

SPORTING ARBITRATIONS: 18TH-CENTURY RULES FOR BOXING

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We might now think of the rarefied world of the Court for Arbitration in Sport when we attempt to imagine sporting arbitrations, but, in the 18th century, arbitrators were appointed on an *ad hoc* basis, and were expected to decide matters that would now be in the hands of referee, governing body and appeal court, often with big money riding on the outcome of their decisions. And rioting was not out of the question when arbitrators decided a sporting contest.

Boxing, or pugilism, flourished in 18th-century England, moving out of the bear gardens where it provided an entertainment alongside animal baiting in the early decades of the century (Litherland 2016). King George I erected a prize-ring for public use in Hyde Park in 1723. The sport underwent professionalization and commercialization through the century, as specialist boxing theatres were constructed, innovations such as gloves were

introduced, and rules were formulated. By the 1740s three categories had emerged: a form of exercise for the upper classes; a method of settling disputes for the lower classes; and a form of popular entertainment. Boxing was still of questionable legality, but was often protected by aristocratic patrons. Gambling was an important part of the sport and several hundred thousand guineas could change hands on a single fight. By the end of the century, boxers could become national heroes, thanks in part to the burgeoning field of sports journalism (Ungar 2012: 23-29).

Boxing pioneer Jack Broughton introduced a set of seven rules in 1743 for bouts at his amphitheatre in Tottenham Court Road, which became the basis of the code for most contests for over a hundred years (*Rules to be Observed in All Battles on the Stage* 1743). Rule VI stipulated:

