

Hamlet Synthesis Question

Shakespeare's *Hamlet* is a story that resonates with many audiences because of its portrayal of Hamlet's raw emotions of remorse and revenge. It has been parodied and presented in multiple formats.

Despite its popularity (or perhaps because of it), the question of whether Hamlet should be (if he had theoretically survived) considered guilty of the murder of King Claudius or whether the killing was justified is a point of contention to many readers. Carefully read the following seven sources, including the introductory information for each source. Then synthesize information from at least three of the sources and take a position on whether Hamlet should be considered guilty or innocent.

Make sure that your argument is central; use the sources to illustrate and support your reasoning. Avoid merely summarizing the sources. Indicate clearly which sources you are drawing from, whether through direct quotation, paraphrase, or summary. You may cite the sources as Source A, Source B, etc., or by using the descriptions in parenthesis.

Source A: (Farlex)

Source B: (Thew)

Source C: (Reuter's Findlaw.com)

Source D: (Bacon)

Source E: (Douglas)

Source F: (Shakespeare)

SOURCE A

Farlex, Web.. <<http://legal-dictionary.thefreedictionary.com/murder>>. Web.
13 November 2013

This piece is an excerpt from a free legal dictionary's definition of murder

Murder

The unlawful killing of another human being without justification or excuse.

Murder is perhaps the single most serious criminal offense. Depending on the circumstances surrounding the killing, a person who is convicted of murder may be sentenced to many years in prison, a prison sentence with no possibility of Parole, or death.

The precise definition of murder varies from jurisdiction to jurisdiction. Under the Common Law, or law made by courts, murder was the unlawful killing of a human being with malice aforethought. The term *malice aforethought* did not necessarily mean that the killer planned or premeditated on the killing, or that he or she felt malice toward the victim. Generally, *malice aforethought* referred to a level of intent or recklessness that separated murder from other killings and warranted stiffer punishment.

The definition of murder has evolved over several centuries. Under most modern statutes in the United States, murder comes in four varieties: (1) intentional murder; (2) a killing that resulted from the intent to do serious bodily injury; (3) a killing that resulted from a depraved heart or extreme recklessness; and (4) murder committed by an Accomplice during the commission of, attempt of, or flight from certain felonies.

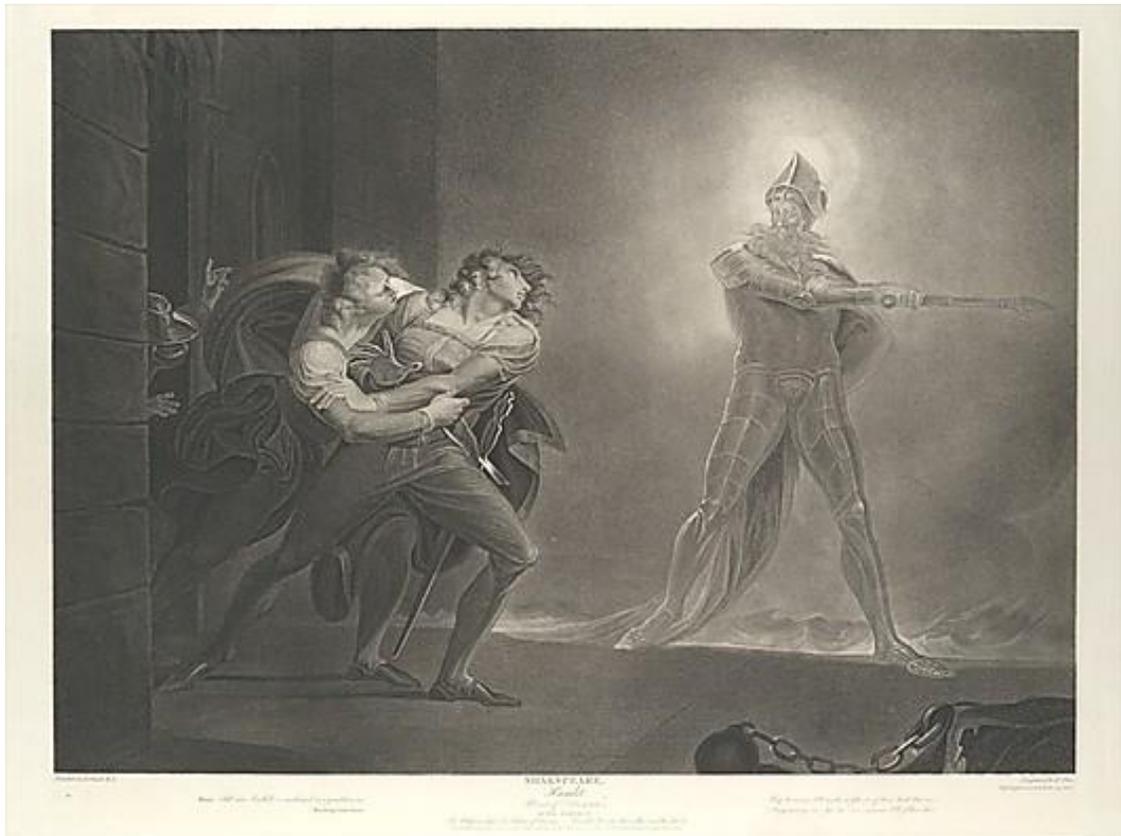
Some jurisdictions still use the term *malice aforethought* to define intentional murder, but many have changed or elaborated on the term in order to describe more clearly a murderous state of mind. California has retained the malice aforethought definition of murder (Cal. Penal Code § 187 [West 1996]). It also maintains a statute that defines the term *malice*. Under section 188 of the California Penal Code, malice is divided into two types: express and implied. Express malice exists "when there is manifested a deliberate intention unlawfully to take away the life of a fellow creature." Malice may be implied by a judge or jury "when no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart."

