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'Discretion fought with nature' (1.1.5): eulogy and jointure in *Hamlet*

Yan Brailowsky

- 1 When attending a play such as *Hamlet*, expectations are key. Paradoxically, the play deliberately works to *un*fulfill one of them: the opportunity to hear the funeral oration delivered at King Hamlet's funeral, a funeral we never get to witness according to the playtext, but one which we often hear of, if only to regret its unbecoming brevity. 'Words, words, words' (2.2.189) are the stuff that this tragedy is made of. In the case of King Hamlet's death, the words pronounced by his successor on the throne, Claudius, hardly follow the rules of epideictic discourse, that is, the discourse of praise or dispraise. Rather than paying homage to his predecessor and providing a bridge between the two reigns, his failed eulogy sows the seed of doubt and division.
- 2 But let us begin with the beginning, when the stage is 'without form, and void; and darkness [is] upon the face' (Genesis 1:2) of the characters and perhaps of the audience.
¹ The opening scene of *Hamlet* occurs in the dead of night, or rather in the night of the dead, as a spectral 'apparition' (1.1.28) and 'dreaded sight' (25) appears on stage, to the dismay of the sentinels and Horatio, who had come to witness the possible reappearance of this 'illusion' (127).² It is, Barnardo tells us, 'the same figure, like the king that's dead' (41), a point agreed upon by the others assembled for its third midnight outing – as if the characters were attending a demonic parody of Christ's resurrection on the third day (see 1 Corinthians 15:4).³ After the men see the Ghost exit the stage a first time, Horatio provides the sentinels – and the audience – much needed background on Old Hamlet's glorious deeds, such as 'When he [the king] th'ambitious Norway combated [...] [and] smote the sledded Polacks' (61, 63), further explaining why men are thus patrolling at night with a 'strict and most observant watch' (71): Norway's son intends to avenge his slain father. In his retelling of Old Hamlet's 'combat' (84) and success against King Fortinbras of Norway, Horatio arguably delivers one part of what Thomas Wilson called, in his *Arte of Rhetoricke* (1553), an 'oration demonstrative', in this instance to praise the departed monarch. Horatio provides the audience with a list of what Wilson would call King Hamlet's 'Prowesses doen, either abrode, or at home.'⁴

This is the first of several eulogies, or speeches of praise for a great personage recently departed, which feature in the play.

- 3 The second eulogy appears in the following scene, which is the first conspicuously public and well-lit scene in the play.⁵ Act 1 scene 2 shows Claudius, the new king, officiously welcome the court: to bid farewell to his departed brother; to congratulate himself on his coronation and wedding to his brother's wife; and to address the most pressing matters of state, notably young Fortinbras's expected military incursion, Laertes' request to return to France, and young Hamlet's 'obstinate condolment' (93), in that order. Claudius thus begins the scene by paying tribute to Old Hamlet and the past; he then discusses the immediate present; and lastly turns his eye to Hamlet and the kingdom's future, the prince being officially introduced as his heir, 'the most immediate to our throne' (109). To the former king, Claudius pays a brief, four-line homage; conversely, he lengthily berates his nephew, whom he now professes to consider his son, for more than thirty lines ... for paying *too much* homage to his late father, showing 'unmanly grief' (94) and 'obsequious sorrow' (92). His argument for chastising Hamlet could be summarised by quoting Gertrude's dictum pronounced earlier in the scene: 'tis common, all that lives must die' (72).
- 4 It is on Claudius' two inaugural speeches that I intend to focus in this article. It is my contention that the formal aspects of the new king's speech, which mimics sermons on the inevitability of death and the holy nature of patrilinear bonds linking the dead and the living, contrasts with suggestions that his 'state [is] disjoint and out of frame' (20). As I will show, the terms 'jointress' and 'disjoint' could recall early modern discussions on jointure, a legal provision allowing wives to take possession of their late husbands' lands and tenements, thereby (momentarily) dispossessing the dead husband's otherwise natural heirs. Claudius' speeches therefore contrast the *topos* of the 'natural' cycle of life and death, and the 'discretion' afforded Gertrude by law to symbolically dispossess her own son in favour of a new husband and king who, ironically, then remarks that although it is Hamlet's duty to be 'bound / in filial obligation' (90-1) to mourn his father, that he should not 'Take it to heart' (101).

