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ARTICLE

‘The reading of the will’: making inheritance law visual

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Abstract

Wills have lent themselves to more performative possibilities than any other legal document. They have been engraved, painted, written about and sung. Yet within legal scholarship these representations have been overlooked. Interpreting the Reading of the Will widely, this article demonstrates the tenacity of the will on artistic imagination and, at the same time, its starkly shifting functions and audiences. Adopting a chronological approach, it examines church monuments from the sixteenth century, nineteenth-century ‘realist’ paintings and novels, twentieth-century crime fiction, comic operas and figurative domestic porcelain, and more recent gritty and glamorous TV soaps and contemporary performance art. Aided by scholarship across a wide range of disciplines, it argues that this diverse work mirrors and illuminates historical, political and sociological debates about the public and private nature of inheritance. In a hyper-visual world, it makes a case for taking artistic endeavours seriously within legal scholarship and pedagogy.

Keywords: Reading of the Will; wills; probate and inheritance law; history of art; sociology of families and death

1. Introduction

The mixing of money, death and families is combustible, and consequently inheritance law is a rich site of story-telling. But not only in case-law, for countless artists and writers have painted and created narratives premised on inheritance.

At the core of these artistic endeavours is The Reading of the Will. This recognisable performance conjures up images of grieving but hopeful relations, listening to a lawyer – an intermediary between the dead and the living, a quasi-ventriloquist – reading the final testament of the deceased. In real life they are highly unusual and neither required nor referred to by law; indeed probate lawyers respond with a mixture of hilarity at the idea and bemusement at their clients’ occasional expectation of them (Monk 2016). The Reading of the Will is primarily then a moment of theatre, even in real life, and more often a fictional literary or artistic performance. But wills are also read performatively in other contexts, for example when the contents are engraved on monuments, disclosed as a plot device in a novel or broadcast to a wider public in media stories.

There is no shortage of material to consider. Indeed, arguably, no other type of legal document – writ, disposition, contract – has lent itself so explicitly to so many performative possibilities. They have been engraved, painted, written about and sung. Yet within legal scholarship these representations have been overlooked.

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Taking the visual and performative nature of wills seriously is a challenge, for as Moran has observed:

> 'The multifarious gatekeepers of legal studies have responded in a variety of ways to scholarly and pedagogic projects that turn away from law's written text … these range from bewilderment, disbelief and passive aggressive indifference to more open attacks and withering denunciations that dismiss work that touches on the visual aspects of law as esoteric, trivial, "not law"' (2012, p. 431).

The perceived threat is often explained by foregrounding how assumptions about what law is, and indeed what art is, create an insurmountable chasm between the two. As Douzinas and Nead note:

> 'Modern law is born in its separation from aesthetic considerations and the aspirations of literature and art, and a wall is built between the two sides … Art is assigned to imagination, creativity, and playfulness, law to control, discipline and sobriety' (1999, p. 3).

Taking the Reading of the Will seriously is not to overlook the limits of interdisciplinarity, that the inevitable blur of boundaries risks restricting 'recognition of the specific power of the institution' of law, 'and of the specific ways we might intervene in that specific power' (Stone Peters 2020, p. 211). Rather, the point here is that paying attention to artistic engagements with wills matters to law. Popular understandings and consciousness of inheritance law, its role as a source of potential protection or hindrance, are informed by them. Real wills have the capacity to do and undo 'family' and 'kinship' (Finch and Mason 2000); and a key tool of artistic engagements is their ability to illuminate the contingency of and challenge the meanings of these relational ties and conventions. In doing so artists have engaged explicitly and implicitly with legal and political debates about rights and inequalities underlying inheritance law and played a part in shifting perceptions of entitlements and obligations.

What follows is not intended as a comprehensive study, but an examination of select moments and diverse types of artistic engagements from primarily British and some US and French sources. While it demonstrates continuity in the presence of wills in artistic work, it also reveals shifting functions and audiences as it moves between spiritual, political, kitsch and camp modes and traverses and troubles the distinction between 'high' and 'low' art. Adopting a chronological approach, it begins with a sixteenth-century church monument, before turning to the high-point of the genre in paintings and novels and operas from the nineteenth and early twentieth centuries. Moving to more contemporary engagements, the focus turns to domestic porcelain and TV dramas before concluding with contemporary performance art.

2. Church monuments, religion and reputation

In the chancel of St Wilfrid's Church in North Muskham, Nottinghamshire, rests the tomb of John Smith who died in 1581. Designed to look like a deed box or a treasure chest, it is inscribed on all four sides with details of the charitable bequests from his will, referred to as 'a famous testame[n]t … of his liberall devocio[n] towards ye poore'.

The front states that: 'Heare lieth ye corp of Jhon smithe Meate for Wormes to fede therwith. Whose soul is gone to god on hie'. The remaining sides record his bequests, including gifts of money and clothing and coal to the poor. Educational purposes are prominent: support for local scholars to attend Pembroke Hall in Cambridge and funding of church sermons. The tomb combines the functions of a funerary monument and a record of the legality of his benefactions (Wilson 2022).

It is unusual to see the terms of a will so starkly engraved on a tomb. One explanation is that tombs were guarantors of veracity and a potential evidential resource in legal disputes (Barker

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Tomb of John Smith, St Wilfrid's Church in North Muskham, Nottinghamshire (author).

2020, p. 255). But identifying motives and affective meanings many centuries later is a scholarly challenge. For example, in relation to the earlier tradition of hand-holding poses on tombs, while Barker reads them as possible expressions of love between spouses, others see them as symbolising the transfer of assets from the wife to the husband (Badham 2021; Barker 2020).

Religious imperatives are the likely key to understanding Smith's tomb – as the opening line on the front attests. At this time clergy often drafted wills at the same time as performing the last rites (Sneddon 2011; Zell 1977). This in part explains the language frequently found in early wills, which routinely began with the expression: 'In the name of God I commend my soul into the hands of God' (Sneddon 2011). But it also gives rise to questions about their influence on testators; an issue of concern for policy-makers now, as much as it is for historians. The Law Commission has proposed that gifts to 'spiritual advisors' should not necessarily be considered unusual 'because of the link between spiritual beliefs and mortality', but they 'may offer potential for undue influence' (2017, pp. 7, 115).

More specifically, Smith's death shortly after the reformation in England is significant. Wills and probate records 'have become one of the most widely used sources for students of the English Reformation' (Craig and Litzenberger 1993, p. 415) and Badham notes that 'in the post-Reformation period, there is ... a blurring of the distinction between monuments to the deceased and records of charitable donations' (2021, p. 11). Smith's tomb is just such an example and in various ways can be read as distinctively Protestant.

For Catholics the doctrine of purgatory has long been evident in wills. The offering of charitable gifts to the church and commissioning of masses and prayers could shorten the time spent in purgatory and speed the journey and admission to heaven. Enright records how paying for the singing of masses was typical in wills in Ireland as late as the nineteenth century and that charitable gifts could serve to purify the soul and act as a form of atonement (Enright 2023). Protestant wills in England in the early sixteenth century sometimes explicitly rejected the doctrine of purgatory and, unusually for the time, pointedly made no bequests to the Church: such wills 'possessed a public face of a propagandistic nature' and risked severe consequences

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(Craig and Litzenberger, 1993, p. 415). This was not the case by the time of Smith's death in 1581. While the church is acknowledged in his will by reference to gifts of sermons, these can be read as an expression of support for the foundations of Anglicanism under the Elizabethan Settlement and markedly distinct from the more traditional Catholic testamentary bequest for masses. Article 22 of the Thirty-Nine Articles of Religion, included in the Book of Common Prayer in 1571, just ten years before Smith's death, condemned purgatory as 'a fond thing vainly invented ... repugnant to the word of God'. And while sermons are practised in all denominations, in the Protestant tradition they replaced the Eucharist as the central act of worship (Cobham 1963). Moreover, Badham suggests that gifts being recorded on a tomb were a way to attract the prayers of onlookers and, in keeping with the new Protestant faith, to inspire people to make gifts for the benefit of the poor, again in contrast to invocation of the saints and gifts to clergy and rituals in Catholic wills (2021).

