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Abstract

This paper suggests that Shakespeare's plays offer an embryonic version of criminology, and that they remain a valuable resource for the field, both a theoretical and a pedagogical resource. On the one hand, for criminology scholars, Shakespeare can open up new avenues of theoretical consideration, for the criminal events depicted in his plays reflect complex philosophical debates about crime and justice, making interpretations of those events inherently theoretical; reading a passage from Shakespeare can be the first step in building a new theory of criminology. On the other hand, for criminology students, Shakespeare can initiate and sustain an intellectual transition that is fundamental to their professionalization, namely the transition from what I call a "simplistic" to a "skeptical" model of criminology. For this reason, I recommend that criminologists try what the Shakespearean scholar Julia Reinhard Lupton has called "thinking with Shakespeare." Thinking with Shakespeare is particularly valuable for criminologists because Shakespeare coded ancient philosophical ideas about crime and justice into the words and deeds of his characters: interpreting the drama takes us into the philosophy, and the philosophy provides us with the conceptual equipment for a better criminology.

Keywords

criminality, drama, dramaturgy, early-modern, humanities, interdisciplinary, literature, Renaissance, Shakespeare

Shortly after receiving my PhD in English, having written a dissertation on Shakespeare, I was hired to teach rhetoric and writing classes in—of all places—a Department of Criminal Justice. Writing had recently become a priority in the department, I was told, because employers in our area wanted their workers to be better writers. There were, I came to understand, two key reasons for this request. First, writing was probably not the sexy, sensational, highly televised aspect of the field that inspired students to pursue a career in criminal justice, but it would be a major part of their jobs, a skill set without which they would be simply unemployable, whether they saw themselves working out on the street, in an office, or on a campus. Second, given the always intricate nature of crime and justice, our cops, officers, agents, counselors, advocates, lawyers, and criminologists need to know how to interpret complex problems, and academic writing is, at its

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core, about the interpretation of issues so difficult that they elude the common sense of common men and women working with common knowledge.

During my first semester teaching criminal justice students, I heard them say some truly horrific things, things that, frankly, I did not want to hear from those we as a society were entrusting with the administration of justice: "You can usually tell if someone is a criminal by looking at him"; "Women are worse police officers than men because they aren't as strong"; "Revenge is perfect justice" (all of these are direct quotes). Where, I repeatedly found myself asking, did these brazen, inchoate, and—most importantly—factually incorrect statements come from? It occurred to me that my students and I had such drastically different views on crime and justice because—among other reasons¹—they were coming to our class armed with the popular assumptions, impulses, and ideas of twenty-first-century American culture, and I was coming from Shakespeare.

Shakespeare and criminology?

Having often seen strange transplants from far afield bring new and refreshing insights to a discipline, I decided to see what would happen if I took some time to consider the relationship between Shakespeare and criminology. This pairing may seem peculiar—what does a 400-year-old English playwright have to do with criminology as a contemporary academic discipline?—yet over the past century scholars, both Shakespeareans and criminologists, have created and sustained a multifaceted conversation on this very topic. In this conversation, there seem to be two dominant lines of thought. First, actors, directors, and critics—most famously Curt Toftelan, the subject of Hank Rogerson's documentary *Shakespeare Behind Bars* (2005), but also Laura Raidonis Bates (2003), Amy Scott-Douglass (2007), and Jonathan Shailor (2010)—have explored the value of Shakespeare as a tool for rehabilitating incarcerated criminals. Second, literary critics have made use of the insights and vocabulary of modern criminology in an attempt to understand the criminals in Shakespeare's plays, a discourse begun by August Goll (1909) and E. E. Stoll (1912) at the start of the twentieth century, and continued somewhat sporadically in the following decades, as in Charles Adler's (1936) case study of Shakespeare's *Richard III*. These critical foci—the one on prison theater, and the other on Shakespeare's characters—may be successful in their stated aims, but those aims seem to have obscured a more important line of thought, one that has yet to be explored except by Victoria Time. In *Shakespeare's Criminals: Criminology, Fiction, and Drama* (1999), Time argues, provocatively, that literary writers were doing criminology before there was such a thing as criminology, an academic discourse that only emerged in the nineteenth century. Foremost among these authors was William Shakespeare, the most consistent and deliberate artist of criminal behavior before the age of Arthur Conan Doyle. From this perspective, it is not just criminals who can benefit from studying Shakespeare, but also criminologists.

