

# Some Observations on the Judicial Duel as Practiced in Fifteenth-Century Germany



By Hugh T. Knight, Jr.



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### **ACKNOWLEDGEMENTS:**

I would like to offer my sincere thanks to Doctors Steve Muhlberger and Jeffrey Forgeng for taking the time to review this paper, and to Daniel Burger for his translation of the *Amtliche Berner Chronik* picture I got wrong. This would not have been as good without their help.

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## INTRODUCTION

This brief text is intended to introduce the reader to the judicial duels of the Middle Ages in Germany, specifically as a resource for students of historical European martial arts. It is assumed the reader is a student of, or at least interested in, those arts, and, as such, has some familiarity with the Fechtbücher or “fight books” of the Middle Ages. If not, the reader is urged to learn about them first; there are several sources which serve as introductions to the subject, the best general introduction being Sydney Anglo’s *The Martial Arts of Renaissance Europe* (Anglo 2000).

In this work we will discuss the origins of the judicial duel, its definition and how it differs from other kinds of duels, and its constituent parts and format. We will place particular emphasis upon the different forms of judicial duel, from foot combat with long shields to fully armored combats. While we will make good use of modern academic research to understand our subject, our primary source of understanding will be the medieval Fechtbücher themselves, and the teachings of the men who were actually there, professionally and personally involved with judicial combats.

## ORIGINS

While it is common to believe the origins of judicial combat reach back into ancient history, current research makes it plain that is incorrect. “Judicial dueling appears to have been born out of a synthesis of Roman, barbarian and Christian elements in the early Middle Ages.” (Elema 2012 p. 20.) The first record of actual judicial combats come from Burgundian Law at the beginning of the sixth century C.E. If a man was accused of a crime at that time he could clear his name by taking an oath asserting his innocence. If the injured party refused to accept the

veracity of the oath, he was free to test the claim in combat (id. p. 36).

Trials by combat were common in the Holy Roman Empire from the eleventh to the fifteenth centuries; in 967 Otto the Great expressly sanctioned the practice of Germanic tribal law. But the Fourth Lateran Council of 1215 condemned judicial duels, and in 1216 Pope Honorius III asked the Teutonic order to cease its imposition of judicial duels on their newly converted subjects in Livonia. For the following three centuries, there was latent tension between the traditional regional laws and Roman law (Ziegler 2004 p. 31).

The *Kleines Kaiserrecht*, an anonymous German legal code from ca. 1300, prohibited judicial duels altogether, stating that the emperor had come to this decision on seeing that too many innocent men were convicted by the practice just for being physically weak. Nevertheless, judicial duels continued to be held throughout the fourteenth and fifteenth centuries (id. p. 32; see also Jaquet 2017 p. 133).

To the modern mind, the idea of judicial combat may seem grotesque, and certainly does not seem to provide any feeling of justice being served. There are, however, at least two ways in which such combats served medieval society. First, our modern society is heavily geared toward the process of justice, with police and forensic scientists working every day to solve crimes in order to ensure justice. In the Middle Ages, however, no such apparatus existed, and justice was seen as random and arbitrary. Having a way to get justice, however unreasonable it may seem to modern eyes, gave medieval men at least a hope of satisfaction. “They brought difficult disputes to a conclusion that the entire community could see, remember and agree upon.” (Elema 2012 pp. 188-190.) Unfortunately, an ambiguous outcome to the combat could

do more harm than good, causing those connected to the parties involved to act violently.

Second, feuds (think of the Hatfields and McCoys in early America) were very common in the Middle Ages, and could tear communities and fiefdoms apart. Judicial combats had the potential of reducing such feuds by creating a perception of an end to the conflict in question. “The nineteenth-century German historian Felix Dahn was the first scholar to elaborate on the idea that judicial duels were in fact a way to reduce and control blood feuds in order to keep them from tearing entire communities apart.” (Id. p. 110.)

As part of understanding this, it is important to note that not all judicial duels were seen as being decided by a deity. “German scholars, in particular, enjoy the distinction between a ‘means of reaching a decision’ (Entscheidungsmittel) and a ‘means of obtaining proof’ (Beweismittel). Although abstract, this distinction is important. The idea of ‘letting them fight it out’ is at least as strong as the sentiment ‘may the best man win’ (even given that ‘best’ means ‘with the best case’).” (Bartlett p. 114.)

### DEFINING JUDICIAL COMBAT

We must distinguish between the broader concept of duels in general and actual judicial combats. The latter, unlike less formal duels, were very highly controlled and had very specific parameters. For something to be an actual judicial combat, it had to have three characteristics: First, it had to be a means of settling a dispute. That is, there had to be more than just a love of combat, or a desire to prove one’s prowess, there had to be an actual legal issue to be resolved (see below for a list of permissible causes from Talhoffer). So when Jean le Maingre, the future Mar-

shall of France, challenged a Gascon knight to combat for calling him short and ugly, that was a duel, but not a judicial combat because the question was not a legal one (Elema 2012 pp. 7-10).

Second, the combat had to be arbitrated by a temporal third party possessing some authority to make the results legally binding. Talhoffer talks about the tribunal of judges (Talhoffer 1459 fol. 8r), and we often see mighty lords taking that role, too. So two champions being called before their respective armies would not be a judicial combat, nor would any kind of street brawl (Elema 2012 pp. 7-10). Some point to the mythical combat between David and Goliath in the Christian Bible as an example of a judicial combat, but it was not technically a judicial combat because “it was not adjudicated by a third party and its object was not to prove the truth of a claim.” (Id. p. 25.)

Third, the combat must be between two, and only two, combatants. In fact, one of the terms for dueling found in the *Fechtbücher* is *Zweikampf*, which means literally “combat of two.” (Von Danzig fol. 61r.) Although one of the champions might represent a corporate body, e.g., a monastery, there could only be two combatants on the actual field. Note that this also excludes trials by ordeal, in which, for example, someone is required to carry a red-hot rod for a certain distance to determine his guilt or innocence, since only one person is involved (Elema 2012 pp. 7-10).

Of course, it goes without saying that an additional factor to consider was evidence. If witnesses could verify the event(s) in question, judicial combat was entirely unnecessary (id. p. 25).