While the terms of his will were Smith's, it is not possible to know who decided on this distinctive tomb and what, if any, more familial bequests were omitted: what was deemed 'public' and what remained 'private'. The desire to bolster or indeed salvage a reputation may also have been a motive; perhaps not so different from contemporary bequests and acts of largesse which result in a benefactor's name being emblazoned on a gallery. The last line on the monument refers to a bequest, 'to continewe yearlye for ever' – a testator's desire for perpetuity that resonates with contemporary legal and social debates about the power of the dead (Madoff 2010). Moreover, where the means to fund the bequests by Smith came from may have been known to the contemporaries of the deceased, and they may not have been inclined to pray for his soul. Audiences also change. For example, the memorial to the courtier Theodore Randue, who died in 1724, in St George's Chapel, Windsor, contains a detailed list of his bequests, including a gift to 'the corporation of the bounty of Queen Anne'. An institution that for modern observers is a record and reminder of the enduring presence of the Atlantic slave trade (Best 2010).

A later example is the monument to John Lush who died in 1836.

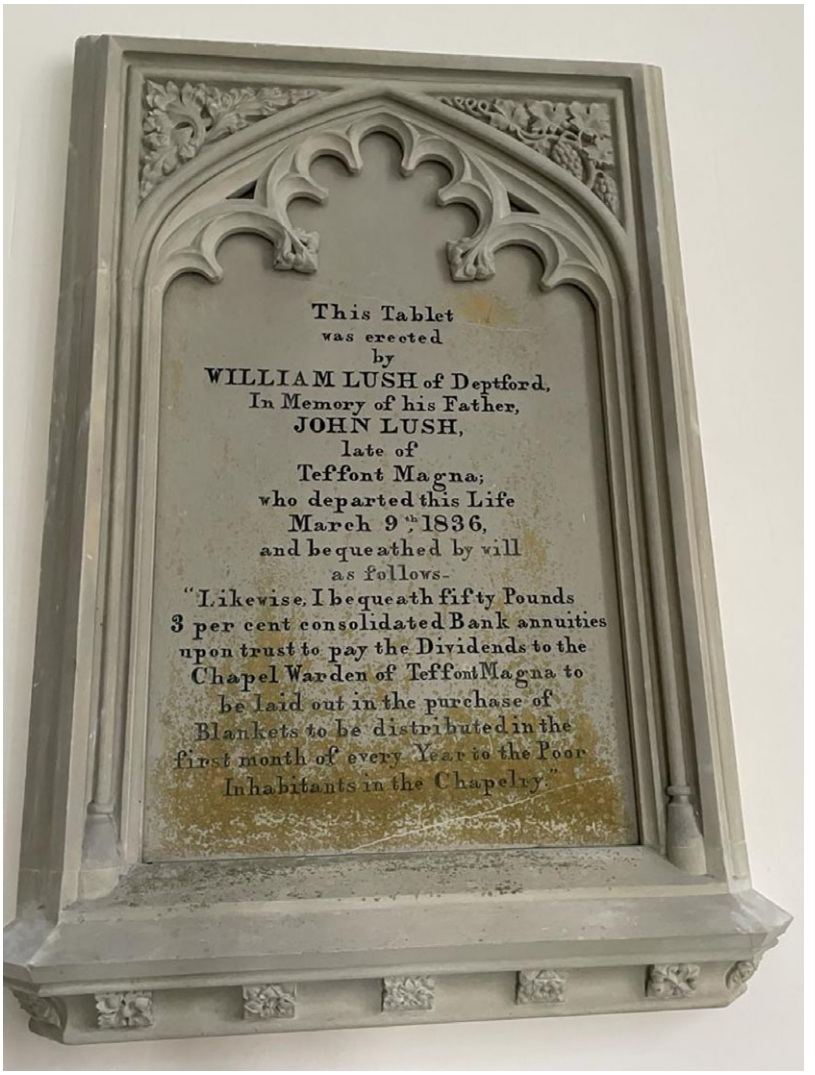
Lush's monument in Teffont Magna Church in Wiltshire, using double quotation marks to add veracity, states the charitable terms of his will as follows:

> 'Likewise I bequeath fifty Pounds 3 per cent consolidated Bank annuities upon trust to pay Dividends to the Chapel Warden of Teffont Magna to be laid out in the purchase of Blankets to be distributed in the first month of every Year to the Poor inhabitants in the Chapelry.'

As with Smith's bequest, giving to the poor may have been informed by spiritual and philanthropic motives: his soul and their well-being. Reading the actual will by accessing the probate-approved version is revealing.[1] Eight pages long with three codicils, the quotation is almost identical, but certain 'legalese' has been cut. It tells us the charitable bequest was a very small proportion of an extensive landed estate: familial legacies were for sums up to £1,000 and the majority of the estate passed to his son William, which may explain why the monument was erected by him and his decision to make that clear in such a prominent fashion. Another son, James, receives a legacy of only £100, with the explanation that he has already 'paid considerable monies for his advancement in the world' and similarly to a daughter who he has 'already made provision for'.[2] His wife Elizabeth is absent from the monument, but in the will is referred to many times, described twice as 'my beloved', and the will consequently demonstrates a deep concern for her well-being. It also includes a lengthy fees clause for his executors, one of whom is a solicitor and 'friend'.[3] Looking at the will alongside the monument reinforces the distinction between public and private readers. The public nature of the charitable bequests is not just a question of

[1]National Archives Ref PROB 11/1867/82 (accessed 12 February 2025, copy with author).
[2]Ibid. p. 3.
[3]Ibid. p. 4.

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Memorial to John Lush, Teffont Magna Church, Teffont, Wiltshire (author).

reputation, but mirrors their distinct status in current law, for example in relation to tax exemptions and restrictions on conditions premised on public policy (Sloan 2020).

Combining memorial art with the terms of a will, especially the use of commercial terms as in Lush's, might appear now to some as jarring or bad taste. Yet these early artistic endeavours to perform so vividly the content of a will to a wider public, contemporaries and later generations, have clear resonance with current debates about beneficence, perpetuity, charitable status and post-humous reputation (Madoff 2010); albeit now the question of saving tax may be more critical than saving one's soul. Who the audiences are is unclear and inevitably beyond the absolute control of the testators and executors. The deceased's own edification, spiritual or otherwise, is one possible motive; and neighbours, fellow community members and the church and wider secular authorities are all potential readers. While the readings of these church monument wills are distinct from those in novels or by a lawyer to relatives, they are intentionally desirous of being read. In this sense they are akin to the far earlier Roman practice of wills functioning as a political statement of values – a form of ethical will-writing intended to pass along values and beliefs to succeeding generations

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(Champlin 1991). The church setting here serves as a public community space akin to a forum. As Gewirtzman notes more widely, private monuments have a moralising public effect, intentionally part of an endeavour to 'help turn abstract commitments into individual habits and monitor people's adherence to those commitments through enthusiasm and anxiety' (2009, p. 649).