'[M]aimèd rites' (5.1.186)

- 5 Much to Claudius' displeasure, Hamlet is visibly obsessed with death and mourning and funeral rites, speaking in this scene of 'customary suits of solemn black' (78) and exhibiting the expected behaviour of a man in mourning. What particularly irks the prince are what he later calls 'maimèd rites'. His obsession engulfs the play as a whole.⁶ The words uttered by Laertes, when he complains in Act 4 about the funeral arrangements for his slain father, Polonius, or rather the lack thereof, could well be attributed to Hamlet, given how both characters are incensed with the way in which their fathers were hastily interred:

His means of death, 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. (4.5.208-12)

- 6 After the deaths of King Hamlet and Polonius, the sons' expectations for a state funeral are humiliatingly refused, negated, as intimated by the anaphoric 'no' in the speech

above. Such ‘maimèd rites’ spell trouble for the new monarch, as shown by the combined and rival threats posed by Laertes and Hamlet who are, we are told insistently, supported by the Danish populace (4.3.4; 4.5.102–8).⁷

- 7 Laertes and Hamlet are not alone in voicing their disapproval: several characters cannot help but express a muted distaste for the haste with which the late king was buried and replaced by his brother on his throne and in his bed. Instead of providing a scene depicting how the late king was remembered and celebrated, funeral elegies appear piecemeal, notably in Horatio’s and Hamlet’s speeches in Act 1.⁸ True, many plays in the Shakespearean canon do not offer formal eulogies for recently departed characters, but if *Hamlet* seems particularly jarring, it is because it sits in striking contradistinction with a play performed at the Globe Theatre only a few months prior in September 1599: *Julius Caesar*.⁹ In that tragedy, Brutus and Antony in Act 3 scene 2 respectively condemn and praise the slain ruler in speeches which occupy a sizeable portion of stage time and which precipitate the plot. The rival elegies are a dramatic climax. The contrast between the two plays would have been readily apparent for an Elizabethan audience: *Julius Caesar* was Shakespeare’s only other tragedy in this period, and Caesar’s assassination is mentioned twice in *Hamlet* at key moments in the play, first by Horatio in the opening scene, as he recalls the ‘harbingers’ and ‘omen[s]’ (1.2.121–2) which followed the fall of ‘the mightiest Julius’ (114); then by Hamlet in Act 3 scene 2 (in the middle of the play, as with Brutus and Antony’s speeches), when the Danish prince recalls that Polonius had performed the part of Caesar in his youth (3.2.87–93). Numerous other parallels, including ghosts, revenge, and philosophical disquisitions on the right to kill a ruler, have been noted by critics.¹⁰ Given the presence of these thematic links, it is useful to note the difference with which Old Hamlet and Caesar were eulogised, if only to stress the brevity with which the Danish king was honoured in his death.

Paying lip service to the dead

- 8 Whereas Hamlet shows in private the ‘picture’ (3.4.53) of his father to Gertrude in the bedchamber scene in Act 3 to list neo-classical and hyperbolic comparisons, claiming the dead king was a Hyperion, ‘Jove himself’, Mars, and Mercury (56–8), ‘A combination and a form indeed, / Where every god did seem to set his seal (60–1), Claudius’ public royal eulogy in Act 1 scene 2 only pays lip service to the dear departed.¹¹ In fact, Claudius peppers his speech with so many conditional turns of phrases and subordinate clauses (reproduced below in bold) that it only intimates that this briefest of eulogies is but an excuse to talk of *himself*, although this self-centredness is obfuscated by his use of the royal ‘we’, here seen through the recurring reference to what is ‘our[s]’ (underlined below), a rhetorical play which has the advantage of seeming to include his mourning audience:

Though yet of Hamlet our dear brother’s death
 The memory be green, **and that** it us befitted
 To bear our hearts in grief, and our whole kingdom
 To be contracted in one brow of woe,
Yet so far hath discretion fought with nature
That we with wisest sorrow think on him,
Together with remembrance of ourselves. (1.2.1–7)

- 9 This is far from what could be expected in a eulogy according to Thomas Wilson, whose *Arte of Rhetoricke* listed *topoi* of funeral elegies. Orators, Wilson suggested, ought to mention details from the last moments of the deceased:

At the tyme of his departyng, his sufferaunce of all sicknesse, may muche commende his worthinesse. As his strong harte, and cherefull pacience euen to the ende, cannot want greate praise. The loue of all men towardes hym, and the lamentyng generally for his lacke, helpe well moste highly to set furthe his honour. After a mannes death, are considered his tombe, his cote armour set vp, and all suche honours, as are vsed in funeralles.¹²

- 10 To illustrate his point, Wilson provides an example of a funeral oration for ‘Henry Duke of Suffolk, and his brother lorde Charles Duke’ – two brothers again – , and concludes the dirge with a moral lesson:

God graunt vs also to liue, that the good men of this world, may be alwaies lothe to forsake vs, and God maie still be glad to haue vs, as no doubt these twoo children so died, as all men should wishe to liue, and so thei liued bothe, as al should wishe to die. Seyng therfore these two wer suche, bothe for birthe, nature, and all other giftes of grace, that the like are hardely founde behynde them: let vs so speake of them, that our good report maie warne vs, to folowe their godly natures, and that lastly, wee maie enioye that enheritaunce, whereunto God hath prepared them and vs (that feare him) from the beginnyng. Amen.¹³

- 11 Claudius’ commemorative speech seems detached from the moralizing tone found in Wilson’s model, despite lofty talk of ‘memory’ (1.2.3) and ‘remembrance’ (7), two terms heavily indebted to the communion service as practiced by the Elizabethan Church.¹⁴ The moralising comes later, in Claudius’ second speech, to which I shall return.
- 12 At this point in the play, it is possible for audiences to interpret the brevity of the eulogy as a sign that King Hamlet’s death has occurred some time ago, and that there is no need to rehearse a more developed eulogy presumably delivered before the play began – after all, it is only with Hamlet’s first soliloquy later in the scene that we learn that barely a month has elapsed since his father’s death. Regardless, Claudius’ speech shows that he is keenly aware that his decision to wed Gertrude was hurried, as intimated by the conditional hedging (‘Though ... Yet ...’) and his ultimate ‘remembrance’ of himself.
- 13 Given the passing reference to Eucharistic formulations attached to ‘memory’ and ‘remembrance’, it is worthwhile noting that church rites were not only codified with words and formulae such as those found in the *Book of Common Prayer*, but that these words were also accompanied by gestures. This non-verbal element is important because the playtext leaves ample room in performance to make interpretive choices, either to lend Claudius’ opening speech some gravitas or to underscore its levity. Thus, in film adaptations and stage performances, silent action and a musical score can atone for the absence of verbal eulogies, or not. In some cases, the king’s funeral can, in fact, even be shown to us.
- 14 In Grigori Kozintsev’s 1964 adaptation, for instance, we hear the bells toll and the sound of the waves breaking at the foot of Elsinore castle, then black flags are put out from the battlements to signal the castle is in mourning, while Hamlet (Innokenty Smoktunovsky) is seen on a galloping horse, hurrying to return to Elsinore for the funeral; once he reaches the castle, canons are shot and the drawbridge is drawn up while we hear the foreboding musical score composed by Dmitri Shostakovich; Claudius’ opening speech is then read aloud by a town crier in the castle courtyard

before the camera shifts to the king's inner circle, where Claudius (Mikhail Nazvanov) continues his speech before his advisers sitting around a large table. In Franco Zeffirelli's 1991 adaptation, the opening sequence shows the people in the castle courtyard in silent mourning, while we hear the solemn soundtrack scored by another musical titan, Ennio Morricone; the court's highest members are then seen assembled in a dark crypt around the corpse of the dead king; Claudius (Alan Bates) assures Hamlet (Mel Gibson) of his love, while Gertrude (Glenn Close) inconsolably clings to the slab which now covers the corpse; the scene then transfers to a huge hall, where the royal couple sit in full regalia, at which time Claudius begins his eulogy which is dimly heard in the echoing chamber, highlighting the hollowness and staid nature of the first few lines of his speech. In these examples, the dead king's passing occupies the whole beginning of the play, much like an operatic overture, here served by two eminent composers. The seriousness of the king's death is apparent and felt by the populace.