In this paper, I suggest that Shakespeare's plays offer an embryonic version of criminology; that Shakespeare was doing criminology in the early modern era before there was a name for that area of inquiry; that Shakespeare was a proto-criminologist whose contributions have not been registered in the history of the field; and that Shakespeare remains a valuable resource for the discipline of criminology, both a theoretical and a pedagogical resource. On the one hand, for criminology scholars, Shakespeare can open up new avenues of theoretical consideration, for the criminal events depicted in his plays reflect complex philosophical debates about crime and justice, making interpretations of those events inherently theoretical; reading a passage from Shakespeare

can be the first step in building a new theory of criminology. On the other hand, for criminology students, Shakespeare can initiate and sustain an intellectual transition that is fundamental to their professionalization, namely the transition from a simplistic to a skeptical model of criminology.

The simplistic and the skeptical models of criminology

By a “simplistic” model of criminology, I mean the kind that is codified in popular American culture, the kind with roots in the rationalism of a Jeremy Bentham and the scientism of a Cesare Lombroso, and the kind represented by the facile and formulaic genre of detective fiction, as epitomized by Conan Doyle’s Sherlock Holmes, the investigator who always gets his man through an extraordinary display of individual intelligence, strength, and virtue. Likewise, the descendants of the Sherlock Holmes stories in twenty-first-century American television—I am thinking here of the police procedurals, shows such as those in the *Law and Order* and *CSI* franchises, in which every crime is solved in 42 minutes plus commercial breaks—repeat week after week, season after season, and show after show the idea that justice is always served to criminals thanks to the brilliance, courage, and fortitude of some heroic law enforcement agent(s).² Among its other limitations, this image of the heroic law enforcement agent makes him or her completely distinct from and opposed to the criminal, an opposition grounded on some fairly naïve assumptions: the law is always good, and crime is always committed by bad men and women making bad choices. By the same token, the law enforcement agent is a good man or woman who makes good decisions, usually grounded in logic and science, especially statistics, turning crime into something impersonal, abstract, and absolute. Now, I must say that I thoroughly enjoy both the Sherlock Holmes stories and the police procedurals, as do millions of others: Sherlock Holmes has appeared on film and television screens more than any other fictional character (Barnes, 2011), while *CSI* is billed as the most popular show on TV (cbs.com). But why do we like detective fiction? We like it because, as an almost allegorical battle between the evil represented by the criminal and the good represented by the law enforcement agent, who always wins, detective fiction is a comforting genre, one that props up the idea of criminal justice as the strong and stable guardian of civil society. In other words, the so-called “CSI effect” goes beyond those jurors who believe that all crimes can be solved quickly and cleanly through the use of forensic science (Schweitzer and Saks, 2007). What we could call “the Sherlock Holmes effect” extends to a general public that acts as though all criminals are evil, all justice is quick, and all crimes are solved thanks to the scientific methods and logical brilliance of our wise, strong, and virtuous agents of criminal justice.

If Conan Doyle’s Sherlock Holmes stories point forward to our popular, modern attitudes about crime and justice—attitudes, I have suggested, that are not very good attitudes—Shakespeare’s plays point backward to some ancient questions, to some important and arguably timeless problems of human society. Where the simplistic Holmesian model of criminology is scientific, the skeptical Shakespearean model is humanistic: crime is particular and situational, evidence is not statistical but anecdotal, and analysis is not quantitative but qualitative. In a Shakespearean model, concepts are always more complex than their Holmesian counterparts: crime is a result of both individual and cultural forces; a criminal can be both a villain and a victim; and justice is an imperfect mixture of revenge and forgiveness. In contrast to the simplified picture of crime in the Holmesian model, Shakespeare’s drama shows crime as it actually is, as a complex web of