### TYPES OF JUDICIAL DUELS

Combat with lethal intent was called *Kampffechten* (e.g., Von Danzig fol. 63v), distinguishing it from friendly or sportive



combats such as jousting or friendly deeds of arms. Kampffechten plays a significant role in the German schools of fighting; indeed, most of the material in the Fechtbücher was intended solely for use in individual Kampffechten, with almost none of it intended for friendly or sportive deeds of arms, nor even for war.

We can divide Zweikampf into two categories: Armored (Harnischfechten) and unarmored (Bloßfechten). We can further divide things into duels between noblemen, between commoners, or between noblemen and commoners. We know that noblemen and commoners engaged in Zweikampf at least occasionally from the fact that Talhoffer tells us that a nobleman had the right to refuse to fight a commoner if he chose (Talhoffer 1459 fol. 8v). See also the Dresden Codex of the *Sachsenspiegel* ("Saxon Mirror") c. 1295-1363 which said: "Any man may refuse a challenge from someone of lesser birth, but if the challenger is of higher birth, then the lesser-born many may not refuse him." (*Sachsenspiegel* fol. 25r.)

Bartlett expanded upon this, saying: "In Germany a superior was permitted to refuse the challenge of an inferior — one 'worse born' than he — and, if a knight challenged another knight, he had to prove his ancestry: 'the right of fighting the duel will not be granted to him unless he can prove that he, from of old, along with his parents, is a legitimate knight by birth.' The apparent exclusivity should not delude us. The principle was that one could only challenge one's peers, not that challenges were in any way aristocratic." (Bartlett pp. 109-110.)

### BLOßFECHTEN

Most judicial combats between commoners seem to have been fought with Langenschilde or "Long shields." These

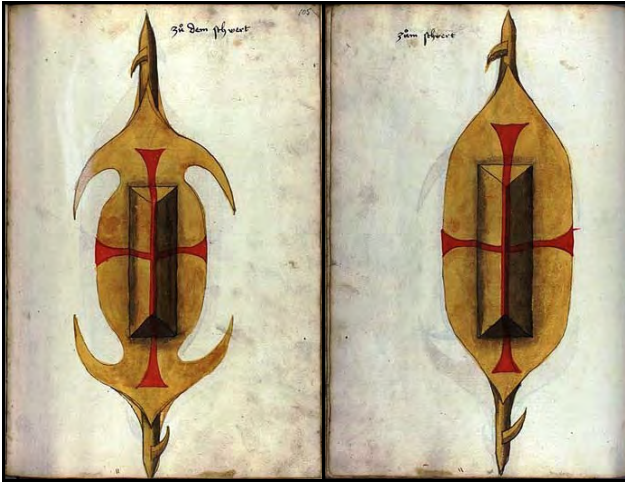


Fig. 1: Langenschilde from Talhoffer 1459 ff. 105r-v

were, as the name suggests, literally long shields, apparently six feet or more in height, and usually armed with at least a spike on the top and bottom, and often with more spikes and hooks (see figure 1). When using these

shields, the combatants would wear tight-fitting leather suits (see figure 2) which were greased to make grappling difficult. We have an account of such a duel in England which says that they coated their hands in wood ash in order to enable the combatants to hold onto their weapons in spite of the grease (Elema 2012 p. 2), although no German account gives this detail.

The Kampfers or duelists could be armed with either a sword, a mace, or, sometimes, just a dagger (with the shield itself being the primary weapon in that case), according to the law (see figure 3). The exact nature of the combat varied by region, with the “Frankish rite” being Langenschilt and mace (Talhoffer 1467 fol. 53v; *Gladiatoria* fol. 52r), while the custom in Swabia was to use a sword with the Langenschilt (Talhoffer 1467 fol. 65v). Similarly, in mid-fourteenth-century Zwickau, a rule directed “All



Fig. 2: Dueling suit. Talhoffer 1459 fol. 107r

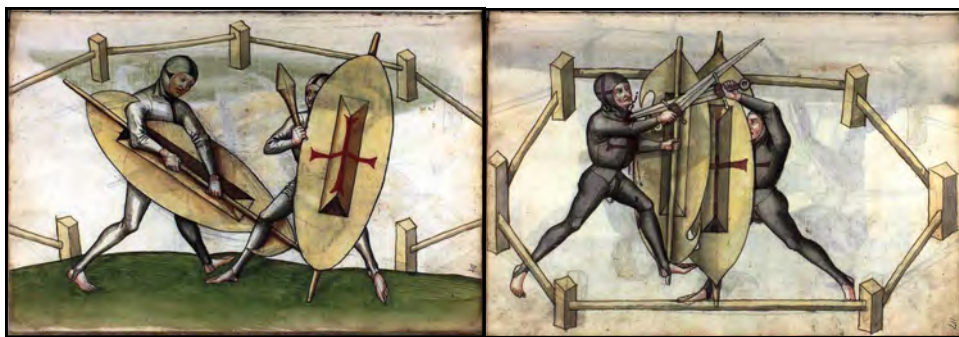


Fig. 3: Langenschilt with maces & swords. Talhoffer 1459 fol. 114r & 117r

knights, valets (knecht) and merchants shall fight with a sword, while all peasants shall fight with a wooden mace.” (Jaquet 2017 p. 135, citing the *Zwickauer Rechtbuch* of 1348-1358).

It is hard to be certain if unarmored judicial combats were fought with any other weapon forms than those listed above. The *Fechtbücher* give detailed instructions for the use of the sword and buckler, the messer, and the longsword out of armor, but we can’t be sure whether they were writing for self defense, informal duels, or whether there were judicial combats fought with those forms. We do have a picture from *Codex Wallerstein* which shows



Fig. 4: Duel with Longswords.  
*Codex Wallerstein* ff. 1v-2r

two men who seem dressed as gentlemen (see figure 4) and armed with longswords in a setting suggestive of judicial combat, with pavilions, biers, fencing, judges and spectators, etc., but we are not told what kind of

duel was depicted.