- 15 On the contrary, in Laurence Olivier's 1948 adaptation, which is closer to the textual version, Claudius (Basil Sydney) is seen drinking heavily and flirting with his wife (Eileen Herlie) before he half-heartedly addresses the court with his opening lines.¹⁵ In Kenneth Branagh's 1996 film, the dead king is first monumentalised in the opening sequence, as it seems that his statue, with his name writ large on a pedestal, comes to life; when the scene eventually shifts to the interior of the palace and the well-lit hall of scene 2, we see Claudius and Gertrude approach the thrones as if going up the church aisle to be married, Gertrude (Julie Christie) dressed in white and Claudius (Derek Jacobi) donning a ceremonial red uniform; for each of the king's pronouncements and first decisions on matters of state, the assembled court applauds fervently, joyously.¹⁶ In Gregory Doran's 2010 adaptation for BBC Wales, Claudius (Patrick Stewart) proposes a measured toast to his 'dear brother', holding a champagne flute and dressed in a black dinner jacket which doubles as a sign of mourning; he then begins to speak increasingly jocularly to the assembled courtiers' amusement. This performance is, in tone, similar to an earlier version directed by Rodney Bennett for the BBC in 1980, as Claudius (Patrick Stewart, again) is clearly smiling for the entirety of his opening eulogy.¹⁷

Conjoined guilt

- 16 Stage performances seldom have access to the same sound and light effects as film productions and tend to favour the latter examples; on the other hand, theatre has the advantage of giving audiences greater freedom to interpret the behaviour of the silent characters onstage, including Hamlet, whereas the camera's focus and the director's intentions tend to redirect our gaze more forcefully. On stage, it is thus entirely possible for the silent courtiers to seem reproachful as Claudius attempts to use humour to alleviate the social awkwardness, as shown by his use of isocolons and paradoxes (in bold and underlined below):

Therefore our sometime sister, now our queen,
 Th'imperial jointress to this warlike state,
 Have we, as 'twere with a defeated joy,
With one auspicious and one dropping eye,
With mirth in funeral and with dirge in marriage,
In equal scale weighing delight and dole,
 Taken to wife; nor have we herein barred

Your better wisdoms, which have freely gone
With this affair along – for all, our thanks. (1.2.8–16)

- 17 The rhetorical figures, based as they are on balance and contradistinction (including from a metrical aspect, with two and three feet on either side of the hemistich), serve to underscore Claudius’ claim that responsibility for proceeding thus far must be shared with his wife, his advisers, and the audience at large. The ‘affair’, in other words, was arranged ‘freely’, absolving him from further reprobation, or joining his guilt with that of all those who ‘have freely gone / With this affair along’. Revealingly, these rhetorical figures of balance and contrast also literalize the metaphor of ‘th’imperial jointress’ used to describe Gertrude, joining as she does two mutually exclusive relations, a husband and a brother, in choosing to wed Claudius. The latter’s curious expression is closely followed by a second reference to the cognate term of joining, or rather *disjoining*:

Now follows that you know: young Fortinbras,
Holding a weak supposal of our worth,
Or thinking by our late dear brother’s death
Our state to be disjoint and out of frame,
Colleaguèd with this dream of his advantage,
He hath not failed to pester us with message
Importing the surrender of those lands
Lost by his father, with all bands of law,
To our most valiant brother. So much for him. (1.2.17–25)

- 18 The insistence on issues of property (‘lands’) and binding agreements (‘all bands of law’), which also echo ‘contracted’ (4), suggests that the whole speech takes the matter of property seriously (even if it does not take the issue of impropriety seriously). As Claudius – or rather Shakespeare, here – makes clear, we have been made aware of Fortinbras’ claim, ‘Now follows that you know’ (17), from the very first scene of the play. Horatio explained to us that Fortinbras’ lands were lost by virtue of a ‘sealed compact’ (1.1.86) in lines replete with legal jargon (in bold):

[...] our valiant Hamlet
[...] Did slay this Fortinbras; who by a **sealed compact**,
Well **ratified by law and heraldy**,
Did **forfeit** (with his life) all those **his lands**
Which he stood **seized of**, to the conqueror;
Against the which **a moiety competent**
Was **gagèd** by our king, which had returned
To the **inheritance** of Fortinbras
Had he been vanquisher; as by the same **comart**
And carriage of the article design,
His fell to Hamlet. [...] (1.1.84, 86–95)

- 19 If this speech is couched in legal jargon, so is Claudius’ speech in scene 2. In it, the meanings of ‘jointress’ and ‘disjoint’ play on at least two levels. While ‘jointress’ and jointure were typically used to refer to property that would be controlled by a woman after her husband’s death, the second term, ‘joining’, was used in carpentry, as noted by editors in their textual glosses (though not, it must be noted, in the New Cambridge Shakespeare edition). Notwithstanding, many editors and critics dismiss the first meaning as inadequate, redefining the term ‘jointress’ to accommodate a very loose understanding, akin to ‘being married’ or ‘being together’ – what in French one commonly calls today a *conjoint*, a term loose enough to obscure the existence of legal bonds between the two partners in the relationship.