competing assumptions, motives, and commitments; as the unfortunate outcome of too many people competing for too few resources; as the effect of cultural mistakes like giving crowns to children (or, to update the point, badges to fools); and—most importantly—as both the cause and effect of the pain and suffering of powerful people, something literary critics call “tragedy.” In the Holmesian model, the word “criminal” refers to an identity—a criminal is a kind of person, one who is always guilty, always caught, and always punished—but in a Shakespearean model, the word “criminal” describes an action, not an identity. Shakespeare frees us from the misconception—both very primitive and very popular, yet extremely unShakespearean—that there are “good guys” and “bad guys.” In Shakespeare’s plays, there are good actions and bad actions, and any given character is capable of either, and indeed of both. As such, the law enforcement agent is not necessarily impervious to criminality, and in Shakespeare’s drama the police are beset by ineptitude, recklessness, and error. At the same time, Shakespeare’s criminals are often intelligent, strong, and virtuous men and women whose worldly pursuits are marked by some slight miscalculation that sends them down the path of crime on the way to catastrophe. In other words, Shakespeare did criminology as tragedy. That is, he did a version of criminology—understanding that term, *criminology*, to mean “the formal study of crime”³—insofar as tragedy was the formal dramatic genre Shakespeare used to represent crime. Here we might note that Aristotle (trans. 1984), the first literary theorist of the Western tradition, thought that tragedy done properly involved someone’s fall from good to bad fortune, not due to his or her wickedness, but due to a slight yet costly mistake. Anyone (no matter how wise, decent, or heroic he or she may be) can make such a mistake, so when justice is served to Shakespeare’s criminals it does not leave us with the assurance that ours is a world in which virtue is rewarded and vice punished. It leaves us feeling that justice can be a joyless event marked by additional pain and suffering as opposed to fairness and restoration. In contrast to the Sherlock Holmes stories, the idea of criminal justice in Shakespeare is not heroic but tragic, not stable but fragile, not comforting but troubling. In sum, the Holmesian genre of detective fiction that produced the modern, popular, simplistic model of criminology can be contrasted with the Shakespearean genre of tragedy that gestures toward a more ancient, academic, skeptical, and ultimately humane set of concerns and approaches.

“Being in uncertainties, mysteries, doubts”: Thinking about crime and justice with Shakespeare

I say “humane,” yet Shakespeare certainly represented many of the cruelties of criminal justice as it was practiced in his age (see Weatherford, 2001): Criminals are said to be possessed by the devil; female criminals are said to be witches; and offenders are banished, hanged, beheaded, and burned at the stake. In drama, however, and especially in Shakespeare’s drama, representation is not recommendation, for Shakespeare subjected even the most routine matters of crime and justice to scrutiny. He did so by expressing his ideas in the undeniably odd form of drama, where an author creates and speaks for several characters at once. As such, Shakespeare approached every issue and every instance of crime and justice from multiple angles, considering the assumptions, attitudes, opinions, actions, and reactions of all involved: the criminals, the victims, the cops, the judges, the families of all of these, and the public at large. That is, Shakespeare’s skepticism about crime, justice, and life in general manifested in a perspectivism that is bound up with

the very nature of dramatic expression. I say this from thinking about the nineteenth-century literary critic William Hazlitt's account of Shakespeare's genius. Indeed, Hazlitt contrasted Shakespeare's disposition with one that is a perennial problem in criminal justice professions, namely an egocentrism which holds that my attitudes, opinions, and actions are right simply by virtue of them being mine:

The striking peculiarity of Shakespeare's mind was its generic quality, its power of communication with all other minds—so that it contained a universe of thought and feeling within itself, and had no one peculiar bias, or exclusive excellence more than another. He was just like any other man, but that he was like all other men. He was the least of an egoist that it was possible to be. He was nothing in himself; but he was all that others were, or that they could become. He not only had in himself the germs of every faculty and feeling, but he could follow them by anticipation, intuitively, into all their conceivable ramifications, through every change of fortune, or conflict of passion, or turn of thought.... He had only to think of any thing in order to become that thing, with all the circumstances belonging to it.... The poet may be said, for the time, to identify himself with the character he wishes to represent, and to pass from one to another, like the same soul successively animating different bodies. (Hazlitt, 1818: 91–98)

One of Hazlitt's contemporaries, the poet John Keats (1817/1848), called this aspect of Shakespeare's dramatic method his "negative capability": "that is, when a man is capable of being in uncertainties, mysteries, doubts, without any irritable reaching after fact and reason" (pp. 93–94). Shakespeare's "capability" was "negative" because he sought to negate his own attitudes and identities in an attempt to understand the experiences of others, not, I would insist, in some attempt to achieve objectivity, but instead in an attempt to sustain a pluralized version of subjectivity (the difference being that objectivity tries to ascertain truth from a God's-eye view of the world, a perspective that is simply unattainable, while a variegated form of subjectivity remains firmly grounded here on earth, looking from multiple human perspectives, weighing the circumstances and commitments of each perspective). Criminal justice professionals—whether responding to a call, investigating an incident, working with a juvenile delinquent, writing a research paper, or arguing or hearing a case in court—need to develop their own "negative capability," their own ability to put themselves in the place of another, and in the multiple positions of the multiple parties involved in a matter, so that they can live within the "uncertainties, mysteries, [and] doubts" of criminal justice without heedlessly trying to solve a problem from the outside looking in. As Owen and his co-authors (2006) have argued, discretion is a fundamental aspect of all criminal justice professions, so the development of discretion must be an equally fundamental aspect of criminal justice education; these authors argue for the inclusion of the liberal arts in the criminal justice curriculum as a way to enhance the thoughtfulness, creativity, and intellect of students, a program in which Shakespeare can participate.

