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"Knowing I lov'd my books, he furnished me. . ."

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## Laertes's Rebellion: Further Aspects of Inheritance Law in *Hamlet*

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This essay continues a project begun in earlier issues of *The Shakespeare Newsletter*,<sup>1</sup> in which I examined a wide-ranging but overlooked pattern of legal references in *Hamlet* consisting of details and incidents that relate specifically to inheritance. It showed both *Hamlet* and *Fortinbras* to have had their normal expectations for inheritance defeated, and to have been motivated by that circumstance in passages and scenes of which the meaning and motivation are famously considered to be obscure, but which make complete sense in light of it.

The theme of lost inheritance has a special but limited function within the larger framework of the play. It does not, of course, displace or even compete with the central theme of revenge or, more properly, justice; that remains what *Hamlet* is "about." Inheritance works as a sort of unifying preoccupation, in Alfred Hitchcock's coinage as the "McGuffin" that drives the story, just as the missing Maltese falcon is the McGuffin that drives the murder mystery of that name. At the same time, it is entirely suitable for private interest to coincide with the larger issues of crime and punishment. Nor does the fact that a given legal reference is thematic exclude its also being topical, and nothing here is meant to discourage the search for such connections. Shakespeare's plays, and *Hamlet* especially, engage the reader or audience simultaneously at several levels of meaning, in obedience to the Elizabethan expectation of veiled or "dark" meanings in any serious literature.

There is an obvious need to extend the original inquiry to Laertes, for the two very good reasons that *Hamlet* considered Laertes's cause to be a portraiture of his own, and also because of the long-standing critical view that *Hamlet*, *Fortinbras*, and *Laertes* are literary triplets in respect of the motive to achieve justice for their own fathers' violent deaths.<sup>2</sup> I will show here that *Laertes* is clearly meant to be part of the same pattern.

*Laertes*'s return to *Elsinore* and confrontation with *Claudius* take place in three successive phases, all in 4.5. and all uniformly but mistakenly viewed as uncomplicated and straightforward expressions of his grief, rage, and determination to avenge his father's death. But this explanation both misses the cues for us to understand *Laertes*'s motive in terms of inheritance and also creates a sequence of psychologically and dramatically implausible readings. A more nuanced reading in light of contemporary inheritance law and practice shows a different picture, in which *Laertes* is chiefly preoccupied with securing his inheritance against an apparent scheme by *Claudius* to appropriate it, and only secondarily with either mourning or avenging his father's death. His motive in this respect converges with that of the other members of the younger generation — *Hamlet* and *Fortinbras* — who have

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It was more than thirty years ago that the first volume of my *Complete and Systematic Concordance to the Works of Shakespeare* was published. The title was lengthy and not at all fashionable. And deliberately so, for it was my intention to make the most of what the computer could then best do: subject great masses of data to a ruthlessly strict regimen, structure them with breathtaking speed completely and predictably. And since the computer was a dumb beast it was my task to indicate what that data should be and how they were to be structured. It was all very simple, I must admit. There was a tradition of printed concordances; all I had to do was follow the leaders. Of course there were dreary hindrances: a text of Shakespeare had to be chosen and prepared, well over a hundred thousand punch-cards executed, individual programs for each phase to be written. No small matters these, for in the early 1960s hardware was dinosaur-like, ready software virtually non-existent, and what there was of both was, in the beginning, in the German Computing Center some 250 miles away. Getting things done took the kind of energy and time we today no longer need to expend. We can do it all more easily and faster in the comfort of our personal computers. But in essence we have not yet done it more interestingly.

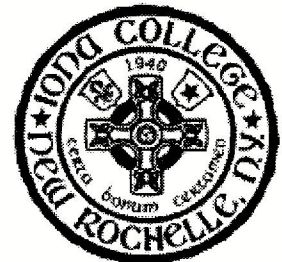
For we have failed to recognize that our approach has been only two-dimensional and essentially static. My model—our model—was and has been the printed book or codex (as it is now fashionably called). We have employed the computer in Shakespeare studies to do more quickly and accurately such primitive

tasks as alphabetizing and counting, but little more. My intellectual contribution was minimal: it was mainly a matter of establishing certain conventions: e.g. graphic entities or equiforms (called "word-types") were to be considered headwords, frequency was to be the number of times (called "word-tokens") these types appeared, and suchlike mechanical decisions. With one important exception, of which I was most proud and which no reviewer commented on, perhaps never noticing it. The computer was put to a really worthy task after I had made an intellectual contribution. It involved the determination of the context to be given for every one of the 884,647 word-tokens listed under the 29,066 word-types (called "different words"). With such a large corpus it was not only uneconomical but also inadvisable to give

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Shakespeare in the City of London.  
Details on page 68. Photo by J.W.M.





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already been portrayed as victims of lost inheritance. And victimized in each case by the culpable misconduct, either criminal or foolhardy, of the older generation — King Fortinbras, Claudius, Gertrude, and Polonius.

