

Speak, in the Name of the Law

DAVID CRYSTAL

Imagine this scenario. A legal historian from Mars (shall we say?) is interested in finding out what the human race thinks of lawyers. He has heard that Shakespeare is the world's greatest playwright, so naturally he thinks his works are an obvious place to look for an opinion. He hacks into one of the electronic databases of the plays, and types in 'lawyer'. He finds eleven instances of the word. What impression would he get – would we all get – of the profession which is the focus of this Globe Education series? If we run through the instances, I don't think you'll have too much trouble reaching a conclusion about the matter.

Let's start with the most famous usage, which is the earliest one, in *Henry VI Part 2* (4.2.65). The rebel Jack Cade is rallying his men, and giving them a whole list of promises.

CADE: When I am king, as king I will be –

ALL: God save your majesty!

CADE: I thank you good people! There shall be no money. All shall eat and drink on my score, and I will apparel them all in one livery that they may agree like brothers, and worship me their lord.

DICK: The first thing we do, let's kill all the lawyers.

CADE: Nay, that I mean to do. Is not this a lamentable thing, that the skin of an innocent lamb should be made parchment? That parchment, being scribbled o'er, should undo a man? Some say the bee stings, but I say 'tis the bee's wax. For I did but seal once to a thing, and I was never mine own man since.

Let's kill all the lawyers? That seems fairly unequivocal. And a little later in the play, we find Shakespeare's second usage of the word. A messenger reports the approach of the rebels to the King (4.4.36):

FIRST MESSENGER: All scholars, lawyers, courtiers, gentlemen,
They call false caterpillars and intend their death.

Professor David Crystal is affiliated to the University of Wales, Bangor. This article was originally a performance lecture delivered at Shakespeare's Globe in March 2002, as part of a Globe Education lecture series on 'Shakespeare and the Lawyers'.

Entertainment Law, Vol.1, No.2, Summer 2002, pp.103–116
PUBLISHED BY FRANK CASS, LONDON

False, death-deserving caterpillars. A picture is building up. But these are rebels talking. What would a well-brought up chap, a courtier type, say about them? Here's the third example. I say 'chap'. Pseudo-chap would be more precise, for it is Rosalind well disguised as a male Ganymede, in *As You Like It*. It'll take a few moments to get to the punchline, but it's worth it, for it's a lovely piece of writing. Do you remember the scene? Rosalind has been secretly observing the man she loves, Orlando, and decides to have a bit of fun with the lovesick fellow. So she says to Celia (3.2.287):

ROSALIND [To Celia]: I will speak to him like a saucy lackey, and under that habit play the knave with him. [To Orlando] Do you hear, forester?

ORLANDO: Very well. What would you?

ROSALIND: I pray you, what is't o'clock?

ORLANDO: You should ask me what time o' day: there's no clock in the forest.

ROSALIND: Then there is no true lover in the forest, else sighing every minute and groaning every hour would detect the lazy foot of Time as well as a clock.

ORLANDO: And why not the swift foot of Time? Had not that been as proper?

ROSALIND: By no means, sir: Time travels in diverse paces with divers persons. I'll tell you who Time ambles withal, who Time trots withal, who Time gallops withal, and who he stands still withal.

ORLANDO: I prithee, who doth he trot withal?

ROSALIND: Marry, he trots hard with a young maid between the contract of her marriage and the day it is solemnised. If the interim be but a se'nnight, Time's pace is so hard that it seems the length of seven year.

ORLANDO: Who ambles Time withal?

ROSALIND: With a priest that lacks Latin, and a rich man that hath not the gout: for the one sleeps easily because he cannot study, and the other lives merrily because he feels no pain, the one lacking the burden of lean and wasteful learning, the other knowing no burden of heavy tedious penury. These Time ambles withal.

ORLANDO: Who doth he gallop withal?

ROSALIND: With a thief to the gallows: for though he go as softly as foot can fall, he thinks himself too soon there.

ORLANDO: Who stays it still withal?

ROSALIND: With lawyers in the vacation: for they sleep between term and term, and then they perceive not how Time moves.

So, lawyers are sleeping, false, death-deserving caterpillars now. On to the

INTERVENTIONS

105

fourth use: a little later in the play (4.1.1), Jaques meets Rosalind/Ganymede, and we learn what a lawyer's melancholy consists of:

JAQUES: I prithee, pretty youth, let me be better acquainted with thee.