Shakespeare's drama, when read carefully, demands and therefor creates a mind that can comprehend, appreciate, and evaluate the multiple, sometimes competing, interpretations of a situation. Developing the readings of Hazlitt and Keats, the modern literary critic Jonathan Bate (1998) has suggested that Shakespeare's drama rests upon and therefore imparts to its audience two central tenets: the importance of perspective and the importance of performance. That is, in Shakespeare's drama, as in life, neither the meaning of an event nor the identity of an individual

is ever as singular and stable as it initially appears to be. To understand the importance of perspective is to understand that the meaning of an event changes depending upon the angle from which one looks at it. To recognize the importance of performance is to recognize that the identity of an individual changes depending on the role he or she plays in a certain situation. By showing us the value of both perspective and performance, Shakespeare's drama teaches us how to doubt all appearances, especially when the apparent meaning of an event or the apparent identity of an individual is too simplistic and too established because it has been culturally codified for years. For this reason, I recommend that criminologists try what the Shakespearean scholar Julia Reinhard Lupton (2006) calls "thinking with Shakespeare," which she describes (in one articulation) as "think[ing] with or alongside Shakespeare about matters of ongoing urgency ... in both their foundational framings and their contemporary unfolding" (4). Thinking with Shakespeare is particularly valuable for criminologists because Shakespeare coded ancient philosophical ideas about crime and justice into the words and deeds of his characters: interpreting the drama takes us into the philosophy, and the philosophy provides us with the conceptual equipment for a better criminology.

"The dram of ev'l": Hamlet on difference and delinquency

For example, Shakespeare himself (by way of his character Hamlet, a criminologist if ever there was one) offers a theoretical explanation of the origin and structure of what I have called "the simplistic model of criminology":

So, oft it chanches in particular men,
 That for some vicious mole of nature in them,
 As in their birth, wherein they are not guilty
 (Since nature cannot choose his origin),
 By the o'ergrowth of some complexion
 Oft breaking down the pales and forts of reason,
 Or by some habit, that too much o'erleavens
 The form of plausive manners—that these men,
 Carrying, I say, the stamp of one defect,
 Being nature's livery or fortune's star,
 Their virtues else, be they as pure as grace,
 As infinite as man may undergo,
 Shall in the general censure take corruption
 From that particular fault: the dram of ev'l
 Doth all the noble substance of a doubt
 To his own scandal. (*Hamlet*, 1.4.23–38)⁴

Hamlet's speech about the "dram of evil" includes a version of what the criminologist Frank Tannenbaum (1938) called the "dramatization of evil," which shifts the term "criminal" from a specific act to the identity of an offender: "The process of making the criminal, therefore, is a process of tagging, defining, identifying, segregating, describing, emphasizing, evoking the very traits that are complained of" (pp. 19–20). Hamlet's word *dram* comes from the Greek word

drakhma, "a small coin," but *dram* can also refer to a small amount of liquid, as in the "dram of poison" in *Romeo and Juliet* (5.1.60). Hamlet's point in the above speech is that a single negatively valued aspect of someone's identity can poison the well of that person's reputation, just as a dram of poison can contaminate an entire basin of water. In other words, the "dram" that exists in solid form, tiny and inconsequential like a small coin, can transform into the "dram" that exists in liquid form, diffusing into and tainting the entire substance of a person. An individual's virtues, and the circumstances of his or her life, can be occluded in the general estimation of that individual due to an overemphasis on a negatively valued feature of his or her body (such as a racial difference or physical deformity), a negatively valued feature of his or her mind (such as a mental illness), or a negatively valued feature of his or her behavior (such as a personality trait). The "dram of evil" is the small amount of delinquent or criminal behavior in someone's life, or even just some stigmatized aspect of a person's identity (such as race, gender, sexual orientation, or disability), that, in the general estimation of that person, becomes diffuse such that the entire substance of that person assumes the quality or appearance of that small amount of undesirable behavior. That is, the "dram of evil" is the crime, the delinquency, or simply the difference that is mistaken for a criminal identity in the eyes of others. When this happens, the person identified as a criminal can, as Tannenbaum suggested, accept and act out the identity that he or she has been assigned. In other words, the "dram of evil" sets the stage for the "dramatization of evil."