As we will see, the rest of 4.5 is also largely a reflection of Laertes's concern for his inheritance, from his rebellion against Claudius to the sudden reversal that turns him into the king's ally. Claudius defuses the situation by responding to Laertes first with a gentle acknowledgement of his concern and then with a reassurance that he has nothing to fear. Finally, Laertes closes the subject with what seems to be a somewhat contrite justification of his behavior (and by implication a disclaimer of any treasonous disloyalty to the crown) on the ground that he was only acting to protect his inheritance. And, with both persons intent on defining Laertes's unmistakably treasonous behavior as no more than an easily resolved concern over inheritance, it becomes plausible for Claudius's studied refusal to take offense to be consistent with his royal dignity.

Because the significance of some key passages has remained unrecognized, generations of directors have omitted them in performance, and audiences have grown to know the play only in light of long-prevailing views that depreciate essential details into casual decoration. Indeed, Fortinbras is often cut entirely, reducing the sturdy thematic triad of diverse but mutually illuminating motivations into a vapid opposition between a noble Hamlet and an ignoble Laertes. And yet the evidence can be found everywhere; for nearly every fact suggesting a threat to someone's inheritance, there is corresponding dialogue showing that inheritance is exactly what the characters are thinking about.

It is necessary here to give a brief summary of my earlier essay, in which I pointed out the frequency with which the inheritance theme was stated and reinforced throughout *Hamlet*, capped in the last act by the gravedigger's ludicrous analysis of Ophelia's drowning, which has been recognized, ever since John Hawkins pointed out the fact in 1773, as a satire on arguments made in a 1564 law case, *Hales v. Pettit*. The chief holding of that case, which remained nearly unintelligible until the first printing in 1994 of a disregarded manuscript report,<sup>3</sup> is that whenever property rights arise simultaneously in favor of both a subject and the sovereign, those of the sovereign prevail. This is the situation depicted in the first act of *Hamlet*. Hamlet's repeated emphasis on the timing between his father's death and Gertrude's o'erhasty remarriage, "within a month," made it clear to Shakespeare's audience that she married the king before expiration of her forty day widow's quarantine and thus, under the *Hales* rule, effectively disinherited Hamlet,<sup>4</sup> following which a host of other references develops the theme further. The comical last act allusion to that elderly case simply confirms the author's expectation that the facts have already put much of his audience in mind of it.

Gertrude's remarriage simultaneously entitled Hamlet, as heir, to immediate possession of Elsinore and two-thirds of his father's estates and Claudius, as husband/king, to possession of all she possessed at the time of the marriage. Under *Hales*, the king's right outweighed Hamlet's, and he therefore obtained everything Hamlet expected to inherit. Initially, Claudius's right to possession lasted only for Gertrude's life; however, under the further rule known as courtesy, it would be extended to the full duration of his own life if Gertrude bore him an heir. That event would make Hamlet's disinheritance effectively permanent.

The importance of these details is threefold. First, because these basic legal rules were universally known, it follows that the facts of Claudius's avaricious cunning, Gertrude's foolishness, and Hamlet's motive for bitterness were matters of public knowledge throughout the entire court, Laertes included. They also provided the audience with a complete and credible explanation of Hamlet's confident indignation during the chamber scene, and also of Gertrude's swift remorse and immediate change of loyalty. Second, Shakespeare's repeated insertion throughout the play of additional facts pregnant with implications regarding inheritance served to keep that issue

prominent in the minds of his audience. Finally, the facts established in the first act are the foundation for Laertes's suspicions in the fourth. In light of this background, let us now revisit the circumstances of Laertes's return to Elsinore at the head of a full-fledged and openly treasonous rebellion.

## The Threat to Laertes's Inheritance

We begin with the messenger's excellently concise and detailed report of Laertes's stormy return from Paris, by noticing the surprising absence of any suggestion that he was motivated by either grief or vengeance:

... young Laertes, in a riotous head,  
O'erbears your officers. The rabble call him lord,  
And, as the world were not but to begin,  
Antiquity forgot, custom not known —  
The ratifiers and props of every word —  
They cry 'Choose we! Laertes shall be king.'  
Caps, hands, and tongues applaud it to the clouds,  
'Laertes shall be king, Laertes king' (4.5.101-08)

Generations of scholars have failed to question the implausibilities generated by the usual reading of this scene, beginning with Laertes's astounding ability to stir up an armed insurrection simply because his father died in unexplained circumstances. A courtier's death simply does not arouse a nation to riot and rebellion on behalf of his expatriate son, nor even move that son to encourage such an uprising. But it is an entirely different matter if the monarch is seen to be abusing the established law of inheritance in order to increase his personal wealth. If the unconfirmed reports of Polonius's death prompted Laertes to come home to protect his interests, and if it were generally perceived that the king, with a reputation for being avaricious and unscrupulous, was preparing to interfere with an inheritance, the picture is entirely different. It is a dangerous precedent that many subjects might well decide to nip in the bud. As to Laertes, he had little to lose by allowing himself to be seen as leader of the rebels. The punishment for traitors being loss of inheritance and attainder, he has simply suited his action to what appears to be the penalty already meted out. The additional risk of death was no deterrent, it being simply a hazard that went with any defense of property or honor. Laertes and all other victims of defeated inheritance might find their cause well expressed in Shylock's words, "you take my life when you do take the means whereby I live."