In *Commonwealth v. LaCava*, 783 N.E.2d 812 (Mass. 2003), the defendant, Thomas N. LaCava, was convicted of the deliberate, premeditated murder of his wife. LaCava admitted to the shooting and the killing, but he claimed that due to his diminished mental capacity, he could not form the requisite malice when he committed the killing, so as to be convicted of first degree murder. The Supreme Judicial Court of Massachusetts found that Massachusetts law permits psychiatric evidence to attack the premeditation aspect of murder. However, the judge's instructions to the jury regarding the definition of murder was sufficient to render the error harmless, according to the court.

SOURCE B

Thew, Robert. *The Platform Before the Palace of Elsinore - Hamlet, Horatio, Marcellus and the Ghost*. Painting. Metropolitan Museum of Art, New York City. Web. 13 November 2013

The following painting represents Hamlet and the guards confronting the apparition of King Hamlet.



SOURCE C

Insanity Defense - FindLaw. (n.d.).
<http://criminal.findlaw.com/criminal-procedure/insanity-defense.html> Web. 16 May 2016

The following is an excerpt about the insanity defense and its uses in criminal cases.

A criminal defendant who is found to have been legally insane when he or she committed a crime may be found not guilty by reason of insanity. In some cases, the defendant may be found guilty but sentenced to a less severe punishment due to a mental impairment. In states that allow the insanity defense, defendants must prove to the court that they did not understand what they were doing; failed to know right from wrong; acted on an uncontrollable impulse or some variety of these factors.

Legal Insanity: Background

The first known recognition of insanity as a defense to criminal charges was recorded in a 1581 English legal treatise stating that, "If a madman or a natural fool, or a lunatic in the time of his lunacy" kills someone, they cannot be held accountable. British courts came up with the "wild beast" test in the 18th Century, in which defendants were not to be convicted if they understood the crime no better than "an infant, a brute, or a wild beast."

Besides the fact that courts no longer use the terms "lunatic" or "wild beast," current laws allowing for the insanity defense follow a similar logic. The legal basis for insanity was codified into British law in the mid 19th Century with the M'Naughten Rule, which is used in a majority of U.S. states and other jurisdictions around the world today.

