bravery, military prowess, and, above all, willingness to sacrifice one’s life for one’s honor. . . . Politicians considered themselves engaged in an affair of honor from the first ‘notice’ of an insult to the final acknowledgment of ‘satisfaction,’ a process that sometimes took weeks or even months.”¹¹

With political parties still in their infancy, politics remained highly individualized, revolving around leaders with strong personalities. It was not

uncommon to see a losing party's representative, or a supporter, challenge a member of the winning party. By doing so, the loser removed some of the stain of defeat, and reestablished himself as a contender, one willing to fight and take risks. On most occasions this was accomplished without actual bloodshed.

Such exchanges between politicians were far more strategic than the run-of-the-mill challenge and response. Freeman notes that between 1795 and 1807 sixteen such affairs of honor took place in New York City, "most of them heretofore unrecognized because they did not result in a challenge or the exchange of fire."¹² She continues: "These duels did not result from a sudden flare of temper; politicians timed them strategically, sometimes provoked them deliberately."

Yet they were not wholly artificial, either. Although we associate the phrase "the personal is political" with the 1960s, it would not have seemed strange to leaders of the early Republic. With parties still too weak to offer a meaningful institutional imprimatur, politicians had to resort to what today is called "personal branding." Among other things, that meant demonstrating to their supporters important traits of firmness, integrity, and manliness. In modern parlance, this was a form of "expensive signaling." The willingness to risk death or crippling in a duel was a demonstration that a politician genuinely possessed these characteristics, rather than manufacturing a convincing-but-false simulacrum thereof.

Freeman's description of the times sounds unexpectedly like the present: "Without the anonymity and formal alliances offered by membership in an institutionalized party, political interaction revolved around the identities and aspirations of individual politicians. Factional alliances and personal friendships were often indistinguishable. An attack on a political measure was an attack on an individual, and an attack on an individual demanded a personal defense. A politician's private identity and his public office were thus inseparably linked."¹³ When the personal is political, and when personal slurs must be answered with violence or at least the serious threat thereof, then political disputes are particularly likely to turn into causes for a duel. That is what happened with Hamilton and Burr.

Thus, Burr's challenge—which persisted after much back-and-forth among the pair's seconds—left Hamilton in an awkward spot. The details are well described elsewhere, but the upshot was, as Freeman notes, that Burr thought he could repair his wounded reputation, redeem his honor,

and possibly subject Hamilton to dishonor, via a duel. A failure to challenge would have cost Burr political support, as his own followers lost faith in his character as a “man of the sword.”¹⁴

In the end, the duel had to take place, with Hamilton composing a long and lawyerly defense of his participation in a ritual that, he said, he generally disapproved of. But at the core, Hamilton’s reasons for participating were the same as Burr’s. Had he backed down, he would have ended his political career (which, according to the musical’s Jefferson, Madison, and Burr, he’d already largely done with the *Reynolds Pamphlet*: “Never gon’ be President now.”)¹⁵ As Lin-Manuel Miranda and Jeremy McCarter put it in *Hamilton: The Revolution*, “He had to go to Weehawken, and he had to hold a loaded gun, but he didn’t have to fire it at Aaron Burr.”¹⁶ Thus, when John Quincy Adams, many years later, put down the cause of Hamilton’s assent to the duel as “AMBITION,”¹⁷ he wasn’t entirely wrong.

As Fleming also notes, with regard to Adams’s characterization, “There is some truth in this reduction, but it is inadequate as an explanation of why General Hamilton chose to risk his life.” Hamilton was torn between his vision of himself as a soldier, past and future, and his growing and, to Fleming, genuine Christian faith. “Anyone who has given some thought to the journey of the human soul can summon compassion for this divided, tormented man. Hamilton was, like most of us, absorbed, even obsessed with the things of this world. Faith had invaded his soul without warning.”¹⁸ Miranda has Hamilton sing about this conversion, “I take the children to church on Sunday, / a sign of the cross at the door, / and I pray. / That never used to happen before.”¹⁹

Ultimately, it was the world that won, as it so often does, although the musical’s Burr wonders whether that was true. (“I should’ve known / the world was wide enough for both Hamilton and me.”)²⁰ Despite his faith, Hamilton was no doubt correct that his future prospects would have been dim had he declined the duel. In a world where courage was viewed as the supreme virtue, and political power was reserved for “men of the sword,” Hamilton would have had to abandon all hope of a secular career had he followed his Christian instincts. Some might view such a withdrawal from a sinful world as virtuous, but Hamilton was a politician, not a monk. When things came to a point, he couldn’t abandon his constituency, or let his constituency abandon him. To be seen as a man of the sword, he was forced to be a man of the sword. (As a friend told Gouverneur Morris

upon Hamilton's death, "If we were truly brave, we would not accept a challenge. But we are all cowards.")²¹

The problem with "expensive signaling" is the flipside of its virtue: that it is expensive. When you have a tattoo inscribed on your face to demonstrate your commitment to your group, it is a convincing signal because it imposes immediate real-world costs in terms of employment and associations. Likewise, when you live by the dueling code, your signaling as a man of the sword is credible because you place your life at genuine risk: expensive signaling, indeed. In Hamilton's case, the price of this signaling turned out to be his life. In Burr's case, it turned out to be his political career. Though both politicians thought that they had to go ahead with the duel in order to maintain their political viability, both wound up losing it: in Hamilton's case because he was dead, and in Burr's case because he had killed Hamilton. ("Death doesn't discriminate / between the sinners and the saints, / it takes and it takes and it takes. / History obliterates. / In every picture it paints, / it paints me with all my mistakes.")²²