It is clear from Shakespeare's language that revenge was initially not even on Laertes's mind. He returned to Elsinore without even being sure that his father is really dead. Although the audience already knows that an effort was made to keep the burial of Polonius a secret, and that it was carried out "greenly" and in "hugger-mugger," it is different for Laertes, who so far has heard only "thoughts and whispers" and who

... is in secret come from France,  
Feeds on this wonder, keeps himself in clouds,  
And wants not buzzers to infect his ear  
With pestilent speeches of his father's death,  
Wherein necessity, of matter beggar'd,  
Will nothing stick our person to arraign  
In ear and ear. (4.5.88-94)

In the light of all this reported wonder and uncertainty, it is both conspicuous and surprising that Laertes's first words to Claudius are simply a demand to see Polonius: "O thou vile king, Give me my father"; and it is equally remarkable that the king responds by admitting openly what he was at pains to cover up in hugger-mugger. And these two surprises are capped by the even more startling effect produced by Claudius's response, which is to deflect and even cool Laertes's belligerence.

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The mere dignity of his kingship, impressive though it may be, is less than adequate to explain why Claudius displays such complete confidence that, in answering as he does, he has the situation well in hand:<sup>5</sup>

King. Tell me, Laertes,  
Why thou art thus incensed.— Let him go, Gertrude—  
Speak, man.  
Laer. Where is my father?  
King. Dead. (4.5.125-28)

The prevailing interpretation of this scene, that Laertes is raging with apprehension, grief, and anger over the news of his father's death, leads to an opposite conclusion; it follows logically from any such reading that Claudius's stark and seemingly unsympathetic answer will only confirm Laertes's worst fears and inflame his rebellious mood. It is most certainly ill-calculated to win the nearly instant trust and cooperation that actually follows. Putting aside any consideration of inheritance, we should expect Claudius to calm Laertes with soft words, such as "I'm sorry to tell you," "my answer will be painful," "the rumors you may have heard are, sadly, true." Nor is it in character for the always glib, endlessly resourceful, and manipulative Claudius to blunder in a situation calling for a careful answer. So, if he chose to answer Laertes with the terse "dead," should we not expect that his answer was the direct and foreseeable cause of the effect produced, which is to pacify Laertes and then, shortly and effortlessly, enlist him as an ally?

Returning now to the matter of inheritance, we can see how Shakespeare gives Laertes and the audience good reasons to believe the king is out to appropriate his land and revenues through familiar but shady devices. Claudius, the nation's chief magistrate, has buried Polonius in secret. Nevertheless, because his plan was ill-executed, "greenly" and "in higger-mugger," rumors of his death are already circulating. What is one to infer, except that the king intends to deny what he has concealed? In the context of the facts already given, we now see the true significance of Laertes's first question to Claudius: it reveals his chief fear to be that the king will challenge or impede his inheritance by denying that Polonius is dead.

The secret burial of Polonius is threatening to Laertes because, until death was proved, the revenues from his estates would almost surely go to the king, the very person behind the secrecy. This feature of inheritance law, and Laertes's dependence on regular receipt of those same revenues — we may think of the "delicate," "dear to fancy," "liberal-conceited" and surely expensive rapiers and scabbards he is able to put up against the king's wager — put him very much in the same position of financial vulnerability as Hamlet. It was a common law presumption that life continued until death was proved; the person asserting the contrary had the burden of proof. Secondly, Laertes's loss was the king's gain. Until Laertes proved his father to be dead, those estates and revenues devolved to his lord. And that lord was almost certainly the king himself. Shakespeare effortlessly provides details that indicate as much; first, Polonius's position as the chief royal advisor and second, a name that very much appears to be an honorific, like Coriolanus, earned by reason of some notable service to the nation in connection with Poland. Both of these indications suggest occasions for a reward by a royal land grant, so that Polonius's immediate lord would be the king himself.

The presumption that life continued was an elementary rule of wide application, since many landowners travelled abroad and a good number died while travelling. And we find it applied in an early case for the recovery of land, where the defendant's wife appeared to dismiss the proceeding on the ground the named defendant was dead. She was given time to prove her claim, leaving the plaintiff's case to begin on the merits later on, and only if he prevailed. Otherwise, he would have been required to bring a new case, with a corrected pleading naming the person in legal possession.