- 20 According to Paul S. Clarkson and Clyde T. Warren in their 1942 book, *The Law of Property in Shakespeare and the Elizabethan Drama*, the use of the term ‘jointress’ in *Hamlet* was most likely understood by Shakespeare’s audience merely as a compliment to the Queen, dressed in a figure drawn from the joint estate to husband and wife known to every Elizabethan man-on-the-street as a jointure. He understood very simply that Claudius was referring to Gertrude, in gracious compliment, as his wife and with him joint occupant of the throne of Denmark.¹⁸
- 21 In B. J. and Mary Sokol’s more recent volume, *Shakespeare’s Legal Language: A Dictionary* (2000), *Hamlet* is not even mentioned in their entry for jointure; even more surprisingly, the Sokols do not even mention jointure in a subsequent volume devoted solely to the law and marriage in Shakespeare.¹⁹ Nor have I found much else in other books published in the last two decades on Shakespeare and the law.
- 22 I would like to challenge this refusal to take the term ‘jointure’ seriously. Although the editorial commentary of the New Cambridge Shakespeare editions follows Clarkson and Warren’s rotund dismissal, I am not alone in seeing the worth of the legal sense in the expression: the editors of the Second and Third Series Arden editions also considered the reference to ‘jointure’ in the legal sense to be a possibility, if only remotely so.²⁰ Ann Thompson and Neil Taylor noted that the term ‘jointress’ refers ‘legally [to] a widow who holds a jointure. [...] This is not literally true here, but Gertrude was previously “married to Denmark” in the person of her former husband and the present King is consolidating his position by marrying his predecessor’s widow.’²¹ What could justify a legal understanding of the term is the fact that the queen’s jointure is ‘imperial’, a quality that could warrant a distinction between the ‘man-of-the-street’ understanding of landed property Clarkson and Warren discuss, and the more intangible ‘properties’ of monarchy ... including the joining of the body politic and the body natural – a distinction obliquely mentioned elsewhere in the play by Hamlet, when he jokingly says: ‘The body is with the king, but the king is not with the body.’ (4.2.24) When we combine this legalistic interpretation with the property claim of Fortinbras which so occupies people’s minds in the first scenes, Gertrude’s jointure may be more than a mere ‘coupling with’. It is *her* ‘discretion’ (1.2.5) which is at stake, it is *her* hand and perhaps even her land which are coveted,²² and we learn that her discretion is capable of fighting ‘nature’ itself.
- 23 The close association between jointure in the legal sense and joinery in carpentry is found elsewhere in Shakespeare; in at least one other example, it can also be associated with end-of-life arrangements involving a family patriarch. In *King Lear* (c. 1606), which revolves around a failed transfer of power and property, Shakespeare was keenly aware of the issues pertaining to these arrangements and their links with dowers and jointure. These were important matters – and still are – with far-reaching consequences, especially amongst kings, for whom arranged marriages were the norm, sometimes overhastily arranged for political purposes. Elizabethan audiences could have thought of the example of the papal dispensation Henry VIII sought to wed his dead brother’s wife, Katherine of Aragon, to maintain the strategic alliance with the powerful Spanish crown, and the destabilisation caused by Henry’s later divorce from the Spanish princess, and remarriage with Elizabeth’s mother, Anne Boleyn.²³ Jointure and joinery, in short, could be read as topical allusions to the Tudor monarchy itself, then in its last throes. Neither was the link lost on Shakespeare’s audiences at the beginning of the Stuart reign in England in the early seventeenth century.