However, while the Fechtbücher are silent on other forms being used in unarmored judicial combats, other sources show they were. Figure 5 shows a judicial combat between knights (in spite of the use of maces) without shields, and the *Sachsenspiegel* describes the use of smaller round shields (fol. 25r; see figure 21).



Fig. 5: Judicial combat between Ott von Grandson and Gerhard von Staßfurt shields. Schilling p. 278

### HARNISCHFECHTEN

The exact format of armored Zweikampf appears to have varied according to law and location. Some sources (e.g., Paulus Kal and Peter von Danzig) show such duels beginning on horseback with lance and sword (see figure 6). They then show tech-

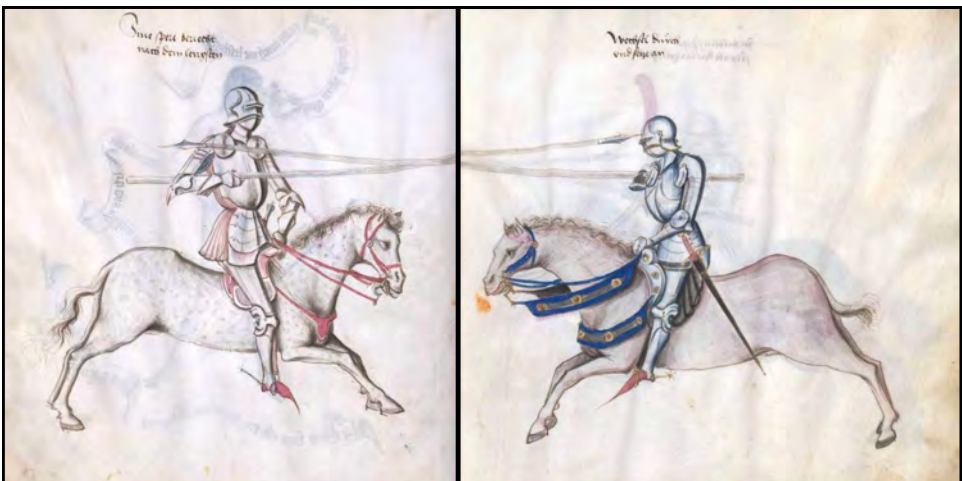


Fig. 6: Dueling on horseback with lances. Kal 1470 ff. 6v-7r

niques for use by a man on foot against one who has remained ahorse, followed by techniques for fighting with spears on foot, swordplay, dagger techniques, grappling techniques, and finally, techniques to be used on the ground. "Now you are to learn that to a large extent, armored judicial combat comes down to dagger fighting and wrestling." (Von Danzig fol. 71v).

Other sources (e.g., *Codex Wallerstein* and *Gladiatoria*) show duels beginning on foot with dismounted spear combat and then working through the same progression as above. Still others (e.g., Talhoffer 1449 and 1467) begin on foot with spear, sword, and dagger, but no shields (see below); some show no spear fighting at all, instead merely casting their spears at one another before closing to fight with swords.

Although some Harnischfechten began mounted and some on foot, it was also possible to start the duel on horseback but then dismount and fight against an opponent who remains mounted. "One can fight in armor both on foot and ahorse, whichever way the two fighters commit themselves and according to law. If it should be that you should fight ahorse and you think your opponent is too clever or too strong, then dismount and fight with him according to the way described in the following art as written hereafter." (Von Danzig fol. 53v.)

In mounted combat, called Roßfechten, we see techniques for fighting lance against lance. This is not the unopposed lance work of sportive jousting, but includes deflections and counter techniques (e.g., Wilhalm fol. 27v). We also see swords used against lances, sword on sword combat, and we even see mounted grappling.

Next we see techniques to use on foot against a mounted opponent, and on foot against the enemy's horse.



Finally, there is dismounted combat. Here, we see spear fighting, and we also see the spear thrown to distract the enemy, followed by closing inside the enemy's spear point to fight with a sword. Note that when engaged in armored sword combat the sword is held in what the masters call the *Gewappeter Hand*, or "armored hand" (*Gladiatoria* fol. 3v); the *Kurtzen Schwert*, or "shortened sword" (*Von Danzig* fol. 61v); or the *Halbschwert*, or "halfsword" (*Ringeck* fol. 97v).

*Halbschwert* techniques were used because the armor of the period was so effective that normal cuts or strikes with the edge of a sword could have almost no effect. As a result, men at arms learned to grip the middle of the blade and use the left hand to guide the point into the gaps of the enemy's harness.

When the combatants get too close to use their swords easily, grappling and dagger fighting is natural. While some sources



Fig. 7: *Spear and Targe*. *Codex Wallerstein* fol. 105v

show us standing techniques for dagger combat (e.g., *Gladiatoria*), Von Danzig told us to avoid the dagger because it's too hard to hit the gaps in an enemy's harness and so to go to Ringen instead, then use the dagger on the ground to finish off one's opponent (Von Danzig fol. 72r).

## SHIELDS

None of the Fechtbücher show shields being used on horseback in judicial combats. One very exceptional plate in the *Thott Codex*, which is strongly at odds with those around it, depicts a friendly joust (note the tripartite coronel indicative of a lance of peace), but it is nearly unique (Talhofer 1459 fol. 130v).

Jousting shields are called “écranché” by modern authors, but no source from before 1600 seems to use that term, calling them “targes” or “targets” instead (see *Gladiatoria* fol. 1v, “thartschen”), so that term is preferred here. The targe had a roughly rectangular shape with a cut out in the dexter chief corner called a “bouche” for the lance. They had arm straps called “enarmes” and a strap called a “guige” (although not shown in figure 7, one can be seen on a targe on the ground in *Codex Wallerstein* fol. 91r) used to hang it from the neck in order to free the hands to wield weapon and reins.

While the Fechtbücher don't show targes used on horseback, we do, rarely, see them in foot combat, as in figure 7 above. Even there, however, we never see them actually being used to do anything. *Gladiatoria* has only one plate showing a targe, the text of which says: “When you first step into the lists and become aware of your opponent, then take your targe in your left hand and ready the spear for a strong thrust from above.” (*Gladiatoria* fol. 1v.) The rest of the text for that plate goes on to discuss what the other Kampfer will do, but the targe is not mentioned again.