The monuments also, implicitly, stand as proud assertions of the value of testamentary freedom. The memorial to John Lush was made a year before the enactment of the groundbreaking, and still in force, Wills Act 1837. An attempt to bring some clarity to existing rules, it confirmed the right of people to dispose of all forms of property by will (Jones 2025; Law Commission 2025). Concerns about wills were in the public domain and throughout the nineteenth century artists and writers contributed to the debates.

3. 'Realism' and 'melodrama': David Wilkie's *The Reading of the Will*

One painting in particular provides evidence of public interest in wills: David Wilkie's *The Reading of the Will* from 1820.



Sir David Wilkie, *The Reading of the Will*, 1820, Neue Pinakothek, Munich (available via Wikimedia Commons).

Wilkie was a successful artist, famous across Europe, and the painting was commissioned by King Maximilian I Joseph of Bavaria (Dietrich 2003). The choice of subject, however, was Wilkie's, but what informed his choice is debated. Walter Scott's 1815 novel *Guy Mannering*, an idea from the comedians Bannister and Liston, and Jean Armand Charlemagne's play, *Le Testament de l'oncle*, 1806 are all possible inspirations (Dietrich 2003). It may also have been informed by an earlier painting on the same subject by William Lizars, a student of Wilkie's.

Maximilian I Joseph permitted Wilkie to have his painting engraved in 1825, and as a result it became widely known and inspired paintings by many other artists, such as Danhauser in Austria, and Honoré in France, and also 'had an effect on contemporary theatre productions' (Dietrich 2003, p. 38).

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William Lizar, 'Reading the Will' (1811), National Galleries of Scotland (available via Wikimedia Commons).

Such was the success of Wilkie's painting that when exhibited in London at the Royal Academy it attracted the attention of George IV. This led to delicate negotiations between courtiers and diplomats. The proposal of a duplicate for Bavaria being rejected, George IV agreed to purchase it only if the painting was not to the liking of Maximilian I Joseph. In the event the painting was widely praised in Bavaria and hung in the king's bedchamber until his death (Dietrich 2003; Pintens 2008). Whether having thwarted the notorious acquisitiveness of George IV added to the pleasure is not recorded. But there is an element of piquancy to the rivalry between the two kings over a painting about inheritance, for Maximilian I Joseph was in the Stuart line of succession to the British throne 'usurped' by the Hanoverians. It is not suggested that this dynastic dispute played any significant role; rather, both kings were renowned art collectors and Wilkie was one of the most famous and fashionable artists of the day. But precisely why this painting became so influential and widely admired, and, crucially, how people responded to it, is hard to evaluate. As Sontag reminds us:

> 'Sensibility of an era is not only its most decisive, but also its most perishable, aspect. One may capture the ideas (intellectual history) and the behaviour (social history) of an epoch without ever touching upon the sensibility or taste which informed those ideas, that behaviour' (2018 [1966, p. 3).

From a contemporary perspective the painting looks highly traditional, but at the time this form of Realistic genre painting, while much indebted to the Dutch Old Masters, was a radical departure from the emphasis on serene beauty in Renaissance and classical painting. As Tallman notes:

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Joseph Danhauser, *Die Testamentseröffnung*, 1839, Belvedere, Vienna (available via Wikimedia Commons).

> 'Aesthetic choices ... suggested political viewpoints. In place of explicit narratives valourizing order, sacrifice, and loyalty, Realist art carried implicit arguments for social equality ("These plain folk are worthy of being seen") and individual liberty ("My personal experience counts")' (2024).

Wilkie's painting portrays a genteel family, but it is not a courtly or aristocratic scene. A shadowy portrait of the testator hangs on the wall in the background, and on the left is his brightly lit empty chair, with slippers by the fire. Two women stare out at the viewer, a widow in mourning with her hand resting on the empty chair and possibly a nursemaid holding a young child. Centre stage is a bald man in glasses reading the will, the lawyer or executor, and a sack of money and a chest in the foreground. It is a theatrical moment. An army officer is whispering to the widow: is he trying to influence or seduce her, or is he waiting to hear what the lawyer has to say? A richly dressed, imperious-looking woman, with a liveried servant carrying a dog, has just made a dramatic arrival. The host of other individuals, family members and servants, await to hear the contents of the will in various states of expectation. It is a chaotic scene, the opposite of order. Rather than portraying stability and continuity embedded in an expansive pastoral setting – a familiar genre in classical family portraiture – here there is an air of potential vulnerability, urbanity and claustrophobia. It is not clear how or if the people portrayed are related; in this conversation piece this is for the audience to surmise and debate. In this scene the will provides entertainment, but also functions as a metaphor for a potentially perilous unknown future.

The date of the painting is critical to this reading: an emerging middle class and the industrial revolution were changing patterns of inheritance away from primogeniture and settlement of land. This intimate private familial moment consequently reflects political change; and artists were

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choosing their own subject matter, free from the demand for flattering familial portraiture, and were thus able to hold a mirror up to this new world. While Realist art was provocative, the mainstream success of this painting and its inclusion by the academy attest to the accessibility and acceptance of the style (Tallman 2024).

The theatricality of the scene portrayed by Wilkie, and indeed the entire genre that it influenced in art and on the stage, can best be understood as a form of melodrama: a mode of excess. To be accused of being 'melodramatic' is to be criticised for being overly emotional or exaggerated; it has become a pejorative term and the antithesis of law. The myth of law's 'rationality' is positioned in an oppositional binary to emotions as it is to the visual. Auden's famous poem 'Law Like Love' provokes precisely because of a deep-seated cultural perception that law is 'public, cold and impersonal and that love is its putative antidote' (Hussain *et al.* 2021, p. 150). While an extensive literature has challenged this binary, not only through a focus on experiences of law but also by textual analysis, the suspicion about emotions remains (Schweppe and Stannard 2013).

The centrality of melodrama to the Reading of the Will genre may in part explain its overlooked status in legal scholarship. In taking melodrama seriously, Brooks's groundbreaking study is particularly pertinent (1976). Challenging the too quick dismissal of this mode, Brooks argues that melodrama is 'less a genre and more an imaginative mode' and that:

> 'Melodrama starts from and expresses the anxiety brought by a frightening new world in which traditional patterns of moral order no longer provide the necessary social glue. It plays out the force of that anxiety with the apparent triumph of villainy, and it dissipates it with the eventual victory of virtue. It demonstrates over and over that the signs of ethical forces can be discovered and can be made legible' (1976, p. 20).

Moran notes the overlap between the Gothic and melodrama and suggests that the former is 'an imaginative mode and philosophical schema' which is:

> 'an effect of and response to modernity experienced as the loss of tradition, the loss of the divine and the sacred as organising principles of moral truth and order . . . Reactions against the totalising aspects of the Renaissance's recuperation of a Greco-Roman classicism and the Enlightenment's focus on scientific reason see banished irrationality returning in haunting and disturbing forms' (2001, p. 91).

The artistic Reading of the Will as a device to tell a provocative and haunting melodramatic tale reaches its highpoint in the nineteenth century and Wilkie's painting is a landmark moment. But it is in the concurrent developments in literary 'Realism' that the ethical and political uses of wills come to the fore.

4. Revolutionary and avuncular wills

Wills in literature have a long history: 'as a social and legal instrument . . . its solemn character proved a ready vehicle for the purposes of parody and satire that was well established by the fourteenth century' (Perrow 1914, p. 682). But in the nineteenth century wills became a more prevalent feature, to the extent that a literary critic in 1897 asked: 'Goodness only knows what novelists and dramatists would do without wills' (Lewis 1897). At the same time wills are no longer simply a comic or satirical device, reflecting their new economic and social significance in industrial economies.