Shakespeare's criminology

We can say with some certainty that Shakespeare represented crime more consistently and more carefully than anyone else in the pre-modern Western tradition, but is it possible to discern a criminology in Shakespeare's plays? What might a Shakespearean theory of crime and justice look like? In what follows, I suggest that a Shakespearean criminology views *crime as drama* and *justice as theater*.

Crime as drama

If Shakespeare held a theory of crime, it was probably the one that surfaces in the middle of the long soliloquy from his *King Richard II*, spoken from prison, reflecting on his fall from a king to a criminal: "Thus play I in one person many people" (*Richard II*, 5.5.31). Shakespeare's perspective on crime comes from the vantage of the *theatrum mundi*, "the theatre of the world" or "the world as theatre," although it is not the *theatrum mundi* described by Antonio in *The Merchant of Venice*: "I hold the world but as the world, Gratiano, / A stage, where every man must play a part, / And mine a sad one" (1.1.77–79). Antonio thinks everyone has a permanent role to play, but Shakespeare's own attitude on the *theatrum mundi* comes closer to the idea expressed by Jacques in *As You Like It*:

All the world's a stage,
 And all the men and women merely players;
 They have their exits and entrances,
 And one man in his time plays many parts. (*As You Like It*, 2.7.139–42)

A Shakespearean perspective on crime takes the word "criminal" to describe a part that is played, then maybe put off when a character (who is to be distinguished from the actor playing him or her) exits one scene and enters another; thoughts and actions can be "criminal," but not people. If "one man in his time plays many parts," it is possible for one man or one woman to be, for example, both a cop and a criminal, or both a victim and a villain, because these identities are not essential elements of our existence but roles that we play depending on the circumstances of the situations in which we find ourselves. As such, Shakespeare's theory of crime was inextricable from his decision to express his ideas specifically and almost exclusively in drama. He abided by a dramaturgical criminology that (1) attends to the remarkable similarities between the criminal event and dramatic art; (2) conceives of criminals as actors who often plot their crimes, rehearse their lines, and commit their crimes with an audience in mind; (3) uses the language of drama—its terms, conventions, and traditions—to comment upon crime; and (4) sees crime as a spectacular production that, like a good play, can consume the attention of an audience even as (or perhaps precisely because) it offends our sensibilities.

We might even say that Shakespeare is the grandfather of the dramaturgical theories of criminology that Erving Goffman made famous, especially insofar as Goffman was influenced by the "dramatism" of Kenneth Burke (1954), a Shakespearean scholar. In *The Presentation of Self in Everyday Life* (1959), Goffman argued that the very idea of a "self" is faulty, that what we do is who we are, that the basic unit of human experience is the situation, which works just like a theatrical scene, with its front- and back-stages, its actors and audiences, its costumes and props, and its entrances and exits. In *Stigma* (1963), Goffman further suggested that discredited social identities like "criminal" are woefully inadequate character types used—both projected and assumed—to simplify and thereby distort complex social situations, to turn people into characters that do not really capture who those people are. Finally, Goffman wrote *Frame Analysis* (1974) to suggest that the meanings of phenomena like crime should be sought by considering events as they originate and operate within certain social structures and exchanges, a method of analysis—I would add—that Shakespeare's plays, through their treatment of character as a reflex of culture, are uniquely positioned to help us practice.

Thinking about crime by way of Shakespeare's drama offers us a way into a dramaturgical criminology that takes seriously the notion of "the scene of the crime." As such, Shakespeare's plays are an invitation to revisit and develop Goffman's dramaturgical theory of criminology. Today's criminology is missing a coherent theory of those crimes that are deeply and deliberately theatrical (especially those crimes that are often, though not always correctly, called "terrorism"). As our society becomes increasingly mediated through television and computer screens, and criminals increasingly come to acknowledge and indeed cultivate their audiences, the theatricality of crime will require additional research. There is no better place to begin this discussion than in the context of Shakespeare's plays, which explicitly foreground the actors and audiences of criminal events.