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One strange plate from the *Thott Codex* depicts a targe being used on foot, but in a very odd capacity. The plate shows two armored Kampfers with targes hung about their necks on guiges while the combatants hold their swords in halfsword grips. The text says to use a highly polished shield to reflect the sun's rays into your opponent's eyes, blinding him so you can strike unopposed. Talhoffer copied this rather silly bit of instruction from Konrad Keyser's *Bellifortis*. This book is devoted to war machines, gadgets, and other products of the author's rather extravagant imagination, many of which are highly impractical. It is extremely unlikely any such tactic was ever attempted in a formal duel, or that it would have been countenanced if it had.

There are numerous examples of shields being used in duels which predate our period (e.g., figure 21 below), but because of our temporal constraints, we will not explore them here.

Thus, it is difficult to understand the use of the targe in relation to fifteenth-century German judicial combat, and more work will be required to address this facet of the art. In any case, however, their scarcity in the material suggests a ceremonial or traditional use rather than a functional one.

### MAN VS. WOMAN

No discussion of German Zweifechten would be complete without a reference to the oddest sort of combat seen in the Fechtbücher: A duel between a man and a woman, with the man shown standing in a waist-deep hole with a club in one hand and his other tied behind his back, and the woman shown standing outside of the hole with a rock tied in a cloth veil.

Notwithstanding the movie industry or the desperate efforts of revisionist historians to prove women engaged in orga-

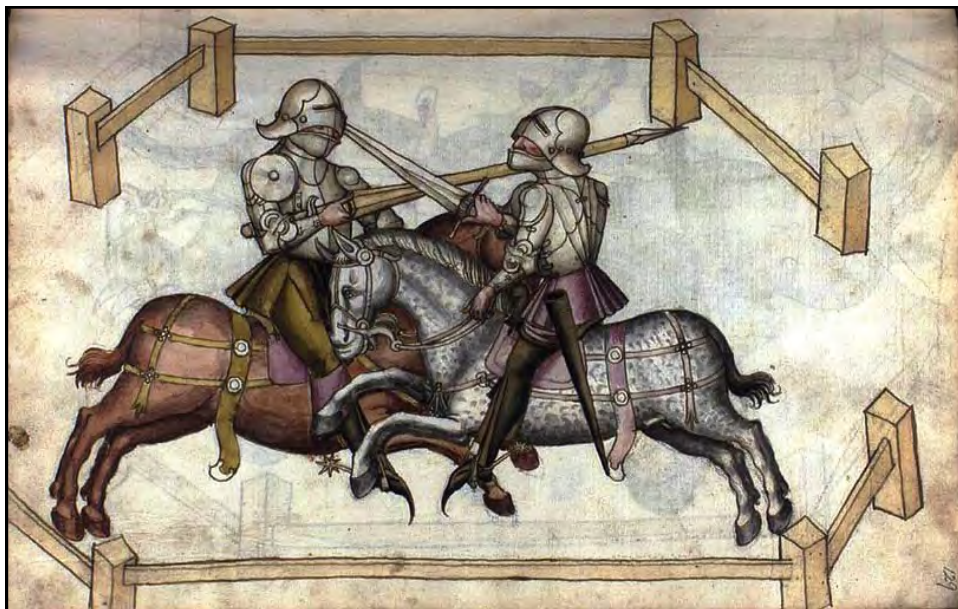




Fig. 8: Man vs. Woman. Talhoffer 1467 fol. 122v

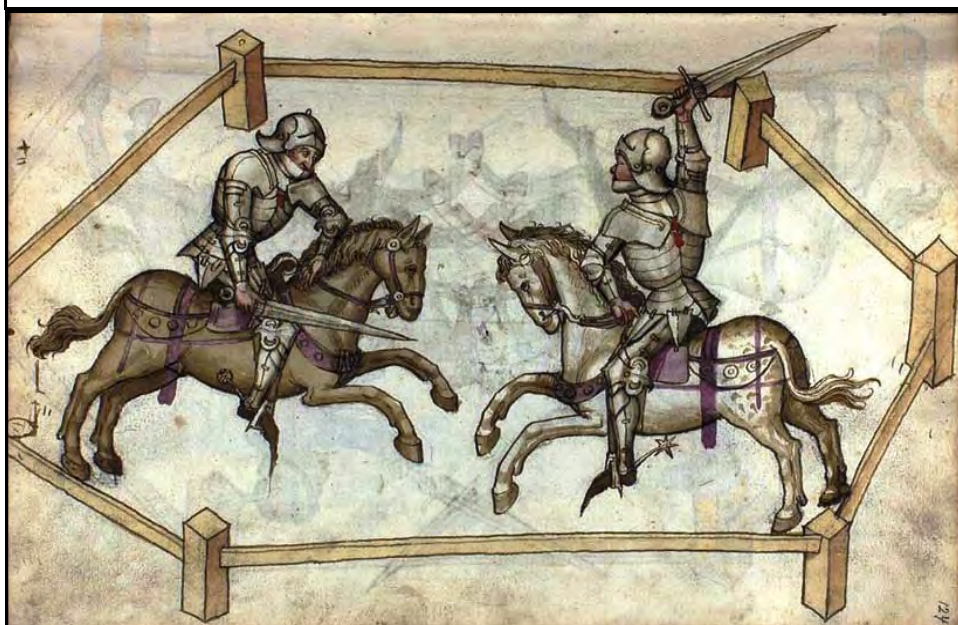
nized or formal combat in the Middle Ages, the cultural mores of the time absolutely forbade such things. At the same time, popular entertainments of the time enjoyed role-switching themes for metaphoric or humorous purposes, such as when mock tournaments would be staged in which young men would pretend to besiege a castle defended by girls dressed as men. Thus, the existence of this kind of myth should not be surprising, even though responsible research can find no evidence for any such activity.

The basis for this particular myth comes from the German romance *Apollonius von Tyrland* which depicts this exact form of duel, with a man in a waist-deep hole armed with a club fighting against a woman with a rock in a veil. “It is not clear, however, that a duel of this sort took place anywhere in the fifteenth century, except in the imaginations of Masters Talhoffer and Kal.” (Elema 2012 pp. 146-147.) Bartlett points out that women were excused from judicial combats (Bartlett p. 12) (see figure 8).