ROSALIND: They say you are a melancholy fellow.

JAQUES: I am so: I do love it better than laughing.

ROSALIND: Those that are in extremity of either are abominable fellows, and betray themselves to every modern censure worse than drunkards.

JAQUES: Why, 'tis good to be sad and say nothing.

ROSALIND: Why then, 'tis good to be a post.

JAQUES: I have neither the scholar's melancholy, which is emulation; nor the musician's, which is fantastical; nor the courtier's, which is proud; nor the soldier's, which is ambitious; nor the lawyer's, which is politic; nor the lady's, which is nice; nor the lover's, which is all these: but it is melancholy of mine own.

'Politic' here doesn't have its modern positive nuance: it means 'crafty, wily, self-serving'. So that makes lawyers politic, sleeping, false, death-deserving caterpillars.

Some more upper-class opinions. Our fifth and sixth uses are found in *Timon of Athens*. In Act 2 (2.2.110), the servants decide to have a merry exchange with the Fool. One of the servants asks him:

VARRO'S SERVANT: What is a whoremaster, fool?

FOOL: A fool in good clothes, and something like thee. 'Tis a spirit. Sometime 't appears like a lord, sometime like a lawyer.

And after adding a few more comparisons, the servant comments:

VARRO'S SERVANT: Thou art not altogether a fool.

Then later, when Timon is in his desert cave, haranguing whoever passes by, he meets the prostitutes Phrynia and Timandra, and sounds off against all the people likely to catch their diseases (4.3.153). He doesn't forget to mention lawyers, who are evidently thought of as a cheating, philandering lot.

PHRYNIA and TIMANDRA: Well, more gold; what then? Believe't, that we'll do anything for gold.

TIMON: Consumptions sow
In hollow bones of man, strike their sharp shins,
And mar men's spurring. Crack the lawyer's voice,
That he may never more false title plead
Nor sound his quilllets shrilly.

A 'quillet' is a 'quibble', an 'equivocation'. So, adding those to our list of epithets: Lawyers are politic, sleeping, false, quibbling, philandering, death-deserving caterpillars.

Another upper-class voice, Cloten's, in *Cymbeline* (2.3.64). Actually, it would seem from the passing mention in this speech that here we have somebody viewing lawyers in a positive way. The prince is trying to get admittance to Innogen's chamber.

CLOTEN [knocking]: By your leave, ho! –
 I know her women are about her: what
 If I do line one of their hands? 'Tis gold
 Which buys admittance – oft it doth – yea, and makes
 Diana's rangers false themselves, yield up
 Their deer to th' stand o'th' stealer; and 'tis gold
 Which makes the true man killed, and saves the thief,
 Nay, sometime hangs both thief and true man. What
 Can it not do and undo? I will make
 One of her women lawyer to me, for
 I yet not understand the case myself.

Make one of her women my lawyer. Yes, it's definitely a positive reference. But hold on: who's making it? Cloten. Not the brightest of individuals. The implication is plain: if you're a bit thick, you might be able to see some value in a lawyer. But only if you're two lines short of a sonnet.

Let's go up a level, and add a king's voice to the attributes of a lawyer. In *King Lear* (1.4.113), the Fool has been chiding Lear about his behaviour, provoking him:

LEAR: A pestilent gall to me!

So the Fool says to Lear:

FOOL: Sirrah, I'll teach thee a speech.
 LEAR: Do.
 FOOL: Mark it, nuncle:
 Have more than thou showest,
 Speak less than thou knowest,
 Lend less than thou owest,
 Ride more than thou goest,
 Learn more than thou trowest,
 Set less than thou throwest,
 Leave thy drink and thy whore
 And keep in-a-door,
 And thou shalt have more

INTERVENTIONS

107

Than two tens to a score.

KENT: This is nothing, fool.

FOOL: Then 'tis like the breath of an unfee'd lawyer: you gave me nothing for't.

There are two implications here. The obvious one is that lawyers were thought to be mercenary: they'll not help you without pay. But the other point is that lawyers come straight to mind when people are talking *nothing* – that is, 'nonsense', 'emptiness'. So that makes them politic, sleeping, false, money-grabbing, empty-headed, quibbling, philandering, death-deserving caterpillars.