How Courts Test for Legal Insanity

Depending on the jurisdiction, courts use one or a combination of the following tests for legal insanity:

- The "M'Naghten Rule" - Defendant either did not understand what he or she did, or failed to distinguish right from wrong, because of a "disease of mind."
- The "Irresistible Impulse" Test - As a result of a mental disease, defendant was unable to control his impulses, which led to a criminal act.
- The "Durham Rule" - Regardless of clinical diagnosis, defendant's "mental defect" resulted in a criminal act.
- The "Model Penal Code" Test for Legal Insanity - Because of a diagnosed mental defect, defendant either failed to understand the criminality of his acts, or was unable to act within the confines of the law.

SOURCE D

Bacon, Francis. On Revenge. 1625
<<http://people.brandeis.edu/~teuber/bacon.htm>
>. Web. 13 November 2013

The following is Francis Bacon's piece on revenge and justice

REVENGE is a kind of wild justice; which the more man's nature runs to, the more ought law to weed it out. For as for the first wrong, it doth but offend the law; but the revenge of that wrong pulleth the law out of office. Certainly, in taking revenge, a man is but even with his enemy; but in passing it over, he is superior; for it is a prince's part to pardon. And Salomon, I am sure, saith, *It is the glory of a man to pass by an offence.*

That which is past is gone, and irrevocable; and wise men have enough to do with things present and to come: therefore they do but trifle with themselves, that labour in past matters.

There is no man doth a wrong for the wrong's sake; but thereby to purchase himself profit, or pleasure, or honour, or the like. There why should I be angry with a man for loving himself better than me? And if any man should do wrong merely out of ill nature, why, yet it is but like the thorn or briar, which prick and scratch, because they can do no other.

The most tolerable sort of revenge is for those wrongs which there is no law or remedy; but then let a man take heed the revenge be such as there is no law to punish; else a man's enemy is still beforehand, and it is two for one.

Some, when they take revenge, are desirous the party should know whence it cometh: this is the more generous. For the delight seemeth to be not so much in doing the hurt as in making the party repent: but base and crafty cowards are like the arrow that flieth in the dark.

Cosmus, Duke of Florence, had a desperate saying against perfidious or neglecting friends, as if those wrongs were unpardonable: *You shall read (saith he) that we are commanded to forgive our friends.* But yet the spirit of Job was in a better tune: *Shall we (saith he) take good at God's hands, and not be content to take evil also?* And so of friends in a proportion.

This is certain, that a man that studieth revenge keeps his own wounds green, which otherwise would heal and do well.

Public revenges are for the most part fortunate; as that for the death of Caesar; for the death of Pertinax(1); for the death of Henry the Third of France (2); and many more. But in private revenges it is not so. Nay rather, vindictive persons live the life of witches; who as they are mischievous, so end they unfortunate.

1) Publius Helvius Pertinax became emperor of Rome in 193 and was assassinated three months after his accession to the throne by a soldier in his praetorian Guard.

(2) King of France, 1574-1589, assassinated during the Siege of Paris.

SOURCE E

Douglas, Lawrence George, Alexander. "The Literary Police Blotter." *Chronicle Of Higher Education* 54.21 (2008): B5. *MasterFILE Premier*. Web. 13 Nov. 2013.

The following is an excerpt from a satirical police blotter about literary character crimes.

Prince Runs Amok; Many Feared Dead

(Elsinore, Denmark) The heir to the Danish throne went on a rampage yesterday, killing, it is feared, most of the members of the royal family. Details remain sketchy, but persons close to the scene report that the Danish prince killed his stepfather, the king; one of the king's leading ministers; and the minister's son. The prince's mother also is said to have died in the rampage; the assailant himself was killed in an all-out assault by authorities. The prince, believed to be in his mid-20s, had recently been placed under suicide watch after the death by drowning of his fiancée. A college acquaintance confirmed that the killer had been haunted by visions and nightmares since the death of his father some years ago: "He liked to talk about death and killing and stuff, but no one really took him seriously. He'd been saying the same thing for years." Said another unnamed source, "Everyone knew he was a little off, but he seemed pretty harmless. I guess we were wrong."