*Fig. 9: Mounted lance against sword; note that they are in a Gries, but that it is obviously not to scale. Talhoffer 1459 fol. 129r*

*Fig. 10: Mounted sword against sword. Talhoffer 1459 fol. 124r*







*Fig. 11: Grappling on horseback. Talhoffer 1459 fol. 128r*

*Fig. 12: Dismounted against a mounted man. Kal 1470 fol. 18v*



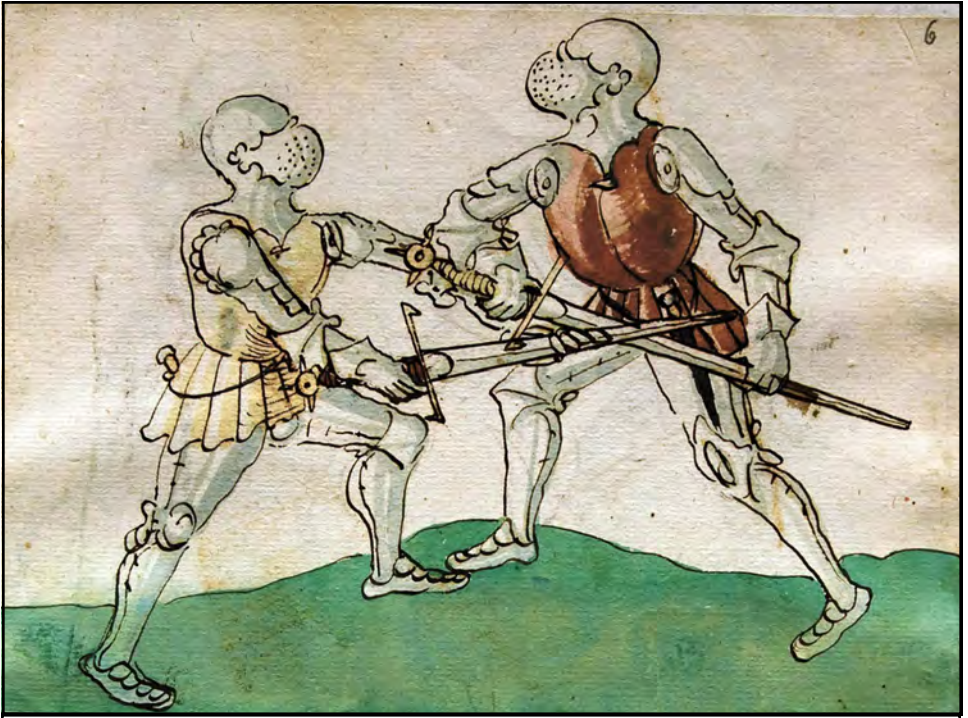


Fig. 13: Halfswording. *Wilhelm fol. 6r*

Fig. 14: Grappling. *Wilhelm fol. 11r*







Fig. 15: Dagger combat in armor. *Gladiatoria* fol. 33v

Fig. 16: Groundwork in armor. *Gladiatoria* fol. 58r



## THE PROCEDURE

Judicial combats were not random, uncontrolled events; rather, they were formal, carefully structured activities governed by precise (albeit variable) rules and procedures. Talhoffer discusses these rules in detail in the *Königsegg* and *Thott Fechtbücher*. He lists seven offences that, in the absence of witnesses, were considered grave enough to warrant a judicial duel, to wit, murder, treason, heresy, acts of betrayal towards one's lord, betrayal of one's given word when captured, fraud, and the abuse of a women (Talhoffer 1459 fol. 8r).

Bartlett breaks out the justifications for judicial combat into broad categories: "There are the heinous and clandestine crimes, like treason, arson, and poisoning; the cases which turn on disputed evidence; cases like theft, which are clandestine but not heinous; and trifling cases are excluded." (Bartlett p. 106.)

Treason, or betrayal of one's lord, was so intimately tied to questions of battle that it was only natural medieval man would see it as justiciable by combat. In fact, in his *Landfiede* of 1235, Frederick II excepted a great many things from trial by combat, but specifically retained treason as a justification for judicial combat in both Italy and Germany (id. p. 107).

The *Sachsenspiegel* gives a broader range of offenses which can be used to justify judicial combat: "Then he must bring formal charges that the offender has violated the peace against him either on the king's road or in the village [and describe] the manner in which he acted against him. This is the way he must bring charges. If he then also accuses the man of wounding him and using force against him and can prove it, then he must exhibit the wound or, if it has healed, the scar. The he may bring further charges that the accused has robbed his goods and taken so much that it is not unjustified to challenge him to trial by bat-

tle." (*Sachsenspiegel* fol. 25r.)

Next, the combatants could not be "within five places of kinship" (i.e., closely related), and they had to have seven men who could attest to this fact; also, the accused had to be physically capable of fighting the duel (e.g., neither lame nor blind) unless he waived that claim (*id.* fol. 9r). "Women, the young, the old, and the sick and the maimed were almost universally excused. Clerics and Jews were frequently permitted to offer champions." (Bartlett p. 112.) However, champions were often seen as unsavory characters. "The *Sachsenspiegel*, for example, categorizes them along with actors and bastards as 'unlaw-worthy' (*rechtelos*)." (*Id.*)

One strange procedural option in the *Sachsenspiegel* says that "A man may refuse a duel if he is challenged after the noon hour unless the proceedings began earlier." (*Sachsenspiegel* fol. 25r.)

These conditions having been met, the man making the accusation had to go before a tribunal of three judges and give the full name of the man he accused and a full testimony regarding the accusations. Then the accused man had to go before the tribunal and dispute the challenge, asserting his innocence or justification. Only if the tribunal could not solve the case from these proceedings did the case proceed to combat. If that happened the two men were given six weeks and four days to prepare for combat (Talhofer 1459 fol. 8r). During this training period they were constrained not to break the peace upon pain of banishment (*id.* fol. 8v; see also Jaquet 2017 p. 141).