- 24 As argued by Patricia Parker, both *Hamlet* and *King Lear* develop the complementary notions of jointure and joinery. Importantly, the terms revolve around the role of women in the process – which is striking, given the paucity of women in *Hamlet* and critics’ remarks on their lack of agency in the play. Parker thus analyses the particular echoes of the terms ‘jointure’ and ‘joints’ in *Hamlet*:

The harping on joinings and joints in Shakespeare also includes jointures and jointresses, in contexts that call attention to the exchange of women as part of the construction of a house, as well as to the importance of these often marginalized women and the dependence on the material – or transfers of property – that underlies such matrimonial ‘joins.’ Gertrude the ‘imperial jointress’ of *Hamlet* (1.2.9) – described by Claudius as ‘so conjunctive to my life and soul, / That, as the star moves not but in his sphere / I could not but by her’ [4.7.14] – is the most striking instance here, the hinge or join (if Saxo and Belleforest are to be credited) on which the sequiturs of Claudius’ own succession may depend, in the play that harps incessantly on a poisoned joining before this jointress intercepts a poisoned ‘union’ (5.2.272) at its end.²⁴

- 25 I propose to read Claudius’ second speech to Hamlet in this light. Here too, the new king uses figures of speech of balance, or rather here ‘bonds’, such as antanacsis or antimetabole, as in the following segment:

[...] But you must know, your father lost a father,
That father lost, lost his, and the survivor bound
In filial obligation for some term
To do obsequious sorrow; [...] (1.2.88–92)

- 26 The rest of the speech essentially indulges in what Thomas Wilson called ‘amplification’, developing an idea succinctly expressed by Gertrude moments earlier, when she reminded her son that ‘all that lives must die, / Passing through nature to eternity.’ (72–3), a common trope, as recognised by Gertrude herself, and by Hamlet, who agrees: ‘Ay madam, it is common.’ (74) Claudius, in other terms, amplifies Gertrude’s ‘common’ message (and Claudius uses the term twice, on lines 98 and 103), and their conjoined message is confirmed again by his wife after this speech, when she repeats Claudius’ refusal to allow Hamlet to return to Wittenberg. If Hamlet accepts to stay in Denmark, it is because his mother said so, she ‘th’imperial jointress’, the legitimate inheritor of Danish land in Hamlet’s eyes, an idea again expressed by the prince when he later calls the king ‘mother’ (4.3.46–9).
- 27 All of Claudius’ efforts at using rhetorical flourishes playing with paradox and balance to justify his marrying his brother’s wife, or his efforts at illustrating the patrilinear ‘bonds’ between sons and fathers to justify the ‘natural’ passing of Old Hamlet, only exacerbate the prince’s rejection and undercut the king’s claim that his kingdom is *not* ‘disjoint and out of frame’ (1.2.20). The king doth protest too much, even as he berates his nephew, son and heir for showing ‘unmanly grief’ (94). Every effort at trying to justify the king and queen’s ‘jointure’ falls flat, as ‘nature’ itself seems to consider it ‘out of frame’. The king’s eulogy for his ‘dear brother’ (1) and subsequent sermon on what is ‘sweet and commendable’ (87), and what is ‘a fault to heaven, / A fault against the dead, a fault to nature’ (101–2), end up conjoined most unnaturally, preparing the audience for the revelation of his guilt, which is here only adumbrated. By making short shrift of his inaugural eulogy for his ‘dear brother’, Claudius paves the way for his own sending off in equally unceremonious fashion in Act 5, an occasion for Hamlet to ironically reassert the infamous nature of the king’s ‘union’ or ‘jointure’ with Gertrude:

Here, thou incestuous, murderous, damnèd Dane,
 Drink off this potion. Is thy union here?
 Follow my mother. *King dies.* (5.2.304–6)

- 28 After Claudius' union in death with Gertrude, Hamlet spends *his* last breath to make sure that he, unlike his father and uncle, should be properly remembered, entreating Horatio 'To tell my story' (328). Unlike Claudius in the opening scene, the rest of the concluding scene is a promise to follow Thomas Wilson's advice in matters of funeral eulogies, as Horatio and Fortinbras vow to praise Hamlet's 'strong harte, and cherefull pacience euen to the ende'²⁵ and to 'Speak loudly for him' (379). The parallelism between the previous king's dismissal in a few curt lines in 1.2 and 5.2 thus stands in contrast with Hamlet's attempt at articulating legal provisions for the kingdom's future after his death, joining his voice to those wishing Fortinbras to take over (334–5), and perhaps more importantly at securing a (Wittenberg-educated) speaker capable, and willing, to deliver the funeral eulogies which were so painfully wanting at the opening of the play. The promise of such funeral orisons à la Thomas Wilson, however, does not actually materialise, as the play draws to an end. Instead, it is the play itself which stands as a tribute to the prince's 'Prowesses doen, either abrode, or at home' - a play ironically bequeathed to posterity in disjointed states, as the playtext has come to us in different, competing versions, feeding discord and division mainly amongst Shakespeare scholars.²⁶