Most, significant, the land and its revenues remained during the interim with the "lord king":

Nicholas [defendant] has not come and the land was taken into the hand of the lord king etc, for his default at Coventry etc, and he has not come. And on this Nicholas' wife comes and says that her husband is dead and that he died in Kent, but she produces no proof, nor does Hugh produce proof that he is alive. *Therefore let the land remain in the lord king's hand and a day is given them at Westminster in 15 days from St Martin's day (25 Nov.) and then let each produce his proof . . .* (emphasis added).<sup>6</sup>

As with *Hales v Petit*, the legal implications relevant to *Hamlet* have been complicated by misunderstanding: the renowned William Blackstone, writing in the mid-eighteenth century, mistakenly asserted the existence of a common law rule that death was presumed after seven years, on the authority of the case *Thorne v Rolfe*, 2 Dyer 185.<sup>7</sup> In reality, the case held the exact opposite: there was no presumption to help the person needing to prove death, leaving its occurrence simply a fact to be established like any other, by sufficient proof. And that was something Laertes was unlikely to manage in respect of his father. The *Thorne* case had been brought by a widow whose husband left England to escape religious persecution seven years earlier, and had not been heard from since. She brought two witnesses, who gave their opinions that he was dead — "they conclude in their consciences that they rather think him dead than alive" — which the court unenthusiastically described as "no full proof." There being no evidence to the contrary, it was nevertheless sufficient to support a finding that death had occurred. The allure of the number seven, which was wholly fortuitous in *Thorne*, surely influenced the statutes which later adopted that number of years as the length of absence giving rise to a presumption of death in various situations.<sup>8</sup> Without any presumption to aid the heir, it was difficult to prove death under the common law after even twenty years without a witness "who was present where he died." Whenever the widow or heir of a landowner sued to recover possession or collect rents from a tenant, it was easy and effective for the defendant to resist by putting the plaintiff to his proof that death had occurred.<sup>9</sup>

Frauds of every kind were a common hazard of litigation, and might include physical coercion of witnesses and perjury on both sides, as in a reported case from Gloucester in 1221. One Walter of Mass, in opposing a suit by his co-heirs, prevented his sister Felicia from coming to court in order to create a procedural defect that would require dismissal of the action; the other heirs, eager to avoid the delay of bringing a new action, simply balanced his fraud with one of their own, saying that Felicia was already dead and therefore not a necessary party. The matter went to a jury, which found in favor of the co-heirs. Felicia then appeared (with nothing to be gained by continued restraint, Walter apparently released her) and was given her share of the award.<sup>10</sup>

The difficulty in proving death was all the greater because documentary proof was insufficient, and live witnesses were required: "the matter must be proved by the mouth of man." So, in 1342 the party in possession opposed a widow's claim for dower even though the husband's death was known and documented, apparently just to put her to her proof. She brought with her the equivalent of a death certificate, which the court rejected. Luckily for her, she was able to produce witnesses the next day or she might have faced long delay and even complete defeat.<sup>11</sup>

The potential for a successful fraud was increased further by the rule of evidence that "who most proved should most have." It did not refer to the quality of evidence, but simply meant that more witnesses were better evidence than fewer; for anyone who could afford to raise an army of perjured witnesses, it was an open invitation to even greater fraud. In a recorded case of 1308-9, a "woman 'came and proved her husband's death by four people who were sworn, and who agreed with each other in all things.' But she was

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defeated when, on another day, her adversary 'proved that the husband was alive by twelve people who were sworn and agreed with each other in all things.'"<sup>12</sup> The almost routine use of corrupt practices in inheritance and dower cases, of false denials of death and armies of perjured witnesses, made the secret burial immeasurably more threatening than we are likely to recognize today, and made Laertes's position equivalently more tenuous.

But these were not the only reasons for Laertes to be concerned. Further compounding the difficult task of proving death, in respect of which Laertes was already at an immense disadvantage, was the unfair way delay worked against the party out of possession. It did so in two respects, the first being that the rents and proceeds of the property went to the party in possession, who could use them to fund his defense against the rightful owner; and he, in turn, was correspondingly deprived of the means to maintain his lawsuit. In consequence, the burden on the politically or financially weaker party was huge. It is the inequity of this advantage to which Claudius alludes during the prayer scene, in his own words of self-reproach: "And oft 'tis seen the wicked prize itself/ Buys out the law." Second, delay also allowed the party in possession enough time to convey title to either an honest purchaser or a secretly collusive one,<sup>13</sup> title that could never be set aside. The rightful owner's predicament was expressed poignantly by a plaintiff's attorney in another early case, where the occupants of land sought a technical dismissal based on the time of the ancestor's death.