Talhofer made it clear that both the accuser and the accused should go to a respectable Fechtmeister to prepare for the upcoming fight: "[I]f a nobleman has an agreement that he is provoked to a duel, or provokes one, then he should remember to

take a master who could prepare him for the fight, and is from the master to be sworn that he faithfully shares with him his art, and not tell his secrets or the tricks which he teaches him." (Talhoffer 1449 fol. 1r). The Fechtmeister must be someone who will "teach well a good and effective art"; be pious and sober; not embezzle his student; and he must teach a full art, not just parts of it. Anyone who will not swear to do those things should not be hired (Talhoffer 1459 fol. 10r). The Fechtmeister also had to consider his potential student, judging his character and ensuring the student was not someone who would give away the master's secrets (id.).

Once a bargain was struck, the master had to take the student through various religious rituals and then the training could begin. The student was urged to a regimen of exercise and diet; Master Talhoffer instructed the student to: "...rise all days early, hear a mass, then to go home, eat a slice of "Johannisbrot" (Saint John's Bread), and then practice strenuously for two hours, to not eat much fat, and practice again in the afternoon for two hours. At night before going to sleep he was to eat a piece of pumpernickel/ dark bread which had been soaked in cold water: "that makes good breath and widens the chest" (Talhoffer 1449 fol. 1r).

After practicing four hours per day for six weeks and four days the day of the combat would arrive. On the night before, the combatant was advised to go through various religious rituals, after which his Fechtmeister was to counsel him one last time (Talhoffer 1459 ff. 10r-v).

The officials involved in the duel were as follows: First, there was the impartial Rechter (judge), who oversaw the combat and ensured the rules were followed (Talhoffer 1459 fol. 10v). Then, each combatant had the following men in his entourage: The Warner (advisor) was responsible for interacting with the officials of the court and with the opposing party on behalf of the





*Fig. 17: Judicial Combat. Schilling p. 24*

Kampfer (combatant). The Lüsner (listener) was an assessor from the court, charged with witnessing the combat. The Grieswart (ring-warden) was the Kampfer's second; he was equipped with a staff, and was allowed in the ring with his principal. (See Jaquet 2017 p. 139.) Finally, there were the varlets, commoners who were charged with dealing with the loser's body; in some *Fechtbücher* they are shown to be very small figures (reflecting the hierarchical scale often seen in medieval art) and/or sometimes with torn clothing (e.g., see Talhoffer 1459 fol. 94r) to indicate their lowly status.

The Warner's duties included advising the Kampfer as to

the rules of the combat, and he was expected to go to the opposing fighter either during rest breaks or after the fight (if no death had occurred) to negotiate the claims (see below) (Kal 1470 fol. 128v). The Grieswart's duties included interrupting the fighting when his principal wanted to take a break, for which purpose he was equipped with a staff (id.). Expanding on this, the *Sachsenspiegel* said that: "To each fighter the judge shall assign a deputy to carry his staff. These men shall not hamper the fighters in any way. But if one of the combatants falls, the deputy shall place the staff between them, or if one is wounded or asks for the staff. He may not do this of his own accord but only when he receives permission from the judge." (*Sachsenspiegel* fol. 25v.)

None of the masters specifically discussed the form of the field for judicial combat, although several showed pictures, and we have pictures in non-Fechtbuch sources as well. In figure 17 we can see all of the features and most of the men associated with judicial combats discussed in the Fechtbücher. We see the two armored Kampfere with their weapons; we see the two Grieswarter with their staves; and we see the nobles in the back to witness the duel. The field includes a wooden fence arranged in a ring to hold back the spectators, and encompasses a ring of stones or gravel wherein the fighting will actually occur. This ring was called der Gries or "ring" (Pearsall 1840 p. 352, Talhoffer 1443 fol. 38r). The combatant's tents and chairs are also within the Gries. Compare this with figure 20 from Talhoffer 1459 which shows the combatants seated in their chairs within the fence and attended by their Grieswarter.

On the day of combat each combatant would be led into the Gries by his Fechtmeister and accompanied by his Warner, Lüssner, and Grieswart (figure 18) (Kal 1470 ff. 43v-44r). Some sources, such as Jörg Wilhalm, show the Fechtmeister leading the



Fig. 18: The procession into the Gries

Warner                      Fechtmeister      Kampf                      Lüsner                      Greiswart

"Help god, your everlasting body is here and your spirit there"

Paulus Kal 1470 ff. 43v-44r

Kampf with a fabric covering held over both of their heads, although no source explains this rather odd practice (see figure 19).

The Grieswarter would lead the men around the Gries to show the presiding nobility and witnesses they are who they are supposed to be, and the Rechter would inspect them to ensure no unfair weapons or equipment were brought while warning them against cheating or getting outside help (Talhoffer 1459 fol. 10v). Each combatant would then swear an oath that his cause was just and that he was using no magical



Fig. 19: The Fechtmeister brings the Kampf into the Gries. Wilhalm fol. 1r





Fig. 20: The Kampfers seated in the Gries with their Grieswarter and their biers.  
Talhoffer 1459 fol. 85r

aid, and would then be taken to his Ruhsitz, or “rest place” (Kal 1470 fol. 128v). There he would be seated in a chair and have a tent or awning spread over him with his banner by his side and his bier behind him – just in case. (Talhoffer 1449 ff. 10v-11r). He would receive his armor and weapons from his Fechtmeister (Pearsall 1840 pp. 354-5 and Talhoffer 1449 fol. 9v).

The preliminaries having been conducted satisfactorily, the Rechter would call each combatant to take his place, calling his name three times (Talhoffer 1459 fol. 10v). According to the *Sachsenspiegel*, if the accused did not appear after being summoned three times, the accuser could execute two cuts and a stab “against the wind,” and the matter would be treated as if he had won the fight (*Sachsenspiegel* fol. 26r).