Counter, a literary scholar, has made a detailed study of the narratives, vocabulary and ideology of inheritance and property transmission in the novels of the nineteenth-century French novelists Balzac, Maupassant and Zola (2010). Far from distracting the readers from their wider

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Lecture d'un testament, Honoré Daumier, 1853, illustration for Balzac's *La Comedie Humaine*, Musée Carnavalet, Histoire de Paris (available via Wikimedia Commons).

significance, he argues that in these melodramatic stories, the texts' engagement with the precise contours of inheritance law reveals a fundamental underlying effectiveness of wills plots as a metaphor for modernity.

The repeal of primogeniture was one of the first acts of the post-revolutionary French government, associated as it was with the *ancien régime* and a predestined role. But *who* should inherit became a hotly debated political and philosophical question. Counter argues that because of the reserved share in French law, upheld by a combination of traditional family values and adherence to the principle of equality, it was unencumbered uncles who could most effectively express values in their wills. That they could favour 'the erotic over the procreative', 'election over blood heirs' and 'a narrative and discourse that he has not in a sense been born into', enabled the wills of childless uncles to function as a provocative metaphor for democratic, liberal values (2010, p. 102). It is no coincidence then that one of the possible influences on Wilkie's choice of subject was Jean Armand Charlemagne's play, *Le Testament de l'oncle* (1806) and that it informed Ignaz Franz Castelli's *Das Testament des Onkels* (1828) (Dietrich 2003).

The function of the Uncle in this genre of literary wills mirrors other commentators' observations. For the anthropologist Turner, 'mother's brothers' in some earlier systems, alongside jokers and an 'ill-assorted bunch' of other marginalised figures play a crucial liminal role. With a contingent licence to speak they can represent an open rather than a closed morality and 'can appear to symbolize moral values of communitas as against the coercive power of supreme political rulers' (Turner 1969, pp. 110, 120). An unencumbered uncle's will provides the performative casting of a quizzical eye on the common-sense assumptions of a 'natural' patriarchy. As a marginal reverse image of the paterfamilias, they function in the same way as a medieval joker who reveals and teases, but cannot overthrow the pretensions or power of a king (Louvre 2024).

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Adopting a more psychoanalytical frame, for Eve Sedgwick avuncular relationships are to be celebrated for opening up:

> '... the oedipal triangle to a more complex three dimensional shape ... a disrupter ... unpredictable ... they are metaphors for ... a supplementary and uniquely spacious process of socialization' (1994, p. 62).

Describing the move from 'kinship' to 'family' as 'avuncular suppressive', she exhorts the reader to: 'Forget the name of the Father. Think of your uncles and your aunts' (1994, p. 59). It is precisely this challenge that is visible in the constantly occurring wills of the fictional uncles.

Literary historian Frank explores the role of wills as a legal, cultural and literary document and demonstrates not only the key dramatic function of the disclosure of a will's content in the novels of a roster of most Victorian novelists, but also how inheritance narratives communicate political values and reveal human character, showing that they provide 'a negotiation between the self and social system' (2010, p. 9). Inheritance becomes the place where the personal meets the political – before the explicit feminist avowal of that call – and indeed the injustices exposed by the writers through their inheritance plots pre-empt and become in the twentieth century[4] and indeed to this day, sites of real-life legal struggle around gender and the boundaries of the legal family (Fellows 1991).

George Eliot's *Middlemarch* (1871–72) has four will-plots, two of which concern uncles: Featherstone and Brooke. As Stone notes, the realism of the novel allows readers to consider not only 'legal commands' but, more importantly, 'normative questions of morality in order to create a vantage point' for critique of the law and its impact on the social order (2008, p. 194). One key moment is the revelation of the codicil to the will of the heroine Dorothea's husband, an attempt to prevent her from re-marrying after his death. Dorothea opts for love but in the end inherits from her uncle: avuncular justice circumventing the strictures of patriarchy. While the legal status of women and wives has of course changed, the status and legality of conditional clauses are still subject to debate; the right to marry being potentially restricted by the questionable degree to which there is a right to inherit (Conway and Grattan 2005).

E. M. Forster is perhaps the last British novelist writing about grand social and political themes to rely on inheritance tropes. *The Longest Journey* (1907) contrasts the status of the central character Rickie with that of his illegitimate half-brother, Stephen, who cares for but inherits nothing from their rich aunt. Again the avuncular presence is key; and on discovering the impact of the aunt dying intestate a character remarks: 'I do not dispute it. But it is a lesson to one to make a will.' (Forster 2006, p. 285)

The novel was written before the major reforms of English inheritance law: the Administration of Estates Act 1925, the Inheritance (Family Provision) Act 1938 and the Intestates' Estates Act 1952. Legal redress for an illegitimate child and potentially for a 'dependent' such as Stephen would only come near the end of and shortly after Forster's life with the enactment of the Family Law Reform Act 1969 and the Inheritance (Provision for Family and Dependants) Act 1975.[5] That Forster wrote before these liberal reforms explains the view held by the literary scholar Martin that: 'Forster's abiding love was for that kind of inheritance that could not stand up in a court of law' (1997, p. 127).

However, not all Forster's inheritance plots have dated; indeed the status of half-siblings and cohabitants and debates about carers are all live issues (Law Commission 2011; Monk 2024). More fundamentally, Forster was not simply concerned with the 'unjustly' disinherited. In *Howards End* (1910) the inheritance narrative addresses the ability of a testator to exercise her rights in a

[4]See also Zigarovich's (2023) analysis of Frances Burnet's *Cecilia: Memories of an Heiress* (1782).

[5]For more recent cases that address illegitimacy see *Hand v George* [2017] EWHC 533 (Ch); *Mazurek v France* (2000) ECHR (Application no. 34406/97).

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manner that communicates values, pitting spiritual or political heirs against the familial. In the novel, legacies are described as 'the posthumous bustle with which some of the dead prolong their activities' and a fictional paper entitled 'How I ought to dispose of my money?' is earnestly debated at a Bloomsbury dinner party (Forster 2000, pp. 107-110). But it is the ownership of the property Howards End itself that provides the main focus. Forster here combines an understanding, later theorised by Radin, that 'objects are closely bound up with personhood' (1982, p. 957), with a detailed understanding of legal formalities, and in particular the ease with which a deathbed wish can be dispensed with by those unsympathetic to the instruction.[6] The conclusion of the novel, with the house being inherited by an illegitimate child conceived in a one-off sexual encounter with a working-class man, demonstrates how Forster 'upholds the principle of inheritance, but according to poetic rather than formal justice' (Delaney 1995, p. 76).

That Forster was perhaps ambivalent about his use of wills is clear from his short story 'The Purple Envelope' (1905). Petit notes that, unlike in *Howards End* where the will is destroyed, here the will is 'casually dismissed by the narrator himself who sees it as a superfluous element … an antiquated literary device' (2024, p. 7). His reliance on wills in part explains his reputation as being irredeemably pre-modern. As Frank notes, later novelists focus on self-definition, self-possession and a more individualistic subjectivity (2010, p. 16). Yet conversely Forster's focus on how class impacts on subjectivities resonates with current sociological concerns that class has been somewhat obscured by identity politics and a turn to individualistic psychological narratives (Heaphy 2011; Malik 2024; Taylor 2011). Indeed, it is the dominance of these 'class-free' paradigms that arguably explains why the 'matter-of-fact' ease with which class, and inheritance, is spoken of in Forster's Edwardian novels has the ability to offend readers today, or at the very least has become unfashionable, assisted by the costume drama industry that reduces his political novels to 'heritage' (Monk 1995).