There's a similar allusive reference in our ninth use, which is from *The Winter's Tale* (4.4.206). Autolycus arrives at the shepherd's feast with all kinds of things to sell, and the servant who brings in the news is most impressed.

SERVANT: He hath ribbons of all the colours i' th' rainbow; points more than all the lawyers in Bohemia can learnedly handle, though they come to him by th' gross.

By the gross? She means 'in huge numbers'. She's referring to the tagged laces which attach the doublet to the hose, but of course there is a quibble here on 'legal points', 'points for debate'. You can see the association of ideas, though: colourful, frivolous fripperies – lawyers. We mustn't forget to add 'frivolous' to our list of epithets.

What else? In our tenth use, lawyers don't get any let-off even when they're asleep. According to Mercutio, in *Romeo and Juliet*, along comes Queen Mab, the fairies' midwife. Mab is a being who visits people when they are asleep and makes them dream of their deepest desires. So what would a lawyer be dreaming of, deep in his subconscious? Deep down, are lawyers really nice guys? Off Mab goes, in her chariot, 'gallop[ing] night by night' (1.4.70):

MERCUTIO: Through lovers' brains, and then they dream of love;
O'er courtiers' knees, that dream on curtsies straight;
O'er lawyers' fingers, who straight dream on fees.

That's one version. The main source-texts vary a bit. A little later, in the same speech, the First Quarto actually reads:

MERCUTIO: Sometimes she gallops o'er a lawyer's nose,
And then dreams he of smelling out a suit.

Some editors follow the First Folio and emend 'lawyer's' to 'courtier's', but it certainly fits the general trend to leave it as 'lawyer's'. That means we must add 'avaricious' to our list.

Nor do lawyers escape comment even when they are dead. Our final instance, probably the most famous of all, turns up in *Hamlet*, in the gravedigger scene (5.1.96). When another skull gets dug up, Hamlet homes in straight away.

HAMLET: There's another. Why might not that be the skull of a lawyer? Where be his quiddities now, his quillets, his cases, his tenures, and his tricks?

'Quiddities' and 'quilletts' have similar meanings – both mean 'equivocations', 'subtleties', 'quibbles'. 'Tenures' is a harmless word. 'Tricks' definitely isn't.

So there we have it. What impression would our Martian historian have, from these 11 uses? According to the combined opinions of Rosalind, Jaques, Mercutio, Jack Cade, Hamlet, Timon, a Fool and a Servant, lawyers are politic, sleeping, false, avaricious, money-grabbing, empty-headed, frivolous, quibbling, philandering, death-deserving caterpillars. Case closed.

Well, no. The story doesn't end there. For when we move from lawyers to the law, we enter a quite different world. There are 200 uses of the word *law* in the plays, and most of the characters display a healthy concern about it, as you can hear from this sprinkling of examples. The rulers, as you would expect, are all for it. The Duke of Ephesus, in *Comedy of Errors* (1.1.4) begins the play by asserting, 'I am not partial to infringe our laws', and the Duke of York, in *Richard II* (2.3.168) takes the same line, 'I am loath to break our country's laws', as do many others. But fear of breaking the law worries the lower-classes too. Take Samson, the Capulet's serving-man. He's very uncertain about it, in the opening scene of *Romeo and Juliet*.

ABRAM: Do you bite your thumb at us, sir?

SAMPSON: I do bite my thumb, sir.

ABRAM: Do you bite your thumb at us, sir?

SAMPSON [aside to GREGORY]: Is the law of our side, if I say ay?

GREGORY: No.

SAMPSON [to ABRAM]: No, sir, I do not bite my thumb at you, sir. But I bite my thumb, sir.

And in *Twelfth Night* (3.4.147), Fabian seems to be most concerned that Sir Andrew should not break the law, in his letter of challenge to the disguised Viola.

SIR TOBY [reading]: Youth, whatsoever thou art, thou art but a scurvy fellow.

FABIAN: Good, and valiant.

SIR TOBY: Wonder not, nor admire not in thy mind why I do call thee

INTERVENTIONS

109

so, for I will show thee no reason for't.

FABIAN: A good note, that keeps you from the blow of the law.

SIR TOBY: Thou com'st to the Lady Olivia, and in my sight she uses thee kindly; but thou liest in thy throat, that is not the matter I challenge thee for.