And sir, we are in such a predicament that, if this writ be abated, we are on the verge of being disinherited, for, sir, the person against whom this writ is now brought has alienated the said tenements to a certain person, who has alienated over, with the result that, if this writ abate we will be delayed [in securing] another writ and disinherited forever.<sup>14</sup>

The implicit danger was that Claudius would work collusively with unscrupulous land speculators — to transfer and then quickly retransfer Laertes's inheritance before he acquired proof of his father's death — and it may be inferred both from the pattern of parallels between him and Hamlet and also from the text. We find it in Hamlet's otherwise puzzling ridicule of Osric as "spacious in the possession of dirt." In the rural land-holding economy of Shakespeare's day, courtiers were frequently both landlords and tenants, all of them no doubt favored in the possession of dirt, but presumably each distinguished for something more commendable, perhaps in the way of military, diplomatic, or scholarly competence. For Osric's chief distinction to be the vast possession of land suggests that it was his principal occupation, as a regular dealer in land and a natural party to the shady or collusive transactions at which Hamlet directs his graveyard diatribe of 5.1.96-110.<sup>15</sup> The point of it was surely clear in its day, since the rules for inheritance and transfer of land, as well as the vocabulary of strategies for dealing with them, were the abc's of prosperity for all, shady or honorable. Hamlet's references to "the law's delay" (3.1.72) and lawyers' "quiddities. . .quillities. . .cases. . .tenures, and . . .tricks," (5.1.97-98) together with specific examples of many that were used, followed promptly by the entrance of land-rich Osric, would have worked to reinforce the image of the new king and his court, in the minds of every lawyer and landholder in the audience, as a confederation of rapacious swindlers.

This excursion into legal practice establishes the relevant context for 4.5. It also disposes of major difficulties created by the received readings and prepares us to understand and explain two more such passages, beginning with the very first words spoken to Laertes when he enters menacingly into the king's presence. But the words are spoken by Gertrude, not Claudius: "Calmly, good Laertes" (4.5.117), and they provoke a passionate outburst:

That drop of blood that's calm proclaims me bastard,  
Cries cuckold to my father, brands the harlot  
Even here between the chaste unsmirched brow

Of my true mother. (4.5.116-19)

If Laertes's first words make any sense at all, what exactly is his point? They are surely not a convincing statement of either emotional and psychological reality, bastards being quite as capable of feeling filial love and affection as legitimate issue; and historically, there is no shortage of aristocrats who regularly acknowledged, loved, and favored their illegitimate children. Neither is there any reason why a bastard would be unmoved to avenge a father's murder. In terms of natural affection, the expectations for bastards are no different than for legitimate children. But the matter is entirely different in terms of inheritance. *Bastardus nullius est filius*: a bastard is nobody's son, and differs from legitimate issue in the crucial respect that he is not entitled to inherit from his father.<sup>16</sup>

Laertes's immediate reference to bastardy makes sense only in terms of inheritance, specifically, his preoccupation with the kind of legal chicanery that might be used to defeat his rights. So, he asserts the only evidence at his command, that his very passion proves the justice of his cause. A fair paraphrase of his meaning is "Of course I'm incensed, as any legitimate child would be. My passion proves my honesty and that my cause is just, because my inheritance and birthright are threatened. Only a bastard, with nothing at stake in learning whether his father is alive or dead, could remain calm." He has laid the nature of his concern squarely before the king, and that moment is all Claudius needs to evaluate the situation and be ready with his shrewdly placating "Dead," when it comes time for him to speak.

Later on, after Claudius has confirmed the fact of Polonius's death, disclaimed any adverse intentions, and proclaimed himself both friend and fellow mourner, Laertes returns to the subject of his father's death by protesting that the usual public ceremonies and rituals of death were also withheld:

his obscure funeral —

No trophy, sword, nor hatchment o'er his bones,  
No noble rite, nor formal ostentation —  
Cry to be heard, as 'twere from heaven to earth,  
That I must call't in question. (4.5.210-13)

This passage must also be understood as a return to the matter of inheritance. Laertes's catalog of grievances consists entirely of missing formalities that were especially important to an heir in the process of asserting his rights of ownership. They constituted the public confirmation of death that meant he had succeeded to the rents, income, and all other property rights of his ancestor.

We may take the words as an expression of his continued indignation, consistent with an immature and passionate nature. But, as I prefer to think, they may be intended by him as an acknowledgement of his inescapably treasonous behavior, together with a sort of apologetic self-justification because of the suspicious circumstances: "Well, what else was I to think?" And then, as I discuss below, by characterizing it with reference to the story of Cain and Abel, elevating that misbehavior into an act of religious duty. In any event, the omissions he cites are exactly those ordinary public acknowledgments of death that serve to notify the community in general and rent-paying tenants in particular that the rights of the deceased had passed to his heir. There had been "No trophy, sword, nor hatchment."

The hatchment in particular, *i.e.*, the arms of the deceased painted on a wooden board, is explicitly this sort of announcement. Often the only public notice to be seen, the hatchment (hatchment = "achievement," *i.e.*, a painted full emblazonment of the dead person's arms, comprising the crest, helm, shield, supporters, motto, and so forth) was customarily hung outside the chief residence of the deceased until the heir took possession<sup>17</sup> and then moved to his church for permanent display. As R.M. Frye explains, "hugger-mugger funerals inevitably brought suspicion either upon the person buried or upon the person responsible for the burial. . . and an invitation to misunderstanding and perhaps even to insurrection."<sup>18</sup> On the facts known to Laertes, the absence of a memorial so simple and basic as the hatchment

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must have seemed strong evidence of a plan to divert his father's income to the king and, perhaps, a plausible excuse for his misconduct.