Class dominates Puccini's opera *Gianni Scicchi,* first performed in 1919. Poetic justice here is achieved by a fraudulent will. Based on a story by Dante, a reminder of the long history of wills in literature (Perrow 1914), the drama starts with mourning relatives gathering around the deathbed of Buoso Donati, a rich but childless man – the unencumbered uncle once again providing the narrative hook. Despite the protestations of grief it is Donati's will that excites the relatives; and on discovering that he has left everything to a monastery, indignation erupts.

Enter Schicchi: a lowly born man whose daughter is in love with the impecunious nephew of Donati. The love is reciprocated but the nephew's status-conscious mother will not countenance such a misalliance. What follows is a sophisticated farcical fraud. Schicchi takes the place of the deceased Donati in his bed, and from behind the curtain of the bed is able to convince a summoned doctor that Donati is alive and well. A notary is then summoned and, once again from behind the curtain, or in some productions swathed in bandages, Schicchi dictates a new will pretending to be Donati. Before doing so he warns the relatives, all of whom have pleaded and offered bribes for bequests, that the penalties for colluding with such a fraud are banishment and the severing of a hand. In appalled silence the relatives then listen to Schicchi who, after a few of the requested bequests, leaves the crucial residue of the 'mule, the house and the mills' to 'my devoted friend Gianni Schicchi'. The relatives are outraged but the class-divided lovers are united, as Schicchi is now able to provide a dowry for his daughter. In Dante's story Schicchi is condemned to hell; but in the opera – breaking the fourth wall – Schicchi asks the audience to forgive him in light of 'extenuating circumstances'.

It is possible to read the opera as an anti-clerical condemnation of greed and snobbery; and modern productions certainly emphasise both (Hara 2017; Wilson 2013). Romantic love is pitted against the harshness of a rigid class-based society and, as in Eliot and Forster's novels, inheritance is revealed to be an essential factor in marital possibilities. Similarly, knowledge of the formalities of the law is key; the librettist Giovacchino Forzano had been a law student. The opera effectively

[6]See the recent discussion of the *donatio mortis causa* doctrine to property: *Rahman v Hassan* [2024] EWHC 1290 (Ch).

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Gianni Schicchi, Badisches Staatstheater Karlsruhe, 1981 (available via Wikimedia Commons).

critiques the professionalism of the medical and legal practitioners and the role of both in connection with the protection of testators in the increasing cases concerning capacity and undue influence is a live debate (Law Commission 2025).

But it is possible to exaggerate *Gianni Schicchi* as art-as-resistance. Neither Puccini nor Forzano were political radicals; on the contrary, both were later compromised by their close relationship with Mussolini's regime. The opera might best be understood as an entertaining farce. In this sense it makes a bridge between the 'serious' realist intellectual novels of the nineteenth century and with what comes next in the artistic engagement with the reading of the will. As Wilson notes, the preference for setting contemporary productions in the 1950s creates 'a comically stylised vision of the mid-twentieth century, where overblown emotions are rendered "acceptable", restoring a deliberate element of "campness" to the operas but on twenty-first-century terms' (2013, p. 198).

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Gianni Schicchi, Opera North, 2019, © Tristram Kenton.

5. Criminal, kitsch and camp

In the twentieth century the Reading of the Will disappeared from 'serious' literature, rejected by modernist writers' move to interiority and the project of the self (Frank 2010). As a device to reveal and test character the will is deemed too materialist, too class ridden and, paradoxically, too Realist; sacrificing or manipulating an inheritance are no longer 'liberatory' plots and abstraction and other identities take centre stage. For example, Halberstam simply dismisses inheritance as 'middle-class logic … inimical with "queer time"' (Halberstam 2005, p. 5).

But wills do not disappear, rather they emerge in different tropes. They are key to crime fiction in the 'golden age' of that genre in the 1920s and 1930s (Probert 2023). Dorothy L. Sayers and Agatha Christie were both aware of the law and the statutory reforms in that period. As Probert comments, Sayers's *Unnatural Death* (1927) 'is probably unique in English fiction in investing the line, "Isn't there a new property act?" with a sense of urgency and excitement' (2023, p. 120). In the novel it explains why a character would no longer inherit under the new intestacy rules. Crucially, in these novels wills do not disrupt the existing order, as it is the dysfunctional and atypical family that is portrayed.

Alongside crime fiction, a piece of china from the mid-twentieth century symbolises the shift away from the profound in artistic engagements with inheritance.

Crowned with the 'N' mark to identify it as Capodimonte, one of the most refined makers of porcelain from the eighteenth century, the twentieth-century products have been described as 'a subclass of earthenware pieces … of appalling quality with brassy gilding' (Battie 1990, p. 190). As a portrayal of a Reading of the Will the same could be said: a subclass compared with the painting by Wilkie and the intellectual novels. No longer the object of desire by the leading art connoisseurs of the day but a relatively inexpensive kitsch piece of domestic decoration.

But caution is required in this dismissal. Imagine it on the mantelpiece of an elderly relative, perhaps alongside family photographs. Why was it purchased? Did it simply amuse or did it serve as a silent reminder to visiting relatives that they ought not to take any prospective inheritance for granted? While distinct from the Wilkie painting in terms of artistic value there are parallels for

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L'eredita, c. 1950s, Capodimonte, © Gildings Auctioneers.

the *engravings* of the Wilkie painting were mass produced, possibly serving the same decorative and salutary functions. As Tate has argued, not uncontroversially, testamentary freedom can be justified as an incentive for the care of the elderly (2008).

What is depicted is immediately clear: a notary or lawyer is reading a will and indicating that the old working-class man or servant wearing an apron is the beneficiary and not the fashionably dressed rich couple, possibly relatives of the testator. It is a story used to great effect in numerous films.[7] It portrays, perhaps, a just outcome, rich in commentary about issues that are alive in contemporary policy debates about inheritance and elder care (Erreygers and Cunliffe 2012; Monk 2024); and cases where estates have been left to carers are increasingly evident[8] and attract media headlines (Monk 2013).

Perhaps ironically the porcelain object might have become a family heirloom – objects often overlooked in legal scholarship (Barnwell 2018; Dawson 1993; Gilmartin and Purewal 2023). In law their status is only relevant in the context of a spouse's share on intestacy, where the distinction between an 'investment' or an 'enjoyed possession' becomes critical.[9] But items of purely sentimental value matter. As Radin observes, certain objects 'are closely bound up with personhood' (1982, p. 959). Applied to wills, Gordon notes that 'the transfer of a cherished possession at death can help a property owner transcend her *mortality* by infusing it with her morality' (2016, p. 266, emphasis in original) and she urges will-drafters to integrate personal narratives, for example:

[7]For example, *Milou en Mai* (1990, dir. Louis Malle) and *The Grand Budapest Hotel* (2014, dir. Wes Anderson).
[8]For example, *Carapeto v Good* [2002] EWCA Civ 944.
[9]*Re Reynold's Will Trusts* [1966] 1 WLR 19.

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'to my niece Julie, I leave my guitar, which belong to my sister, because whenever we would argue, she would reunite us by playing music on this instrument' (2016, p. 306).

The significance of objects and such 'gift rationales' are evident in reading of wills in England's two leading soap operas: *Coronation Street* and *EastEnders*. There are many examples; it's a recurring 'farewell' posthumous performance for rogues and much loved characters. Like twentieth-century Capodimonte these dramas of working-class lives are also dismissed too easily as 'brassy' and distinct from 'serious' literature. Snobbery, an overlooked but important conceptual framework (Morgan 2018), is key in the rendering of these programmes, both the format and perhaps the lives portrayed, as lesser (Geraghty 2010; Soukup 2016).