The combatants were placed so that neither had the sun in



Fig. 21: Positioning the *Kampfer* so the sun does not shine in their eyes.  
*Sachsenspiegel* fol. 26r

his face (id., see figure 21), and would be given the command to engage by the *Rechter*. Once the fighting began it continued (barring rest breaks) until one or the other of the combatants was dead, yielded by admitting he was wrong, or attempted to flee the lists – which would be taken as an admission of guilt. Often, if one or the other yielded or attempted to flee he was summarily executed (Talhofer 1459 fol. 9v).

The loser would then be stripped of his gear, wrapped in a sheet, and loaded into his bier (Talhofer 1449 ff. 21v-22v) by the varlets, while the winner would give thanks for his divinely assisted victory (id. fol. 23r).

It would appear that death was not always the result of these combats. Paulus Kal said that the *Warner* could be sent to the other fighter when he was in his *Ruhsitz* to “negotiate their claims” (Kal 1470 fol. 128v). Presumably, this applies to the formal rest breaks either *Kampfer* could request, but then Kal goes

on to say he can do the same thing after he returns to his Ruhsitz “whether he wins or loses” (id.). Kal is not clear as to the nature of these negotiations, but really, there is only one thing it could be, *viz.*, an admission as to the truth or falsity of the charges. Thus, it seems that if the fight is over but no one is killed, then the loser can offer to admit the claims of his opponent to be true in exchange for having his life spared; there is nothing else that would make sense in that circumstance.

The following pictures show the essential elements of the Zweikampf as depicted in the Fechtbücher, from a depiction of the empty Gries; to the religious rituals; to the arming of the combatant by his Fechtmeister; to the procession into the Gries; to being seated in the Gries with banner and bier; to the dead loser being stripped by varlets; to the loser’s body being placed into his bier; to the winner giving thanks for his victory in yet another religious ritual as the all-important Fechtmeister watches.

These pictures (except that of the Gries in figure 22) all come from Hans Talhoffer’s *Königsegg Codex* (Ms.XIX. 17-3), c. 1449, a Fechtbuch created for one of the von Königseggs of Märstetten castle in present-day Switzerland, probably Leutold III (Kleinau 2011). It is extremely unlikely von Königsegg ever fought a duel; such things were rare during the fifteenth century and tended to be well documented, but no records for any such duel have been found (id.). Moreover, it is telling that von Königsegg’s opponent in these plates is unnamed, a thing highly unlikely had there been an actual person with whom he had fought a duel. That being the case, it seems likely that Master Talhoffer wrote this book as an exemplar for his patron to show him what such a duel would be like if it were to happen, not to commemorate an actual event.

Note that the Gries depicted in these pictures are obviously

not to scale. We don't know exactly how big they had to be, but it is obvious horses could not have been used in such small enclosures.



*Fig. 22: Der Gries; Note the fence, the chairs, and the banners.  
Talhoffer 1443 fol. 38r*





Fig. 23: "God help you by the eternal word be blessed." Talhoffer 1449 fol. 2r





Fig. 24: Here Hans Talhoffer prepares Leutold von Königsegg. Talhoffer 1449 fol. 9v



Fig. 25: Here he goes into the list and he walks with Talhoffer, the witness is in the lead.  
Talhoffer 1449 fol. 10r





Fig. 26: Here sits Leutold von Königsegg. Talhoffer 1449 fol. 10v



Fig. 27: And there is his opponent. Talhoffer 1449 fol. 11r





Fig. 28: They undress him. Talhoffer 1449 fol. 22r



Fig. 29: They lay him into his bier. Talhoffer 1449 fol. 22v





Fig. 30: Here he thanks God. "I want to be God's servant He protects my life + Leutold von Königsegg." Talhoffer 1449 fol. 23r





## APPENDICES

### PREFACE TO THE KÖNIGSEGG CODEX

(Talhoffer 1449 ff. 1r-1v.)

One notices, if a nobleman has an agreement that he is provoked to a duel, or provokes one, then he should remember to take a master who could prepare him for the fight, and is from the master to be sworn that he faithfully shares with him his art, and not tell his secrets or the tricks which he teaches.

The young nobleman has to be careful not to have too much confidence in people and not to give his secret arts away to anybody, so that he will not be betrayed, and particularly he is to rise all days early, hear a mass, then to go home, eat a slice of Johanisbrot, and then practice for two hours with effort, not eat much fat, practice again in the afternoon for two hours and at night before going to sleep to eat a piece of pumpernickel/dark bread, which has been soaked in cold water; that makes good breath and widens the chest.

If the business is then to take place, he is to turn to a city, which pleases him therefore, asking for inlet and protection; if one assures that to him, then he requires free escort for himself and his companions.

The fencing master is to lead the young nobleman who wants to duel to a lonely place (a church) and have him kneel down and ask god to lend him a lucky hour and victory.

He should also have a bold heart and strong fists, that is also very good in addition.

Young man, now learn  
to love god and honor women,

speak well of women  
    and be brave, as one should be,  
    guard yourself from lies and deceit.  
    Strive after integrity  
    and take great pains  
    in your knightly practices:  
    throwing and pushing stones,  
    dancing and jumping,  
    fencing and wrestling,  
    running at the lance and tournaments,  
    and courting beautiful women.  
    Be in a light and humorous mood:  
    fencing requires heart;  
    if you frighten easily,  
    then you are not to learn to fence.  
    The whole art would be lost,  
    because the roar of the impact  
    and the rough strokes  
    make a cowardly heart fearful.

    Show manly courage  
    against anyone who wrongs you.  
    If you want to remain in honors  
    then practice the truth.  
    Be wary of evil people  
    who could not keep up loyalty.  
    If you understood this well,  
    thus join the good.  
    If you are given advice,  
    then consider it well.  
    Then you will be able to recognize  
    if it will avail or harm.

Thus speaks Talhoffer.

Now learn the true tenets:

you need bethink your self well  
if you want to fence or to wrestle;  
retain the secrets of fencing,  
do not trust everyone.  
Stand as firm as a bear  
and do not slide back and forth.

This bear in mind  
and apply your whole strength  
in the right degree.

Learn well the art  
and often regard your fencing book,  
there you will find everything displayed.

Now will Leutold von Königsegg learn dueling from  
Talhoffer. God releases us from all complaint.