Likewise part of the same context are Laertes's closing words, the odd claim that the facts "Cry to be heard, as 'twere from heaven to earth." We easily recognize the words, along with Hamlet's earlier "foul deeds must rise. . ." as allusions to the biblical story of Cain's attempt to conceal the murder of Abel.<sup>19</sup> But here, where nothing in Polonius's death could have put Laertes in mind of fratricide, the dramatic significance of his words points in another direction, and refers indirectly to the way Claudius had already done Hamlet out of his inheritance.

The reference here is not directly to the biblical story, but to Claudius's use of the same allusion at their last meeting. It was his unhappy attempt to relieve Hamlet's mournful humor by comparing his father's death to "the first corse," a slip of the tongue by which Claudius inadvertently labelled his brother's death a fratricide and not, as intended, an example of the natural order of things. But it was spoken in scene two, before anyone, including the audience, knew that murder had been done. All that Laertes and the rest of the court saw then was the spectacle of Hamlet being consoled with doubtful sincerity by the man who had just deprived him of his inheritance, and thereby given him more than enough reason for prolonged melancholy. And by returning to that revealing allusion, Laertes connects his own cause with Hamlet's in the only respect known to him at the time, loss of inheritance. As I mentioned above, he may be trying to sanitize his rebellion with a sort of biblical justification. But he is at the same time also recalling the example of Hamlet and declaring his resolve to avoid the same misfortune.<sup>20</sup> And, making due allowance for his hot-headed style, his words also parallel Hamlet's "I see a cherub that sees [your purposes]," (4.3.51) and anticipate Hamlet's later recognition of the similarity between their causes. More important, they confirm that the chief basis of that similarity is economic, not sentimental.<sup>21</sup>

The threat of lost inheritance out of the way, Laertes has no further reason to suspect Claudius of complicity in the death itself, or to doubt his credibility when he accuses Hamlet. And, sure enough, there is support in the text to explain how the action unfolds on this basis. It is only after the specter of personal economic loss is averted that Laertes first thinks of asking what happened, and who did it. "How came he dead? . . . I'll be reveng'd/ Most thoroughly for my father." (4.5.130, 135-6) And it is again only after we see how the simple answer "Dead" reassures Laertes that Claudius is no threat to his interests and leads to their rapprochement, that we can for the first time also accept the conspiracy against Hamlet as both credible and performable. And credibility is particularly important at this point, for it marks the effective beginning of the counterplot, prompted by the news that Claudius's first effort has somehow miscarried. The Claudius-Laertes conspiracy is the only one we see enacted, and it is the one that drives the play to its conclusion.<sup>22</sup> Laertes never again treats Claudius as an adversary, and the events of 4.5. are the essential foundation for the treacherous counterplot the two of them initiate two scenes later.

Under the customary assumption that Laertes already knew that his father is dead and was motivated simply by vengeance, the case would be entirely different. It becomes wholly implausible to believe in either the idea of any trustworthy cooperation by Laertes with Claudius, or of Claudius relying on Laertes's loyalty. For Claudius's words "There's such divinity doth hedge a king. . ." to be understood solely as a regal assertion of power and authority, while the economic issues disposed of with the simple "Dead" are ignored, compels us to imagine a Laertes who is cowed, unsatisfied, and still resentful. It also leaves us unable to credit his easy acceptance of Claudius's innocence — solely on his own say-so — and Hamlet's guilt, and then almost immediately thereafter, of Claudius's invitation to devise the conspiracy against Hamlet.

All these objections vanish if Laertes is chiefly interested in his inheritance, because the answer from Claudius removes his reasons to mistrust the king's honor and integrity. For the scene and everything that follows to be plausible, Claudius's blunt confirmation of Polonius's death must somehow amount to a friendly response, an acknowledgement that Laertes's concerns

are legitimate, and a reassurance to the effect that "Your father is dead. I do not seek to hide the fact but state it openly, and you need not worry about your inheritance." And with that issue settled, we can see why the matter of rebellion — an inescapably capital offense which no monarch could safely ignore without inviting future eruptions from every quarter — dropped away as suddenly and completely as if it never existed. Claudius's cordiality may safely remain unruffled, his dignity and majesty unimpaired. If all agree that Laertes's anger was in defense of rights to which Claudius makes no claim, then there is no offense in it.

\* \* \*

This essay is not an argument that Shakespeare's extended use of inheritance law shows that he had legal training. Real property was held in one form or another at all levels of English society, from aristocrats to yeomen to merchants, all of whom had to understand the basic rules by which it was gained, transferred, and lost. Shakespeare was an active and successful participant in that world, as shareholder of an acting company, housekeeper of a theater, private landowner, husband and father. The possession of income property being a central element of economic life and London being the center of the legal system, it is fair to say that property law was sufficiently "in the air" to explain both Shakespeare's easy use of legal terminology, and his expectation of an audience able to recognize the legal issues described here.