In the reading of the will of Blanche Hunt from *Coronation Street* in 2009[10] the family are gathered around a living room table and the lawyer reads the will. It is humorous and captures her much loved acerbic wit and aspirational respectability.

'Lawyer: To my great grandson Simon Barlow I bequeath my late husband Donald's antique fob watch

Simon: just what every kid needs

Lawyer: To my great granddaughter Amy Barlow I leave my genuine imitation silver music box. It should play the Blue Danube, but I think the spring might have gone ... To my son-in-law Kenneth Barlow I leave my hard back Maeve Binchley novels - she's put in brackets 'a proper writer', I'm not sure what that refers to

Deirdre: a private joke!

Lawyer: I also entrust him with the care of my faithful companion Eccles, to feed and walk her regularly while avoiding canals, theatres, or any other places where women of ill repute may gather

Kenneth: Even in death she mocks me

Lawyer: To my loving and loyal daughter Deidre Ann Barlow

Deidre: Are you sure it was mother wot wrote this?

Lawyer: I bequeath all of my jewellery including brooches necklaces and earrings, they're not worth much but I know you've had your eye on them

Deirdre: She makes it sound as if I've been waiting for her to die

Lawyer: To Norris Cole, no doubt you're sitting there hands clammy with excitement wondering why I've asked you along, so I'll put you out of your misery. My gift to you is this: the knowledge that for once you've heard the news first hand and won't have to go scurrying around for it

Norris: Yes, well I won't rise to that

Lawyer: And finally the rest of my estate, including my savings of £14,000 I leave to my granddaughter Tracey Barlow

[Shocked outrage from the relatives, scene cuts to Tracey Barlow in prison]'

[10]Available at https://www.youtube.com/watch?v=lGqVVJxpSvw (accessed 7 April 2026).

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Reading of Blanche's Will, *Coronation Street*, ITV, 2009

It is unimaginable for a lawyer in real life to have drafted a will in this language, albeit clauses dealing with pets are not unheard of (Monk 2016; Taitt 2025). In every sense it is what Hacker has described as a 'soulful will', which she and others have argued lawyers should be more open to adopting (2010; Horton 2012; Gordon 2016; Schaffer 1982). But in current debates about wills that are homemade, or written by non-legally qualified people, such an approach is implicitly critiqued by lawyers. Eschewing a connection between compliance with a standard form and protection of testators, Sneddon argues that conventional wills including personal language would not only be more meaningful but that a failure to do so 'ignores the foundational principle of succession: intent' (2015, p. 240). Moreover, Frank's research is a reminder that prior to the Wills Act 1837 the language in wills was often more complex and personal and that professionalisation by lawyers has resulted in them being more standardised and less interesting (2010, p. 22). Although even wills written in a 'dreary, dense, mechanical' (Sneddon 2015) format can tell a complex, poetic tale – an example is the will of Forster (Monk 2013).

While the content of Blanche's will may or may not influence will drafting in real life, the performing of the reading of the will, to which no one expresses any surprise, might in part explain why practitioners report people often expecting, and sometimes desiring, such a formality (Monk 2016). It attests to an understanding that the reading of the will, as much as its drafting, has a distinct emotional function – a possibility curiously overlooked by the commentators arguing for more personal language in wills.

This emotional function is acute in the reading of the will of Mark Fowler in 2004 in the BBC's *EastEnders*.[11] Mark's illness and death from HIV/AIDS were influential in tackling the stigma of HIV. This was the BBC at its most Reithian: public broadcasting with an improving and educational intent. The first line attributes a dignity and correctness to the event.

[11]Available at https://www.youtube.com/watch?v=VK_jZOzfyjI (accessed 7 April 2026).

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'Derek [family friend]: He wants us to hold *a proper formal reading* and has sent a list of people to attend



Reading of Mark Fowler's will, *EastEnders*, BBC, 23 April 2004

Pauline [Mark's mother]: Can't we leave it till after the weekend? We only just buried him . . .

Derek: [reading the will] "This is my will and if anyone gets too morbid Derek will put on his Oklahoma CD until they all beg for mercy . . . each of these AIDS charities will get the same amount . . . And before anyone asks, yes I did blow some of the profits of the house last year and didn't just save it for you lot. To cousin Ian . . . you've always worked hard and I know you'll succeed and when you open your first shopping centre just remember who gave you this money and name it after me"

Ian: I wasn't expecting anything

Pauline: It's like he were here with us

Derek: [handing a record disc to Sharon] . . . "I'm sorry it's a bit scratchy but do you really think I didn't know you and 'Chelle played it while I was out. Listen to it and know that I know what a good mate you've been"

Derek: And he's left me a book . . . The Complete Works of Shakespeare

Pauline: Oh I remember that, he had it from school. [Reads book cover] "Mark Fowler 4A" [read inscription] "Dear Derek, I know I should have read at least one of these plays, but I never did, read them for me now"

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> Derek: Gary these are for you [hands him motorbike keys] "All I have to say is treat her better than the women in your life"
>
> Derek: Pauline this is your bit ... "My Mum is to get what's left which should be about £500 or so ... everyone here is witness to this but it is not to be spent on anyone but yourself. Go mad Mum and enjoy it, that rainy day is a long way off and may never come. But Mum for me to face this all now I need to know that you can keep going and enjoy life. You've got plenty of wonderful people around. Martin and 'Chelle need you more than me now. But I'm still going to be there with you Mum. I'm not in any grave or even under the ground. I'm everywhere you go and I'm everything you see and I will always love you"
>
> Pauline: And I love you son.'

Humorous and heartbreaking, this is indeed a 'soulful will'. While premised on autonomy and testamentary freedom, both the above extracts speak of and perform 'connectedness': Smart's conceptual counter-balance to the 'individualisation' thesis which draws attention to 'an awareness of connection, relationship, reciprocal emotion, entwinement, memory' (2007, p. 189). They achieve this vividly through the importance of shared stories through objects, the 'gift rationales'. The reading of these wills can also be compared to family portraiture. Douglas's research about public values and ideas about intestacy provision speaks of 'inheritance families': soap opera readings of wills bring them alive (2011).

Finch's concept of 'family display', how understandings of 'family' are contingent on the active and shared observation and recognition of others, is also pertinent (2007). Most often applied to rite-of-passage parties – weddings and wakes – reading of wills are never mentioned, but as the examples make clear they serve the same function through the collective participatory experience, shared reactions, and in particular the productive role of humour (Moran 2019). The exhibiting of domestic photographs is another long-established space for 'family display' (Spence and Holland 1991). But death, including funerals, unlike almost every aspect of modern family life, is the only place where videos and photographs appear to be excluded – a marked change from certain Victorian practices (Flanders 2024). The very private nature of these moments exacerbates the experience of the wider public audience of the TV readings of the wills. In other words, 'family display' is key, crucially, both for the fictional family *and* for the people and families viewing the programmes.

For non-British readers it is important here to emphasise the place of *Coronation Street* and *EastEnders* in the national psyche: watched by many millions, at least until relatively recently, the display of the families creates collective conversations about values. Livingstone has demonstrated how British viewers' explanations for watching soap opera are complex, a combination of escapism, realism, critical responses, problem-solving, emotional experience and entertainment and that, crucially, they have relationships with the characters (Livingstone 1988).