Justice as theater

If Shakespeare held a theory of justice, it was probably the one represented at the end of his play *Measure for Measure*. When this play begins, Vincentio, the Duke of Vienna, has let the laws of the city go unenforced for some 14 years, and the city has slid into a swamp of crime. Vincentio

needs to restore order in Vienna, but he does not want to lose the favor of his people, so he pretends to leave the city, placing in charge his deputy, Angelo, who is known for his strict adherence to the law. Really, however, Vincentio remains in Vienna, disguising himself as "Friar Lodowick" and observing his subjects and their responses to Angelo's legal reforms. One person Vincentio watches closely is a man named Claudio, who has impregnated his fiancée, which in Vienna makes him guilty of fornication, since they had sex outside marriage. Under Vincentio, this crime would have gone unpunished, but Angelo feels he must make an example of Claudio in order to show the city that there is a new lawman in town, so Angelo sentences Claudio to death. Claudio asks his sister, Isabella, a morally pristine novice nun about to enter the convent, to appeal to Angelo on his behalf. When she does so, shockingly, Angelo offers to release Claudio only if Isabella will sleep with him.

When Duke Vincentio returns to Vienna in at the end of *Measure for Measure*, his obnoxiously elaborate pageant at the city gates is interrupted by Isabella crying for "justice, justice, justice, justice" (5.1.25). Isabella recounts Angelo's crimes to Vincentio, who is fully aware of Angelo's guilt, but feigns disbelief at Isabella's accusations, demanding corroboration from Friar Lodowick, which is of course a bizarre call for himself. Thus Vincentio exits to "find" the friar, returning disguised as the friar to testify on Isabella's behalf; the crowd quickly turns against him, however, until Vincentio throws off his disguise in a hopelessly dramatic revelation, one that prompts an instant public confession from Angelo. "I perceive your Grace, like pow'r divine, / Hath look'd upon my passes," Angelo says (5.1.369–70), suddenly feeling that the justice Vincentio represents is not the justice of civic authority but that of the all-seeing eye of God, a peculiar position Angelo arrives at on account of Vincentio's extremely strange, extremely dramatic performance here at the city gates.

What Shakespeare stages at the end of *Measure for Measure*—literally *stages*—is the theatricality of justice, its performance by actors, on a stage, for an audience. Just consider, for instance, the theatrical architecture of the courtroom or the police press conference, with their front- and back-stages, and us in the audience looking on. This feature of the justice system has not been overlooked by criminal justice scholars: Peter Manning (1977, 1982, 1988, 1992, 1996, 2001, 2010) has developed Goffman's dramaturgy into a theory of law enforcement as theater, while Ray Surette (2010) has studied the ways that crime and justice are dramatized in news and entertainment media, and Timothy Griffin and Monica Miller (2008) have submitted the provocative notion of "crime control theater." For his part, Shakespeare shows us that, for better or worse, the success of a justice system is closely bound up with its ability to dramatize the work of justice for a public audience. Thus the question asked at the start of *Measure for Measure*—how do you conduct legal reforms while preserving the reputation of the government?—is answered at the end of the play: "theatricality." You stage justice working as it is supposed to work, not because staged justice is real justice, but because it gives people the impression that it is, and they then proceed under the assumption that justice is back in town. In *Measure for Measure*—and, as Guy Spielmann (2011) has discussed, in modern society as well—the theatricality of the justice system is both an opportunity and a liability, a source of both support and suspicion, support because it allows the justice system to manufacture public sentiment, but suspicion because there will always remain the skeptical critics who recognize the artifice of such events.

Criminal justice as problem play

Because they cultivate skeptical critics, Shakespeare's plays are most valuable to criminologists working from what the criminologist Frank Schmalleger (2012) terms the "social problems perspective," which he contrasts with a "social responsibility perspective" that simply blames individuals for their bad decisions (pp. 15–16). I offer this point about Shakespeare and the "social problems perspective" thinking about F. S. Boas's (1896) famous description of Shakespeare's "problem plays," one of which is *Measure for Measure*:

Throughout these plays we move along dim untrodden paths, and at the close our feeling is neither of simple joy nor pain; we are excited, fascinated, perplexed, for the issues raised preclude a completely satisfactory outcome, even when, as in ... *Measure for Measure*, the complications are outwardly adjusted in the fifth act. (p. 345)