It is equally wrong to interpret the legal allusions in *Hamlet* narrowly. While I have shown that they are not purely decorative and immaterial, neither are they elements of some rigorously clever legal conundrum to be solved. Their purpose is to further the drama by providing the characters with mutually explanatory purposes, by which the audience can follow their motivations and assess their actions. And we, too, can recognize the theme of inheritance, gained, lost, and threatened, and use it to follow the motives and actions of the chief characters in *Hamlet*.

## NOTES

[Line references are to the Arden edition of *Hamlet*, ed. Harold Jenkins (London, 1982).]

1. "An Unrecognized Theme in *Hamlet*: Lost Inheritance and Claudius's Marriage to Gertrude," 50:3 (Fall 2000), 71 *et. seq.* and 50:4 (Winter 2000/2001), 103 *et seq.*
2. Editors differ widely as to the nature of the similarity Hamlet has in mind. To Philip Edwards (New Cambridge edition), Hamlet is referring to Laertes's grief, not his motive for vengeance. To Harold Jenkins (Arden edition), Hamlet is oblivious to the "cause" of vengeance and the remark is merely ironic—but he does not speculate what Hamlet has in mind. To G.R. Hibbard (Oxford edition), Hamlet refers to the motive for revenge.
3. 1 *Plowden* 253.
4. I refer the reader to my earlier essay (see note 1) for a more complete discussion of what is here described only in summary form.
5. I have elsewhere discussed the king's remarkably easy manipulation of his rebel subject from another point of departure—the imagery of the giants' rebellion as impious and inadequate. It links that scene to the fifth act funeral imagery of Ossa and Pelion, which then explains Osric's ability to entice Hamlet into the fatal fencing match. "Hamlet, Osric, and the Duel," *Shakespeare Bulletin*, 2:10 (July/August 1984), 5.
6. *Rolls of the Justices in Eyre*, [Gloucestershire, Warwickshire and Staffordshire, 1221, 1222] Selden Society (London: Bernard Quaritch, 1940), 637.
7. The reference was to a 1708 statute to aid remaindermen and reversioners against fraudulent concealment of death. No English language report of *Thorne* was published until fourteen years after Blackstone's death, when his commentaries were considered definitive, so no literary scholar versed in law French was likely to have had access to the original.

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## Laertes's Rebellion as a Defense

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8. Dyer's report in law French was the only accurate text of the case until 1794, when an English version was printed in Dublin, claiming to correct various bad English editions with a fresh translation of a 1592 edition in French. I have not read the early English editions and do not know in what respect they were defective.

The correct rule appears in the *Encyclopedia of the Laws of England*, (London and Edinburgh: Toronto, 1907), Vol. 4, p. 379, "Proof of Death": "There is not in England any common law or statutory limit to the presumption of the continuance of the life, but apparently on the analogy of statutes as to bigamy and leases for lives (1 Jac. I c.11, s.2; 19 Car. II, c. 6, s.2; 24&25 Vict. c. 100, s.57), the rule has been adopted that absence for seven years creates a presumption of death."

The remedial statutes of 19 Car. II (1668) and 6 Anno (1708) testify to the persistence of the same abuses for nearly a century after Shakespeare worked them into *Hamlet*.

9. *Pleas Before the King or His Justices*. 1198-1202, Selden Society (London: Bernard Quaritch, 1952), 138.

10. *Scrolls of the Justices in Eyre*, Selden Society (London: Bernard Quaritch, 1940), 76.

11. *Year Books of Edward III*, Selden Society (London: Bernard Quaritch, 1918), Vol. 20, 88.

12. William, Holdsworth, *A History of English Law*, Vol. 1 (London: Methuen, no date), 302-3.

13. Landowners and buyers were perpetually asking their lawyers to devise new strategies for selling property which could not be safely purchased, because the owner's title might be subject to later termination if, for example, it was entailed, or measured by the duration of someone's life. The most common strategies involved collusive and artificial lawsuits. And because they themselves required time to complete, there was a great deal at stake if the principal dispute itself was delayed. The special vocabulary of collusive lawsuits is used extensively in *Hamlet*, and is discussed briefly in my earlier essay. (See note 1)

14. *Bronage, Cosyn and Burdeus*, reported in *Year of Richard II, 8-10 Richard II, 1385-1387* (Thorne, Hector, and Hager, eds.) (Cambridge: The Ames Foundation, 1987) at p.296.

15. See note 1, above.

16. I am here indebted to Kathy M. Howlett for the discussion contained in a paper submitted by her at the 2000 meeting of the Shakespeare Association of America, in the seminar on Shakespeare and legalism: "Filius Nullius: Bastardy and the Crime of Defamation in *King Lear*."