NOTES

1. Biblical quotations are taken from the 1611 Authorised Version (the King James Version).
2. All quotations are taken from *Hamlet: Prince of Denmark*, ed. Heather Hirschfeld and Philip Edwards, New Cambridge Shakespeare, 3rd ed. (Cambridge: Cambridge University Press, 2019).
3. Similarly, Horatio will be witness to another desecrating parody in Act 5, as the duel between Hamlet and Laertes mocks the celebration of the Eucharist. See James V. Holleran, 'Maimed Funeral Rites in *Hamlet*', *English Literary Renaissance*, 19.1 (1989), pp. 65–93 (p. 89) <<https://doi.org/10.1111/j.1475-6757.1989.tb00970.x>>.
4. Thomas Wilson, *The Arte of Rhetorique for the vse of All Suche as Are Studious of Eloquence*, STC (2nd ed.) 25799 (London: Richard Grafton, 1553), sig. 7^r.
5. In the words of Michael Neill, 'Claudius' story belongs to the brightly illuminated court, it issues from the "state" that commands the emblematic centre of the political stage.' Michael Neill, *Issues of Death: Mortality and Identity in English Renaissance Tragedy* (Oxford: Clarendon Press, 1997), p. 222.
6. Neill, p. 300. On Hamlet's 'customary suits of solemn black' (1.2.78), see Nathalie Rivère de Carles, "[T]he Trappings and the Suits of Woe" (1.2.86): *Hamlet's Textile Imagination*, in *Hamlet in the Twenty-First Century*, ed. Victoria Bladen and Yan Brailowsky (Paris: Belin éducation / CNED, 2022), pp. 219–42.
7. One could compare the dangers posed by 'maimèd rites' by recalling contemporary examples in which transfers of power between outgoing and ingoing heads of state were cut short, or impugned, outgoing rulers being granted, in the view of their spiritual heirs, 'No noble rite, nor formal ostentation'. One could think of François Hollande's unceremonious sending away of his

predecessor, Nicolas Sarkozy, on 15 May 2012 (see <https://youtu.be/x9tdQQXVX80?t=43>, accessed 18 February 2024) which caused a stir at the time. Hollande's behaviour now seems a mere peccadillo when compared with even more recent history, with examples of outgoing presidents simply refusing to recognise the incoming president's legitimacy, as with Donald Trump's refusal to recognise Joseph Biden's victory, ending with a deadly riot on Capitol Hill on January 6, 2021, or with Jair Bolsonaro's supporters' riots on January 8, 2023, a week after Lula da Silva's third inauguration as president of Brazil.

8. See 1.1.80-95; 1.2.137-43; 1.2.199-212.

9. Ernest Schanzer, 'Thomas Platter's observations on the Elizabethan stage', *Notes and Queries* 201 (1956), pp. 465-7.

10. *Hamlet: Prince of Denmark*, ed. Philip Edwards, New Cambridge Shakespeare, 2nd ed. (Cambridge: Cambridge University Press, 2003), pp. 5-6; Hirschfeld and Edwards, p. 8.

11. See Sarah Hatchuel's article for the portrait scene and Agnès Lafont's on mythological references in this issue.

12. Wilson, sig. 8^r.

13. Wilson, sig. 9^v.

14. See, for instance, Daniel Swift, *Shakespeare's Common Prayers: The Book of Common Prayer and the Elizabethan Age* (Oxford: Oxford University Press, 2012), especially pp. 149-51.

15. *Hamlet*, dir. by Franco Zeffirelli (Icon Productions, Carolco Pictures, Canal+, 1991); *Hamlet*, dir. by Grigori Kozintsev (Lenfilm Studio, Pervoe Tvorcheskoe Obiedinenie, 1964); *Hamlet*, dir. by Laurence Olivier (Two Cities Films, 1948).