FABIAN: Very brief, and to exceeding good sense [aside] – less.

SIR TOBY: I will waylay thee going home, where if it be thy chance to kill me.

FABIAN: Good.

SIR TOBY: Thou kill'st me like a rogue and a villain.

FABIAN: Still you keep o'the windy side of the law – good.

SIR TOBY: Fare thee well, and God have mercy upon one of our souls.

Throughout the plays the message is plain: you can't mess with the law. If you try, you will get into trouble, or fail. Bassanio tries and fails, in what is probably Shakespeare's most famous scene where the status of the law is the crux of the matter (*The Merchant of Venice*, 4.1.199). Portia, disguised as Balthasar the lawyer, has just failed to persuade Shylock to show mercy. Now, if you can distance yourselves a little from the drama of the situation, listen out for the flood of legal language which follows. Almost every speech refers to the standing of the law, either the word *law* itself, or using a legal term – 'justice', 'plea', 'court', 'sentence', 'penalty', 'forfeit', 'discharge'. The legal jargon steadily builds up.

PORTIA: I have spoke thus much

To mitigate the justice of thy plea,

Which if thou follow, this strict court of Venice

Must needs give sentence 'gainst the merchant there.

SHYLOCK: My deeds upon my head! I crave the law,

The penalty and forfeit of my bond.

PORTIA: Is he not able to discharge the money?

BASSANIO: Yes, here I tender it for him in the court,

Yea, twice the sum. If that will not suffice

I will be bound to pay it ten times o'er

On forfeit of my hands, my head, my heart.

If this will not suffice, it must appear

That malice bears down truth. And, I beseech you,

Wrest once the law to your authority.

To do a great right, do a little wrong,

And curb this cruel devil of his will.

PORTIA: It must not be. There is no power in Venice

Can alter a decree established.

'Twill be recorded for a precedent,

And many an error by the same example
 Will rush into the state. It cannot be.
 SHYLOCK: A Daniel come to judgement, yea, a Daniel!
 O wise young judge, how I do honour thee!
 PORTIA: I pray you let me look upon the bond.
 SHYLOCK: Here 'tis, most reverend doctor, here it is.
 PORTIA: Shylock, there's thrice thy money offered thee.
 SHYLOCK: An oath, an oath! I have an oath in heaven.
 Shall I lay perjury upon my soul? No, not for Venice.
 PORTIA: Why, this bond is forfeit,
 And lawfully by this the Jew may claim
 A pound of flesh, to be by him cut off
 Nearest the merchant's heart. [To Shylock] Be merciful.
 Take thrice thy money. Bid me tear the bond.
 SHYLOCK: When it is paid according to the tenor.
 It doth appear you are a worthy judge.
 You know the law. Your exposition
 Hath been most sound. I charge you, by the law
 Whereof you are a well-deserving pillar,
 Proceed to judgement. By my soul I swear
 There is no power in the tongue of man
 To alter me. I stay here on my bond.

... 'oath', 'perjury', 'proceed', 'judgement', 'bond'. There are over 30 terms with a legal resonance in just this short passage, and they are used with confidence and accuracy. Indeed, it is Shakespeare's mastery of legal terminology which is one of the main features of his style. He seems to know it inside out. I've never tried to count them all, but there are hundreds of words and phrases with some sort of legal resonance used throughout the plays, and they show a remarkable range. If you want to find them all, look at B.J. and Mary Sokol's *Shakespeare's Legal Language: A Dictionary* (2000). Words like 'accusation', 'sentence' and 'execution' belong to criminal law. Words like 'statute', 'franchise' and 'counsellor' belong to civil law. Words like 'surety', 'indenture' and 'audit' belong to commercial law. Just think of all the terms to do with the hearing of a case: 'cause', 'party', 'petition', 'suit', 'hearing', 'warrant', 'charge', 'redress', 'oath', 'resolution', 'action', 'witness'. They all turn up in Shakespeare, and some of them very frequently. 'Suit' and 'witness' turn up over 100 times each, for example.

Now you'd expect legal words to turn up when the subject matter is to do with law. There's no particular surprise if Portia uses legal language so efficiently in her persona as Balthasar. The important point to appreciate is that it isn't just lawyers, or people well-versed in legal affairs, who use it.