At the time, many politicians went on to successful careers after killing an adversary in a duel. Brockholst Livingston, then a judge on the New York Court of Appeals, the state's highest court, had six years earlier killed Federalist James Jones. Burr perhaps anticipated a similar reaction. Instead, the reaction was "grief and rage at Vice President Burr."²³ There was even talk of burning Burr's townhouse, and sending another mob to do the same to his country estate at Richmond Hill. ("When Alexander aimed / at the sky, / he may have been the first one to die, / but I'm the one who paid for it.")²⁴ Despite a public letter from both Hamilton and Burr's seconds, concluding that "We conceive it proper to add that the conduct of the parties in that interview was perfectly proper as suited to the occasion,"²⁵ public sentiment grew angrier. Newspapers that had been friendly to Burr denounced him in no modest terms. Even the anti-Hamilton newspaperman James Cheetham wrote that this "national loss [was] the inevitable and deplorable effect of a long premeditated and predetermined system of hostility on the part of Mr. Burr and his confidential advisers."²⁶

The extent of anger over Hamilton's death seemed to surprise everyone, even Hamilton's friends, for Hamilton "had never been a popular figure with the masses."²⁷ Although Burr and Hamilton may have regarded each other as politicians, to the public they—and particularly Hamilton—were Founders, which by 1804 was taking on a deeper meaning. To see a

Founder gunned down, particularly on such an attenuated claim of insult, was more than the public was able to bear.

After Hamilton's death, America saw the first stirrings of an antidueling movement. Though some (including Benjamin Franklin) had opposed the custom from its introduction, post-Hamilton serious voices spoke for its eradication. Yale president Timothy Dwight sermonized against dueling, calling it a sin. So did a preacher named Lyman Beecher, father to Henry Ward Beecher, calling for good Christians to refuse to vote for a man who had ever participated in a duel. According to Beecher, America's very egalitarianism made dueling more of a curse: "In Europe, only gentry pretend to the code. Here, where every man is as good as another, each feels it his duty to defend his honor at the point of a pistol."²⁸

Beecher also commented on the involvement of lawmakers in dueling. As Stevens writes:

Although the [dueling] code was outlawed by the statute books of New York and New Jersey, there were not a few meetings in the first decade of the century, as we have seen in an earlier chapter. How little weight the existing law had on the consciences of gentlemen is indicated by the legal eminence of the principals and seconds concerned in this story. Burr and Hamilton were the most prominent lawyers of the state . . . To these distinguished gentlemen of the law, an anti-dueling proviso had no more influence than the Prohibition Amendment had on their successors in a later age. [The seconds] prided themselves on the fact that everything had been done according to the most correct procedure.²⁹

Efforts to encourage the use of libel law in place of duels—covered at more length in Ben Barton's chapter—faced an uphill battle. Honor was not a quality that could be repaired through the legal system. For a man to turn to the legal system to repair his honor, perhaps by filing a libel or slander suit, was akin to a man admitting that he was unable to protect himself. It was an admission of both weakness and cowardice. A libel suit also carried the message that the plaintiff was one who thought his honor could be repaired by monetary damages.³⁰

Some vestiges survived. As late as the time when I was in high school during the Carter presidency, the notion that an insult might be answered by a ritualized fistfight out behind the gym still had some currency (I myself

engaged in a few such), and any aficionado of classic cinema knows that in the mid-twentieth century even sophisticated adult characters played by actors like Cary Grant might engage in fisticuffs if sufficiently provoked. And the first modern Olympics had a dueling pistols event, where competitors shot each other with wax bullets from ten paces while wearing protective gear. It was discontinued after 1912, though a poll taken in 2000 showed that 32 percent of respondents favored bringing it back.³¹ And although in the 2004 presidential election, Senator Zell Miller (D-Ga) issued a dueling challenge—or perhaps more accurately, threatened to do so—to MSNBC host Chris Matthews,³² nowadays, this custom is essentially extinct.

While a vestige of this culture persists in certain settings in which perceptions of “disrespect” can lead to physical violence, it seems unlikely that dueling will spread to the political class of today, though the latter offers plenty of cause for concern. The differences with Hamilton’s era are many, but in some ways the similarities are growing: As trust in institutions like political parties, news media organizations, and government declines, politics seems to be becoming more personal, as it was in the early days of the Republic. Though this may not lead to a resurgence of the politically oriented dueling that claimed Hamilton’s life and Burr’s career, it may lead to new manifestations of the need for politicians to prove themselves to their followers, and for followers to wage war on behalf of their chosen leaders. Perhaps the social media wars of today are an example of that phenomenon.³³

If so, they represent an improvement. Social media combat among U.S. politicians occasionally ends careers but generally doesn’t cost lives. And our current political class seems far more comfortable with living a consequence-free life than that of earlier ages. Looking at the state of politics today, that may represent the best argument in favor of the custom of dueling, with all its flaws.