The same is true of the most enduring family soap opera of them all: the royal family. Coronations, weddings and funerals are displayed in great style: 'invented traditions' that as rituals 'naturalise' both status and authority (Cannadine 1983; Monk 2022). In marked contrast, and controversially, royal wills are kept private (Nash 2017).[12] The contingency of the public/private divide here, among other things, attests to the potentially transgressive and subversive possibilities of wills. If public rituals are designed to naturalise and stabilise (Miller 2005), wills are counter-rituals in that they can throw a light on familial dysfunction, the darker sides of family life and the arbitrariness and injustice of wealth distribution. That a will can unmake as much as make families and kinship has of course been the mainstay of their literary possibilities. Hazlitt observed sardonically that wills offer 'the last opportunity of exercising the natural perversity of disposition' (1822). Indeed, notoriously non-redemptive modern novelists Muriel Spark, in *Memento Mori*

[12] *Re: The Will of His late Royal Highness the Prince Philip* [2021] EWHC 77 (Fam).

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(1959), and Philip Roth, in *Everyman* (2006), both suggest for this reason that will writing can be one of the most pleasurable aspects of ageing.

To note the *disruptive* pleasures of will writing is to be at odds with emerging literature that emphasises the 'positive' therapeutic benefits of wills (Shaffer 1969; Unruh 1983). Gordon optimistically suggests that a testator 'explaining how her cherished items represent an important aspect of her identity ... might counterbalance an urge to punish survivors' (2016, p. 949). Stone emphasises how wills can be 'redemptive and healing' (2008, p. 426) and is curious as to why psychotherapeutic physicians pay little attention to them; while Glover notes that estate planners and law itself 'can be seen to function as a kind of therapist or therapeutic agent' (2012, p. 441). These contemporary views about the centrality of emotional and familial well-being as a function of wills echo the findings by Hasson that will writing is now increasingly perceived as 'domestic labour', more often now initiated and undertaken in families by women, and especially wives (2013).

The investment in inheritance law more widely with the legitimate possibility of facilitating and aiding the resolution of familial and interpersonal conflict is part of a move to what has been described as 'therapeutic jurisprudence' (Wexler 2000) and the enhanced place of emotions in the making of moral assessments and legal judgments (Gewirtzman 2009). This trend mirrors the shifting cultural representations of readings of wills: from a vehicle to ask political questions and highlight injustices to a turn to the navigation and governing of private emotions. Albeit the contents and reading of Mark Fowler's will in *EastEnders* are perhaps an example of how both can play a positive role in the grieving process.

But there is a critique of this turn to the emotions. Gillies has pithily observed more widely that the earlier feminist clarion call that 'the personal is political', so evident in the novels of Eliot, Forster and Balzac, has morphed into the idea that 'the personal is the only political' (2011, p. 111). In the context of wills, Gutmann has noted how even within mainstream liberal thought in the eighteenth and nineteenth centuries unlimited inheritance was explicitly critiqued, but that since the mid-twentieth century inheritance has become 'naturalised' (2024). Similarly, Spivak demonstrates the shift from questioning the social impact of inheritance laws, and in particular limitations to testamentary freedom, to a focus on individual personal rights (2024). Instead of asking 'what type of society will laws create?', the emphasis is now more often simply, 'how will it make you feel?'. Advocates of the turn to emotions acknowledge the potential risks. Wexler makes clear that 'therapeutic jurisprudence does not itself suggest that therapeutic goals should trump other ones' (2000) and Gewirtzman more explicitly states that 'emotions impact is not always positive' and that systems can and do 'minimize emotion's capacity to distort decision making in ways that undermine constitutional values' (2009, p. 678).

An example of a cultural representation of a reading of wills that encapsulates the depoliticisation of narratives of inheritance comes from the US soap opera *Dynasty*. UK soaps of working-class families have a degree of gritty social realism to them, while in the US the emphasis has been on escapism and the lives of the super rich (Zdrenghea 2007). Hugely successful worldwide in its time, the long-running soap *Dynasty* made numerous uses of readings of wills.

In the episode, 'The Will' (1982),[13] Alexis Colby, dressed in black, meets her arch-rival Krystle Carrington, dressed in white furs, in a lawyer's office with rows of chairs set out as if for a performance. Alexis asks witheringly: 'What are you doing here? ... This is not a cocktail party, this is a reading of a will.' A statement that suggests the reading is an established formal occasion where social rules of etiquette apply.

In a later episode, also entitled 'The Will' (1985),[14] a ponderous lawyer begins reading the will of Tom Carrington and Alexis interrupts: 'We're all familiar with the formalities, just get on with

[13]S3, ep. 4, available at https://tv.apple.com/gb/episode/the-will/umc.cmc.6p271r1hubjmkhere4bollebq?showId=umc.cmc.qdaoa30tnwt0yg7mesiexh0j (accessed 7 April 2026).

[14]S5, ep. 14, available at https://tv.apple.com/gb/episode/the-will/umc.cmc.2f5hsqts4sd8q6o8cana6dzy8?showId=umc.cmc.qdaoa30tnwt0yg7mesiexh0j (accessed 7 April 2026).

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'The Will', *Dynasty,* 1982, CBS Corp

the reading'. In both episodes the contents of the wills set the scene for power battles. In the latter, Alexis declares that the will is a 'travesty' and that she will fight it 'in every possible court'. In response, the beneficiary, Dominique Devereaux, the long-lost half-sister of the testator, retorts: 'Just a moment, Alexis. Now you loathe me and I despise you. But, it is time for us to face the fact we're all one big family, now'.

These scenes exhibit a distinct quality: a camp sensibility. In her classic 1966 essay, *Notes on Camp*, Sontag makes clear that it is not a 'natural mode', that its essence is 'artifice and exaggeration', that it is 'disengaged, depoliticized' and that 'the whole point of Camp is to dethrone the serious' (2018 [1966] pp. 1, 2, 41). All these qualities are gloriously on show in the *Dynasty* scenes. The lens of camp identifies how the reading of the wills here is the antithesis of those in nineteenth-century novels.

The character Alexis Colby Carrington, played unchangingly by Joan Collins, captures precisely that, as Sontag notes, 'wherever there is development of character, camp is reduced' (2018 [1966], p. 33). This is also clear in the portrayal of Blanche from *Coronation Street* in her acerbic wit and aspirations. These deeply camp characters are fixed, but as Sontag notes: 'Camp taste is a kind of love, love for human nature. It relishes, rather than judges, the little triumphs and awkward intensities of "character" ... Camp is a *tender* feeling' (2018 [1966], p. 56).

The point here is that while their behaviour may be spiteful, greedy and just not nice, unlike the political social realist novels, these are not morality tales. There may be pathos, but never polemic. As innately camp these readings of wills 'incarnate the victory of "style" over "content", "aesthetics" over "morality", of irony over tragedy' (Sontag 2018 [1966], p. 38). In this way, while the readings of the will are premised on a legal foundation, and indeed imbue will readings with formality, the aim is not to throw light on legal injustice resulting from the law; formalities merely offer theatrical possibilities: law is, simply, too serious.

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6. Contemporary artistic engagements

A distinct move can be found in contemporary cultural engagements with inheritance. In place of the set-piece readings of wills, inheritance more widely figures and takes a darker turn.[15]

Two programmes share their titles with law degree modules: *Succession* from the US and *Inheritance* from the UK. It is hard to imagine any other civil law label being used in this way. *Succession*, possibly based on the real-life Murdoch family, follows the fortunes of the children of an ageing tycoon. Like *Dynasty* it presents a window into the lifestyles of the super-rich. Yet it shares none of the camp sensibility. In *Inheritance* the paterfamilias is dead at the beginning and the plot, over four episodes, unravels why he has disinherited his children and left everything to a stranger. A tale of an ordinary family, the three siblings hunt for an original will in order to discover their father's 'true intentions'. A crime drama unfolds.