One of the reasons *Measure for Measure* is a problem is that it charts a transition from an easily allegorical image of criminal justice to an unflinchingly realistic image. At the start of the play, Duke Vincentio, who stands for Negligence, hands control of Vienna to Angelo, who represents Law. Over the course of the play, Law becomes Hypocrisy as Angelo solicits sex from Isabella. Isabella begins as Innocence, but she becomes Injury when assailed by Angelo. All the while, the disguised Duke Vincentio lurks in the shadows of the city, observing and even orchestrating the affair. It is, in fact, by obtaining an intense familiarity with the particular circumstances of his citizens that Vincentio achieves something that approaches (but never truly reaches) justice in the final act of the play. He considers the mitigating circumstances in the crimes of Claudio and Angelo, and he pardons them both, Claudio because he only violated a dead-letter statute, and Angelo because Isabella declines to press charges, not for any legal reason, but due to her emotional connection to Angelo's wife. Vincentio also pardons an unrepentant drunkard, Barnadine, apparently for no reason at all apart from the rush he feels when publicly expressing mercy, which is, sadly, the very same behavior that put Vienna in such dire straits to begin with. Then, shockingly, Vincentio asks Isabella, who was meant to enter the nunnery that day, to marry him, which awkwardly layers Vincentio's erotic relationship with Isabella on top of Angelo's earlier (and clearly vile) relationship, and Shakespeare makes what happens next extremely ambiguous. From the text of *Measure for Measure*, it is unclear if Isabella takes Vincentio's hand, and, if she does, it is unclear whether she does so with joy or under duress. What is clear, however, is that we are no longer seeing Negligence, Innocence, and Law represented on stage; we are seeing Vincentio, Isabella, and Angelo. What Shakespeare represents in *Measure for Measure* is the transition from a quasi-allegorical representation of crime and justice—one that refers to the divine justice of Christian theology (Vincentio standing for God, Angelo for Lucifer, and Isabella for humankind)—to a situation in which men and women, base and creaturely things, fail to achieve justice but must try nonetheless because any other option is tantamount to chaos. From a Shakespearean perspective, there is a criminal justice system, but it is humans who run the system, and since humans are prone to error and inadequacy, the system will never run perfectly, which means that justice is an ideal that, as a rule, cannot be attained. All that we can hope for—and this is where the humanism of Shakespeare studies is a valuable counterbalance to the leaky scientism of some criminology—is that the individual men and women collected under the pursuit of this ideal,

destined as they are to failure, will be decent enough human beings with the mental capacity to evaluate information in all its rampant particularity and the moral diligence to prevent routine mistakes from becoming systematic oppression that we might abate, however slightly, life's swell of pain and suffering that seems to return to us like the tide, twice daily.

Shakespeare and a humanistic criminology: Theoretical considerations

Shakespeare's criminology is not scientific, but neither are the works of those in the so-called "classical school" of criminology. If criminology, understood as "the formal study of crime," wants to include Beccaria and Bentham in its classical school—and most criminology textbooks do (e.g., Cullen and Agnew, 2011; Schmalleger, 2012; Brown et al., 2013)—then it should consider Shakespeare as well. Doing so could amend the egregious misrepresentation in criminology textbooks claiming that there was a "demonic era" of thought about crime that ran roughly from the beginning of time until the eighteenth century (Cullen and Agnew, 2011: 21; Schmalleger, 2012: 55), an era in which people simply and superstitiously conceived of crime as the work of the devil, an era that only ended when the Enlightenment brought about naturalistic and humanistic ways of thinking about crime. Now, not all criminologists agree that the discipline has a "classical school" that began during the Enlightenment; some trenchantly insist that criminology must be defined as the *scientific* study of crime, which only began late in the nineteenth century. For example, Nicole Rafter (2011) has argued that the notion of a "classical school" of criminology "is nonsense if we define 'criminology' as scientific efforts to understand crime" (p. 144). As Shakespeare wrote in a different context, "Much virtue in *If*" (*As You Like It*, 5.4.103). That is, why must we define criminology as necessarily scientific? It must be said that Rafter's definition bars from the discipline of criminology some of the most interesting approaches to crime in recent years—contributions from the field of "cultural criminology" come to mind (see Ferrell and Hayward, 2011)—just as a study of Shakespeare's plays belies the idea that the only way to study crime formally is to do so scientifically. Criminology clearly is, and always has been, a marriage of humanistic and scientific ways of thinking about crime. To be sure, a distinct and important kind of criminology emerged late in the nineteenth century, but a criminology that stubbornly hitches itself to the strictly scientific method of the positivist school is a criminology that is destined to be the opponent, not the answer, to serious thought about crime in the twenty-first century. In other words, much like the meteoric rise of interdisciplinary (see Jeffrey, 1978), integrated (see Muftić, 2009), and qualitative (see Tewksbury, 2009) criminological studies in recent years, the early modern example of Shakespeare forces us to rethink how we tell the history of criminology by requiring us to reconsider what criminology is.