17. Guy Cardogan Rothery, *The Heraldry of Shakespeare* (London: The Morland Press, 1930), 109. It has been said elsewhere that the hatchment remained outside the principal residence for one year. Rothery remarks that funeral rites "had been developed to an extravagant pitch towards the middle of the sixteenth century. So when Laertes...laments over his father's 'obscure burial'...[his words] must have found echo if not sympathy in many of those who first witnessed the play."

18. Roland Mushat Frye, *The Renaissance "Hamlet"* (Princeton: Princeton Univ. Press, 1984), 149.

19. See Genesis, IV, 10: "And so said: What hast thou done? the voice of thy brother's blood crieth unto Me from the ground." Shakespeare expresses the commonplace more fully in *Richard II*: "Which blood like sacrificing Abel's cries / (even from the tongueless caverns of the earth) / To me for justice and rough chastisement" (1.1.104-6).

20. My earlier essay shows that Claudius, a younger son, was probably short of money and unashamedly on the make for the rich assets of his wealthy, widowed wife Gertrude, as to whom Hamlet's contemptuous description of him as a king of shreds and patches can be taken as literal truth, and not a casually patronizing disparagement. It would have been no secret how his marriage to Gertrude resulted in a major land grab at Prince Hamlet's expense, and must have been the talk of the court during the funeral and marriage celebrations. And it is because the facts were general knowledge that Laertes had good reason to anticipate the worst with respect to himself.

21. Laertes is probably mistaken in his appraisal of the facts, as he is time and again throughout the play. However, it is arguable that he, much like Hamlet, is correct in his appraisal of Claudius's treachery so that the king's decision to placate Laertes was a last-minute strategic retreat in view of the fact that his planned secrecy had "greenly" failed, and the risk of expropriating the inheritance of a prominent family had now escalated to an unacceptable level.

22. To be sure, there are many other things at work here: Claudius faced down Laertes with courage, invoking the divinity of kings while comparing Laertes's rebellion with the hopeless and impious uprising of the Giants against the gods of Olympus: "What is the cause, Laertes, / that thy rebellion looks so giant-like?" (4.5.120-21) I discussed Shakespeare's use of imagery referring to the Gigantomachia as the connecting link between the two scenes of Act 5, and Osric's success in inveigling Hamlet into the treacherous fencing match in "Hamlet, Osric, and the Duel," *Shakespeare Bulletin*, July-August 1984, p.5.

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## King Lear at Stratford, Ontario

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"while we/ Unburthened crawl toward death," he laughs as if to say, "don't believe it for a second." He's fully in charge, being diplomatic. The ruse is meant to work as follows: he holds back the largest share of the kingdom for last; he asks his daughters in order of age to tell him who loves him the most; this means Cordelia will go last, and it will be easy and seem fair to proclaim that she has spoken best. He hands out the lesser portions, first to Goneril (in point of law to her husband, Albany), who is clearly unprepared and haltingly delivers her tribute ( a nice touch), and then to Regan, fully expecting that Cordelia because she is his favorite, and knows it, will top her sisters, even if it's only out of self-interest. But Cordelia doesn't come through, and his whole plan is ruined. Lear flies into a sudden and towering passion (typical of Shakespearean male characters) and ruins everything. Cordelia, like many Shakespearean heroines, has more integrity and stubbornness than is good for her. She's not going to be less than totally honest for a mere bauble like the biggest share of the kingdom. Think of Isabella in *Measure for Measure*. She's not going to give up her virginity just to save her brother's life.

Because Plummer (and, of course, Miller) started Lear out in such seeming command of the situation, his fall — first from king to man, then from man to "bare, forked animal" — was all the more heartrending and awesome. Plummer was wonderful in the way he conveyed his natural empathy with the Fool and Poor Tom, the growing sense that he was, in reality, no better and no better off than the two of them. He sat on the edge of the stage with the Fool during part of the storm scene and discussed with him what he has discovered about life, and, in asking questions of the "noble philosopher," Poor Tom, he seemed positive that only a madman, reduced to nothing, could have anything important to tell him, and when he asked Poor Tom, "What is your study?" and Poor Tom answered, "How to prevent the fiend," he had his answer.

Plummer gave Lear enough physical strength to carry him through his madness, which, like a fever, purged his system of anger and bitterness and the terrible unhappiness that comes from blaming others for your misery. This strength allowed us to believe that, even at the very end, he was able to perform the one act left to him that would help redeem his life. "I killed the slave that was a-hanging thee" (meaning Cordelia), he said proudly, and the reply from the Gentleman is one of the best and simplest lines in Shakespeare: "'Tis true, my lords, he did." His offstage howls at Cordelia's death were chilling. You held your breath. The famous "nevers" were delivered softly to himself. I felt the power of those words. There was something beautiful in the way Plummer's Lear died, that slow falling away of the head with Cordelia stretched out below him, pieta-like. Had this Lear come so close to the audience that they personalized his tragedy? I would guess from the hankies and the sounds of weeping that they did.