That to prevent Disputes,
in every main Battle, the

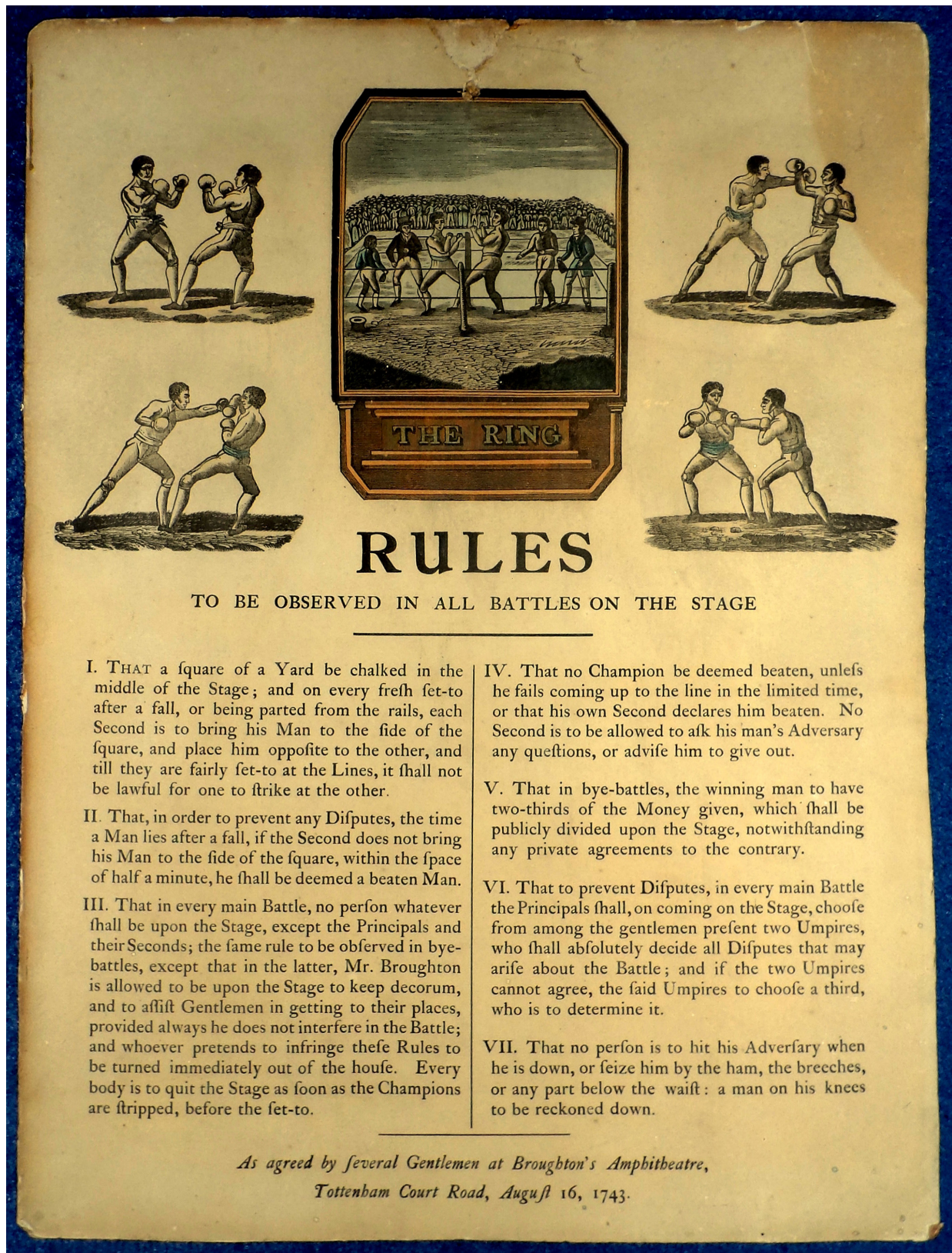


Figure 1: Rules to be Observed in All Battles on the Stage London, 1743.

Source: [Broughton Rules.jpeg](#) Wikimedia Commons, the free media repository.

Principals shall, on coming on the Stage, choose from among the gentlemen present two Umpires, who shall absolutely decide all Disputes that may arise about the Battle; and if the two Umpires cannot agree, the said Umpires to choose a third, who is to determine it.

This may appear to modern eyes like a ‘hybrid’ model of dispute resolution, involving partisan negotiators. However, apart from the use of the word ‘Umpire’, this procedure exactly reflected 18th-century commercial arbitrations, each party to choose an arbitrator and those two to nominate an umpire in case they couldn’t decide all matters in dispute. The accompanying image (Figure 1), an illustrated copy of Broughton’s rules, shows a ring, crowded with boxers, seconds and umpires.

The evidence of arbitrators or umpires officiating in boxing matches is widespread. For instance, a report of a boxing match between Big Ben and Johnson in 1791 gives the strong impression that each fighter had an arbitrator as part of his entourage, alongside a second and a bottle holder. A third man was made umpire if the two arbitrators themselves could not agree upon the result (*Morning Post and Daily Advertiser* 1791).¹ Public interest

in the identity of the arbitrators was strong enough for a later correction to be issued (although it reversed the roles of arbitrator and umpire), identifying them as Lieutenant Colonel Churchill, Lord Barrymore and H H Aston (*Lloyd’s Evening Post* 1791). In front of a crowd of 5,000, Big Ben was victorious after Johnson ‘fell like a shot sparrow’ in the 24th round (*Morning Post and Daily Advertiser* 1791).

Arbitrators might decide the result of a single fight, but a body to govern and regulate the sport took longer to emerge. Even in the early 19th century, the concept of a national champion, despite occasional championship bouts, remained difficult to pin down. As Dennis Brailsford explains, ‘There was no ruling body to arbitrate, and the title depended upon a combination of consensus and the readiness of patrons to back contenders’ (Brailsford 1988: 75).

Of course, many other sports called on arbitrators, especially where high-stakes gambling was involved. These included cricket and especially horse racing, for which the Jockey Club often arbitrated from the 1750s.²

1 A daily newspaper published in London from 1772 to 1937.

2 See Roebuck & Ors (2019) chapter 18, from which the above text is also adapted.

About the author

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Legislation, Regulations and Rules

1743 Rules to be Observed in All Battles on the Stage, London