INTERVENTIONS

111

All kinds of characters, from highest to lowest, sprinkle their speech with legalisms. Take Launce, one of the clowns in *The Two Gentlemen of Verona* (3.1.271). He has written out all the attributes of his milkmaid lady-love on a piece of paper, but listen how he does it:

LAUNCE: Here is the catalogue of her condition. 'Imprimis, she can fetch and carry'.

'Imprimis': in the first place.

LAUNCE: Why, a horse can do no more. Nay, a horse cannot fetch, but only carry, therefore is she better than a jade. 'Item, she can milk'. Look you, a sweet virtue in a maid with clean hands.

'Item': the legal term for a particular point. And Launce's friend Speed then lists a further 6 virtues and 11 vices, each solemnly introduced by 'Item'. Here are some of the vices.

SPEED: Item, she hath a sweet mouth.

LAUNCE: That makes amends for her sour breath.

SPEED: Item, she doth talk in her sleep.

LAUNCE: It's no matter for that, so she sleep not in her talk.

SPEED: Item, she is slow in words.

LAUNCE: O villain, that set this down among her vices! To be slow in words is a woman's only virtue!

Sometimes, the legalism slips in so smoothly that you hardly realise it is there. Which is the legal phrase in this little speech of Touchstone's, towards the end of *As You Like It*? He has just informed William the country bumpkin that he, Touchstone, is going to marry Audrey, not he, William (5.1.46):

TOUCHSTONE: Therefore, you clown, abandon – which is in the vulgar, leave – the society – which in the boorish is company – of this female – which in the common is woman; which together is, abandon the society of this female, or, clown, thou perishest; or, to thy better understanding, diest; or, to wit, I kill thee, make thee away, translate thy life into death, thy liberty into bondage. I will deal in poison with thee, or in bastinado, or in steel. I will bandy with thee in faction, I will o'errun thee with policy. I will kill thee a hundred and fifty ways. Therefore tremble, and depart.

AUDREY: Do, good William.

WILLIAM: God rest you merry, sir.

'To wit' – legalese for 'that is to say'.

So it isn't that Shakespeare is just using legal terms when they are needed – such as in that scene from *Merchant*, or when people are debating

legal issues in the history plays. He uses them when they are not needed. It didn't have to be a lawyer's skull that Hamlet speculated about in the gravedigger scene (5.1.98). It might have been a doctor's, or a soldier's or a clergyman's. But having chosen a lawyer, then we get a ludic celebration of legal language, with pun piling on top of pun. Several of the individual words may mean little to us now (indeed they would have meant little to the groundlings then; they are part of the mystique of the law), but the cumulative effect produces a perfectly clear dramatic impact.

HAMLET: Why does he suffer this rude knave now to knock him about the sconce with a dirty shovel, and will not tell him of his action of battery? H'm! This fellow might be in's time a great buyer of land, with his statutes, his recognisances, his fines, his double vouchers, his recoveries. Is this the fine of his fines and the recovery of his recoveries, to have his fine pate full of fine dirt? Will his vouchers vouch him no more of his purchases, and double ones too, than the length and breadth of a pair of indentures? The very conveyances of his lands will hardly lie in this box; and must th'inheritor himself have no more, ha?

HORATIO: Not a jot more, my lord.

Says Horatio, perhaps a little bemused by all this legal-linguistic dexterity.

There are other occasions, though, where it's absolutely crucial to understand a particular legal term, otherwise the whole point of a remark is lost. And this can get quite tricky, when the term is one from medieval law. There's a good example of this when Pandarus is watching Troilus and Cressida first kiss (3.2.49). 'How now', he says, 'a kiss in fee-farm'. A kiss in fee-farm? There is some debate among legal historians about the exact Elizabethan meaning, but the essential point is that it refers to a kind of long-lasting tenure – land being held subject to a perpetual fixed rent. So if a couple are 'kissing in fee-farm', it must mean that they are really making a go of it – the kiss is apparently never going to end. No direction needed here. The language tells the actors what to do.

The situation gets more complicated when two or three legal terms are used together in the same sentence. Consider this instance from *The Merry Wives of Windsor*. A disguised Falstaff has just been beaten out of the house by Frank Ford, who thinks he is having an affair with his wife. Falstaff has indeed been making advances to both Mistress Ford and Mistress Page, much to their disgust, and at this point in the play they've already found two successful ways to humiliate him. Mistress Ford then wonders whether they've done enough (4.2.194):

MISTRESS FORD: What think you? May we, with the warrant of womanhood and the witness of a good conscience, pursue him with any further revenge?