Change and continuity can be detected here: representing a move away from the explicitly political, like the soaps, they both display an interest in interiority, an investigation of character. As Brooks notes, 'there is a convergence in the concerns of melodrama and psychoanalysis' and that the latter is 'a kind of melodrama' (1976, pp. ix–x). At the same time and in different ways they throw a light on the increasing personal and collective investments in inheritance: the impact of the vast and growing wealth of the super-rich and the significance of inheritance for 'ordinary' middle-class families. They both attest to the fact that inheritance increasingly matters (Erreygers and Cunliffe 2012; Monk and Lenon 2023).

Two contemporary conceptual artists create work that explicitly draws on the performative potential of wills; both demonstrate that inheritance matters, and make political points, although without polemics.

In 'Still Life' by Young (2014), an actor, as a lawyer, reads out a will in front of an audience who are referred to as both 'witnesses' and potential 'beneficiaries' to the will.

In the words of Young: 'The will proposes experimental relations between people and objects and takes a playful approach to the relationship between art and memory, and between the physical and immaterial.' While adopting the classic format, the audience sits in anticipation; the contents play with legal form. The bequests are the bottles in a painting by the artist Morandi and the lawyer reading the will identifies these 'gifts' poetically, describing the light on them, their delicacy, their fragility. Young's both adherence to and subverting of law is evident in two clauses:

1. Authenticity:
   Once the objects are in your possession, by which I mean that you imagine them exactly as I do, they can be described to others, but never fully communicated, since your own version of the objects will always be an adaptation of the original.
2. Removal and disposal:
   Once firmly lodged in your mind, disposal of the objects may be difficult except via a process of wilful forgetting, such as via hypnosis or, in certain circumstances, via mental health treatments, such as psychotherapy.

For Young, wills are 'a form of legal choreography', 'an utterance of love, kinship, spite, remembrance, rage, generosity or, perhaps, madness' and a form of 'disclosure and confession' (2014). The interior language of psychoanalysis is evident here and, with a nod to earlier monumental art, is twinned with the religious.

The complexities of an equally poetic and material legacy are the focus of the artist Russell Perkins in 'Queer Property' (2023). Like Young he plays with a quasi-contractual language and the intractability of memory and ownership, legal and non-legal at the same time, and in doing so

[15]See also *The Sixth Commandment* (BBC, 2023). Based on a real-life story, it tells the story of the victimisation of vulnerable elderly people, addressing the issue of 'predatory marriages' (Law Commission 2025).

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Young (2014) documentation from 'Still Life' performance © Carey Young. Courtesy Paula Cooper Gallery, New York

creates a richly layered engagement with testation. The starting point is his own relationship with a quasi-uncle figure in his life: Harry, a childless gay man of his parents' generation contemplating death. Together they craft a clause in Harry's will leaving Perkins the older man's collection of homoerotic art, work itself layered with complex legacies of desire and shame. In a reference that demonstrates the perceived strictly functional as opposed to the emotional purpose in conventional will drafting, Perkins notes that 'Because Harry's involvement in his will already exceeded its legal function, I wanted our project to infiltrate the document itself' (2023, p. 154). This is achieved by 'infiltrating' an expression used by E M Forster in his own will in relation to the wood he left to the National Trust: 'for preservation as an open space'; but here referring to Harry's collection of photographs. In a wistful physical voyage through Forster's wood, Perkins reflects on the bequest, his ambivalences about the artworks and the pleasures and perils of ownership that mirror Forster's own thoughts about his wood and property (Monk 2013). Inspired by the Soviet dissident artists the Collective Actions Group, Perkins imagines that 'a will is like a musical core' and decides to create a participatory activity with his bequest. Distributing the photographs to other artists, he attaches the following 'condition':

> 'The photo would be yours to keep, but if you accept it, comes freighted with a few requests. If someone contacts you about the picture, please invite them over to come see it. If the collection is ever reassembled for exhibition, please lend the picture – or better yet, send something else you've chosen. Lastly, when you die or get tired of owning the picture, give it to someone else on these same terms' (2023, p. 170).

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Both Young and Perkins's artistic engagements are a long way from the realism of Wilkie's famous painting, but they demonstrate the tenacity of inheritance in general and wills in particular on creative imaginations. In all three works the ghostly presence of a testator is present – a painting and an empty chair in Wilkie's, the ventriloquist performer in Young's and Harry the avuncular figure in Perkins'. They all in different ways unsettle, destabilise, provoke by suggesting, or reminding the viewers and readers of, the impermanence of relationships alongside complex desires. But at the same time they remind readers and viewers of, if not autonomy, their own agency in how to respond to the wills and in how to craft their own.

7. Conclusion

Such is the tenacity of the reading of the will on literary and artistic imagination that a compelling history of art could be told by exploring the engagements over the centuries: church monuments and the sacred, social realism in paintings and novels, romantic and comic operas, figurative domestic porcelain, crime fiction, gritty and glamorous TV soaps, and contemporary performance art. Across these genres, traversing 'high' and 'low' art – refined connoisseurship and the vulgar and 'brassy' – while the format remains stable and the melodramatic imagination is arguably a constant too, the stories told and the imagined audiences (God, the ruling elites, intellectuals, the mainstream) vary tremendously. As a story of art it is one that crosses the disciplines of religious studies, sociology and popular cultural studies. But it is also a story of law – albeit fictional and often flawed. And they are all premised on a legal text: the will.

While fictional (bar the church monuments, and Harry's will in Perkins's work) the stories they tell resonate and reflect on key policy questions in inheritance law, both contemporaneous to when made and with current issues: professionalisation of will writing and the possibilities of language; questions of discrimination and rights and inequalities; the status and privileging of charitable bequests; the public/private nature of wills; and of course the limits to testamentary freedom. A recurring theme is stories about 'the family' and the narratives are a reminder of the tenacious hold and contingency of it on representations and imaginations of personal life (Gillies 2011).

Taking seriously artistic engagements with the reading of the will matters to law not only because they provide a window on to wider understandings and public experiences and imaginations of law and legal consciousness and policy debates. It matters because artistic engagements with the reading of the will are a reminder of how law itself tells stories, paints a picture, and uses shade and emphasis. In inheritance law the application of 'neutral' doctrinal rules can both reflect and produce gendered, raced and 'familial' societal norms (Leslie 1996; Maillard 2009; Monk 2011; Spitko 1999). As Norrie suggests, 'In understanding Law we should not take law's word for it' (2005); consequently other tools are needed. That judges paint pictures in their judgments is distinct from another fact, that:

> 'It is almost trite to note that the twenty-first century is characterized by a hyper – and even hysterical visuality that touches every aspect of our lives … aesthetic modes are prime agents in the transmission of legal subjectivity … the power of the visual to mediate and survey our lives, to create images that assault us, control us, and constitute us, is surely in evidence … Yet images are also prominent among our attempts to expose, critique, and unsettle the Law' (Manderson 2018, p. 2).

Visual literacy in law – learning to read a monument, a painting, a novel, a soap opera – is consequently not only crucial because of the ubiquity of images in modern life but because it complements critical legal skills: reading images requires looking harder at, and thinking twice about, the body, shape and possibilities of law. This is not to suggest that the visual and law are essentially the same but that taking these ideas seriously can provide a space for developing new methods for thinking about legal practice and pedagogy.

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