16. *Hamlet*, dir. by Kenneth Branagh (Castle Rock Entertainment, Turner Pictures (I), Fishmonger Films, 1996).

17. *Hamlet*, dir. by Gregory Doran (BBC Wales, Illuminations, NHK Enterprises, 2010); *Hamlet, Prince of Denmark*, dir. by Rodney Bennett (British Broadcasting Corporation, BBC, Time-Life Television Productions, 1980).

18. Paul Stephen Clarkson and Clyde T. Warren, *The Law of Property in Shakespeare and the Elizabethan Drama* [1942] (New York: Gordian Press, 1968), p. 84.

19. B. J. Sokol and Mary Sokol, *Shakespeare's Legal Language: A Dictionary*, Continuum Shakespeare Dictionaries (London: Athlone Press, 2000), pp. 163-7. B. J. Sokol and Mary Sokol, *Shakespeare, Law, and Marriage* (Cambridge: Cambridge University Press, 2003).

20. *Hamlet*, ed. Harold Jenkins, Arden Second Series (London: Methuen, 1982), p. 179.

21. *Hamlet: Revised Edition*, ed. by Ann Thompson and Neil Taylor, Arden Shakespeare Third Series (London: Bloomsbury, 2016), p. 196.

22. For an early modern audience, Gertrude can be associated with the land during the interregnum, as a queen regent awaiting the results of an election which completes the formal passing of the body politic to a new body natural.

23. On a more pedestrian scale, Shakespeare's own will has been scoured by critics and historians in attempts to understand his relationship with his properties (and his wife).

24. Patricia Parker, *Shakespeare from the Margins: Language, Culture, Context* (Chicago: University of Chicago Press, 1996), p. 112.

25. Wilson, sig. 8^r.

26. On the textual issues, see for instance Hirschfeld and Edwards, p. 253-72; Ann Thompson and Neil Taylor, 'Which *Hamlet* to Print?', in *Hamlet in the Twenty-First Century*, ed. by Victoria Bladen and Yan Brailowsky (Paris: Belin éducation / CNED, 2022), pp. 56-72.

ABSTRACTS

The article studies the formal aspects of Claudius’ inaugural speeches in *Hamlet*, which mimics sermons on the inevitability of death and the holy nature of patrilinear bonds linking the dead and the living. It compares this with the suggestion that his ‘state [is] disjoint and out of frame’ (1.2.20), which recalls early modern discussions on jointure, a legal provision allowing wives to take possession of their late husbands’ lands and tenements, thereby (momentarily) dispossessing the natural heirs. Claudius’ speeches contrast the *topos* of the ‘natural’ cycle of life and death, and the ‘discretion’ afforded Gertrude by law to symbolically dispossess her own son in favour of a new husband and king. As Claudius makes short shrift of his eulogy for his ‘dear brother’, he paves the way for his own unceremonious death in act 5, when Hamlet chastises the infamous nature of the king’s ‘union’ or ‘jointure’ with Gertrude. Contrariwise, Hamlet succeeds in being remembered following the rules of epideictic rhetoric.

Cet article étudie les aspects formels des discours inauguraux de Claudius dans *Hamlet*, qui imitent les sermons sur l’inévitabilité de la mort et la nature sacrée des liens patrilineaires qui unissent les morts et les vivants. Il compare ces discours avec la notion selon laquelle son « état [est] disjoint et de guingois » (1.ii.20), qui rappelle les discussions du début de la période moderne sur la jointure, disposition légale permettant aux femmes de prendre possession des terres et des biens fonciers de leur défunt mari, dépossédant ainsi (momentanément) les héritiers naturels. Les discours de Claudius opposent donc le *topos* du cycle « naturel » de la vie et de la mort à la « discrétion » accordée à Gertrude en vertu de la loi, qui lui permet de déposséder symboliquement son fils en faveur d’un nouveau roi et mari. En faisant un piètre éloge de son « cher frère », Claudius ouvre la voie à sa propre brutale disparition à l’acte V, lorsque Hamlet dénonce la nature infâme de son « union » ou « mariage » avec Gertrude. À l’inverse, Hamlet parviendra à perpétuer sa propre mémoire suivant les règles de l’art rhétorique.

INDEX

Keywords: Hamlet, William Shakespeare, eulogy, jointure, discretion, rhetoric

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