INTERVENTIONS

113

And Mistress Page replies with a fine legal figure of speech.

MISTRESS PAGE: The spirit of wantonness is sure scared out of him. If the devil have him not in fee-simple, with fine and recovery, he will never, I think, in the way of waste attempt us again

This is so well done it's worth taking the sentence to pieces and putting it back together again. And as often with legal language, the most difficult word is not the one which looks most difficult. 'Fee-simple', 'fine' and 'recovery' are obviously legal. But did you notice 'waste'?

'Waste': this meant 'damage to property by a tenant'. So she's basically saying that, if she and Mistress Ford are thought of as pieces of property, then Falstaff will never try to harm them again. Now let's bring in the first part of the sentence. This will happen only 'if the devil have him not in fee-simple'. 'Fee-simple': this term meant a private estate belonging to an owner and his heirs for ever; so, 'in fee-simple' meant 'in permanent leasing' or 'in full possession'. She's saying, 'We're safe as long as the devil doesn't have a permanent hold on Falstaff'. But there's more. What sort of hold might the devil have? 'with fine and recovery' – two terms to do with transferring property. You've already heard Hamlet use them:

HAMLET: his fines, his double vouchers, his recoveries. Is this the fine of his fines and the recovery of his recoveries ...

'Fine' refers to an agreement to transfer land possession; 'recovery', a procedure for transferring property into full ownership. Put the two terms together, and the meaning is essentially 'with everything transferred to him'. So, let's put the sentence back together again: in modern idiom, Mistress Page is saying that if the devil doesn't own Falstaff lock, stock and barrel, so that he can never stop being wicked, we're safe enough.

Examples like these are individual points of interpretation, important enough as they stand, but still only affecting a single sentence or exchange. Shakespeare's legal language really comes into its own when whole plots depend on it, or when it becomes a major theme of a play. Legal themes permeate *The Merchant of Venice*, as we've seen, not just through the crucial role of the bond between Shylock and Antonio, but the whole of the casket-task plot is due to legal constraints imposed by Portia's father on his daughter. Similarly, the whole plot of *Measure for Measure* revolves around the question of Duke Angelo imposing and upholding the law, in the case of Claudio's apparent transgression. And in *Henry V*, without the issue of the *Salic law* appealed to at great length by the Archbishop of Canterbury in the opening scene, Henry would have no claim to France, and we would have no play.

Let's work through just one example in a bit more detail: *Coriolanus*, which I choose because its legal language has been studied in depth. Now

here's a play which revolves around matters of state, the legality of popular protest, the technicalities of election procedures, and much more. Legal terms are everywhere – 'tribune', 'magistrate', 'court', 'edict', 'statute', 'treaty', 'justice'. But it isn't just the words. It's the way they combine to become a major theme of the play. They are there right from the outset. It's easy to miss some of these words, because they are so familiar, so I'll point them out when they appear. Act 1, Scene 1, Line 1: 'Enter a company of mutinous citizens with staves, clubs and other weapons':

FIRST CITIZEN: Before we proceed any further, hear me speak.

ALL: Speak, speak.

Well there's two, in the opening line – 'proceed' and 'speak', part of the legal vocabulary of a trial.

FIRST CITIZEN: You are all resolved rather to die than to famish?

ALL: Resolved, resolved.

There's another: 'resolved'. The dialogue is already sounding just like a legal procedure – but this is a street rabble, remember. These are rioters speaking, not lawyers.

FIRST CITIZEN): First, you know Caius Martius is chief enemy to the people?

ALL: We know't, we know't.

FIRST CITIZEN: Let us kill him, and we'll have corn at our own price. Is't a verdict?

And there's another, 'verdict'. So the law theme is there, right from the outset. A few seconds later, the old patrician Menenius arrives, and tries to persuade the crowd that their course of action is wrong. The senators are very concerned about their plight, he says. And to make his point he launches into a story about how, once upon a time, the parts of the body rebelled against the belly, accusing it of being idle and cupboarding up food while they did all the real work of seeing, hearing, walking, and so on. But the belly didn't take the criticism silently.