## INSTRUCTIONS FOR JUDICIAL DUELS

(Kal 1480 ff. 128v-129r)

1. First, he should ask the assembly about what he should have according to the law, if he should have a Warner, a Lüsner, and a Grieswart, and what equipment he should have.
2. When the Warner is named, he should ask him how to advise him that he is doing things lawfully and not unlawfully.
3. He should ask if he and the Warner may go to the other fighter at his resting place [Ruhsitz] to negotiate their claims.
4. Whether he wins or loses, he should ask if he and the Warner may go to the [other] fighter to talk about his claims after he is back at his rest place in the lists.
5. When the Grieswart or the Lüsner are named, he should ask how to do things lawfully and not unlawfully.
6. He should ask how to handle the staff so that he does it lawfully. (NB: This refers to the Grieswart's staff being used to break the Kampfers apart for breaks.)
7. He should ask how to wield the staff lawfully if he needs it.
8. He should ask what the Grieswart or Lüsner should watch for and how they should bring forward what they observe [during the fighting] so that they are doing it lawfully and not unlawfully.
9. He should ask if the Grieswarter and Lüsner agree when they have seen or heard something that it will stay that way.
10. He should ask if the Grieswarter do not agree with what the Urtailler [judge] says what they should say and do about it.
11. He should also ask whether it should be the Grieswart or the Urtailler that should say what the law says.



12. He should ask which fighter will be the first to strike, and who gets to choose to be the first to enter the Gries.
13. He should ask how many maces he should have and what other equipment he should have for the fight.
14. He should ask what the rules say if he loses a mace outside of the Gries.
15. He should ask whether he loses a mace, and it is outside of the Gries, if he has the right to get it back.
16. He should ask if his Grieswart may carry a replacement mace to give him if he needs it.
17. He should ask what the rules say about going outside the Gries, be it with a hand, a body, a foot, a shield, or a mace.
18. He should ask how many times he may ask his Grieswart to use his staff to break up the fight for a rest without losing the fight [lit. "how many staffs he may request"].
19. He should ask if the maces should be checked, and what they should be like [i.e., size and design].
20. He should ask if he may check the shields, and what they should be like.
21. He should ask how often he may have a rest break and how long they may be.
22. He should ask how he should go to the fight.
23. He should request that the answers to all of these questions be written down in a book.
24. He should ask how he will be judged, and by whom, if he steps back from the fight.
25. He should ask what the law says about someone who disturbs

the fight with noise or other ways, and how it will be handled.

26. He should ask what the precautions are to protect the fighter if a crowd gathers behind the Gries.



Fig. 31: Master Kal gives the Kampfer his sword before the duel. Kal 1470 fol.5r

## SUMMARY OF THE INSTRUCTIONS FOR JUDICIAL COMBAT FROM TALHOFFER

This is a combination of Talhoffer's instructions in his 1449 (ff. 1r-1v) and 1459 (ff. 7v-10v) Fechtbücher. The elements of both sets of instructions have been combined and then and re-ordered somewhat to make them follow the actual order of the process, which Talhoffer makes somewhat confusing. In addition, the translation here is more colloquial and less word-for-word than some prefer, and the language has been somewhat compressed, but the intent was to improve the clarity of the instructions.

1. No one is happy being insulted, and you may fight someone who does, but it is wanton to do so.
2. There are seven causes which will obligate a man to fight. The first is murder. The second is treason. The third is heresy. The fourth is urging disloyalty to one's lord. The fifth is betrayal in war or otherwise. The sixth is falsehood. The seventh is using either a maiden or lady.
3. If you have one of those causes you will go before a tribunal of judges in your own person and accuse the malefactor by his full name, and explain why the combat is just.
4. Then the accused must go before the tribunal in person to give his answer to the charges.
5. If the judges agree that the matter must be judged by combat the combatants are given six weeks and four days in which to train. The two men must agree to the fight.
6. A man of low status may challenge one of higher status, but the higher-status man may decline if he chooses.
7. If one of the combatants is within five places of kinship with the

other — as attested by seven men of either side of the family — then the fight will not occur.

8. If one of the combatants is lame or blind he may decline the combat, but he may fight regardless if he wishes.

9. The judge should inform the combatants that they may go in peace, but that if either of them breaks the peace he will be banished.

10. Talhoffer says you must know your Fechtmeister and that his art is true. He should be pious and sober; he should not steal your money; and he must not shortchange your training.

11. The Fechtmeister has to know his student's character and physical abilities well. When he agrees to teach the student, the student must promise not to reveal the Fechtmeister's teachings to others. The Fechtmeister must get his payment before the fight.

12. The student should rise each day for mass, then go home, eat a slice of Johannisbrot, and then practice hard for two hours. He must not eat too much fat. He should practice two more hours in the afternoon and eat a slice of pumpernickel bread soaked in water before going to bed.

13. The student should make arrangements for safe passage into the town where the fight is to take place for himself and his companions.

14. When it's time to go to the fight the Fechtmeister should take the combatant to a priest for various religious rituals. Then the Fechtmeister should advise the student for the last time, telling him to focus on his foe and to judge him carefully.

15. When the time is over, the judge will summon the combatants and ask if the complainant still holds the charge to be valid. When that happens, the judge will decide upon a venue for the fight and

assign Grieswarter for the combat.

16. The combatants come into the ring and the judge will warn them about the rules, specifically, that no hidden weapons are permitted, and that no one may aid either of the combatants.

17. If one of the combatants is driven out of the ring, or flees out of it, or admits he has been beaten, or is in the wrong, then he will be judged to be vanquished and will be executed.

18. When the combatants come into the ring each performs more religious rituals. Then the Grieswarter take them and show them to the noblemen present to witness the combat.

19. The combatant is seated in his chair inside his tent, with his bier to the rear and his weapons before him.

20. The judge calls the Fechtmeister and Grieswart to let them know things are ready to begin, then he calls the combatants by name to come fight. He calls three times, then he commends them to god and the fight begins. If they fail to heed the call they are adjudged defeated.



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Cover Picture: Lirer, Thomas. *Schwäbische Chronik* (BSB Cgm 436 fol. 48v.)

NB: Unless otherwise specified, all translations herein were made by the author.