MENENIUS: it tauntingly replied
To th' discontented members, the mutinous parts
That envied his receipt; even so most fitly
As you malign our senators for that
They are not such as you.

FIRST CITIZEN: Your belly's answer – what?
The kingly crowned head, the vigilant eye,
The counsellor heart, the arm our soldier,

INTERVENTIONS

115

Our steel the leg, the tongue our trumpeter,
With other muniments and petty helps

In this our fabric, if that they –

MENENIUS: What then?

'Fore me, this fellow speaks! What then? What then?

FIRST CITIZEN: Should by the cormorant belly be restrained,

Who is the sink o'th' body –

MENENIUS: Well, what then?

FIRST CITIZEN: The former agents, if they did complain,

What could the belly answer?

MENENIUS: I will tell you,

If you'll bestow a small – of what you have little –

Patience awhile, you'st hear the belly's answer.

FIRST CITIZEN: Y'are long about it.

Get on with it, he's saying. And Menenius does then answer. The belly makes a very good case, pointing out to the other parts of the body that without the goodness he provides, the others wouldn't last long. And as he addresses them, he calls them all 'my incorporate friends'. 'Incorporate', a highly technical legalism. It means they are all united in one body, 'incorporated', just as if they had received a corporate franchise. It's perfect for the sense needed here – and it's a term Shakespeare uses several other times in the plays, actually, both as a verb and an adjective. Do you remember Friar Laurence saying to Romeo and Juliet, 'you shall not stay alone / Till Holy Church incorporate two in one'? In other words, become one flesh. Or Helena (in *A Midsummer Night's Dream*, 3.2.203), reflecting on how she and Hermia used to be so close:

HELENA: We, Hermia, like two artificial gods
Have with our needles created both one flower,
Both on one sampler, sitting on one cushion,
Both warbling of one song, both in one key,
As if our hands, our sides, voices, and minds
Had been incorporate.

Anyway, this use of 'incorporate' by Menenius takes up a thread of legalese that the citizen has been using. Here too, it's easy to miss the legal resonances, because some of the words have become so familiar. Just to go back over the relevant bits of that dialogue for a second. The first such term doesn't need a gloss.

FIRST CITIZEN: the vigilant eye / The counsellor heart

'Counsellor heart' – a warm and effective phrase. The meaning may be

obvious, but the unusualness of the phrase deserves a comment. It's the only occasion that Shakespeare uses 'counsellor' as an adjective. And using 'counsellor' as an adjective is so rare that even the great historical *Oxford English Dictionary* doesn't mention it.

The citizen's second legal term is quite different.

FIRST CITIZEN: With other muniments and petty helps
In this our fabric

'Muniments'. No doubt about the technical status of that term. A 'muniment' was originally a legal document defending a person's rights, but here, in the plural, and with a concrete sense foremost, it has evolved the meaning of 'means of support'. He goes on:

FIRST CITIZEN: Should by the cormorant belly be restrained

'Restrained': again an obvious meaning, 'held back', but with strong legal overtones, as still found in English. And in his next interruption, he says:

FIRST CITIZEN: The former agents, if they did complain,
What could the belly answer?

Here we have three terms, 'agents', 'complain', 'answer' – innocent-looking words, but all with strong legal overtones in addition to their everyday senses. And so it goes on throughout the play. The legal language is always in the wings. And it provides a great source of figurative expression, turning up in many unexpected contexts – as when Menenius returns to Rome having failed to persuade Coriolanus to cease his plans for revenge. He gloomily tells the tribunes, 'there is no hope in't, our throats are sentenced and stay upon execution' (5.4.7). Our throats are sentenced. Brilliant.

That's the main thing I've come away with, from this exploration into Shakespeare's legal language. It's not the obviously technical terms, which can be a pain to understand. It's the less obvious terms, the ones which have developed everyday senses, which turn out to be so pervasive – terms like 'cause', 'answer', 'process', 'title' and all the others. These are the ones which contribute so much to the identity of a character or the atmosphere of a scene. And then, to see the way legal language is adapted, satirised, punned and made figurative – to me this is a source of never-ending fascination as a linguist and delight as a playgoer. Shakespeare may have had a jaundiced view of lawyers, if his characters are to be believed, but whatever the reasons for that, there's no doubt that he learned a great deal from them about the language of the law.