It may be objected that Shakespeare's works cannot be considered criminology because he wrote in drama, not expository prose. That objection, while understandable, gets the case completely backwards. In fact, Shakespeare can be considered a criminologist precisely because he wrote in drama, and he used the formal resources of drama to unearth abstract ways of thinking about criminal behavior. Positioned against both the silly superstitions of his own age and the specious scientism of ours, Shakespeare's criminology is one that uses the formal resources of drama to tend to both crime and justice as psychological and sociological phenomena. First,

through his famous soliloquies, Shakespeare takes us inside the criminal mind, revealing the hidden and sometimes surprising origins and operation of criminal thought, as the modern psychological schools of criminology do. In fact, by allowing his criminals to speak for themselves, Shakespeare anticipated the “convict criminology” (Ross and Richards, 2003) and “narrative criminology” (Presser and Sandberg, 2014) that have recently gained traction in the field. Second, by making “the scene” the basic unit of human life, Shakespeare presented the origin and meaning of both crime and justice as situational and therefore circumstantial—as, in a word, *dramatic*, and often explicitly theatrical—in accord with the sociological schools of criminology. As such, Shakespeare anticipated and can participate in the “dramaturgical criminology” that descends from the works of Erving Goffman (1959, 1963) and survives in the writings of Peter Manning (1977, 2010). In sum, with its psycho-social orientation, Shakespeare’s drama offers us a criminology that is formal yet not beholden to science, a criminology that is *humanistic*. As such, Shakespeare studies can serve as a timely corrective to both those scholars who act as though criminology is only a science, not also an art, as well as those students whose exposure to bad art has engendered an unfortunate armchair criminology.

Shakespeare and criminology in the classroom: Pedagogical considerations

Upon the suggestion that Shakespeare is a valuable resource for criminology in the classroom, the objection immediately arises that criminology is an academic field devoted to teaching students that crime does not happen in life as it happens in art, especially as it happens in the art (if that is the right word) of American television. I do not think it is controversial, though, to insist that there is a big difference between American television and Shakespearean drama. It is not the artistic representation of criminal justice per se that we should caution our students against, but the bad representations, the ones in which crime is always easy to solve as long as we have some heroic detective and his Holmesian deductions. Criminal justice scholars such as Ray Surette (2010) have discussed the ways that popular media condition our assumptions and attitudes about crime and justice, usually negatively, but media giveth as well as taketh away. Thus criminology and criminal justice scholars have recently campaigned for the inclusion of artistic media in criminal justice classrooms as a way to take students directly into the ethical dilemmas that arise in this field (Pino et al., 2009; Rafter and Brown, 2011).

In a criminal justice classroom setting, the other standard concerns about, reservations with, and antipathies to Shakespeare are inevitable and to be taken seriously: *The language is too hard! It's so irrelevant! I just don't like it! We need "street smarts," not "book smarts"!*

With respect to the difficulty of Shakespeare’s language—and it is indeed difficult—I remind my students that criminology is all about difficult interpretation. For both Shakespeare’s language and criminological issues alike, students need to know how to recognize and slow down and give time to dense, difficult, confusing, and frustrating material. I even suggest to my students that being trained as a criminologist means being trained to read crimes as texts, as narratives in which some events are known, others not; some motives expressed, others not; and the task thus falls to the analyst to fill in the gaps and make sense of the competing accounts, possibilities, and probabilities that lurk behind known facts. In other words, the charge of the criminologist is equal

to the accomplishment of Shakespeare: to give narrative form—a beginning, middle, and end—to complex social events that usually swirl furiously far beyond the reach of comprehension. To analyze crimes, and to theorize about kinds of crime, is to craft a narrative, one complete with intrigue and plot twists, showing the often surprising conceptual origins of criminal action and its various consequences, an exercise at which Shakespeare was expert.

As for the reservation about Shakespeare's relevance, it is true that there are many issues of criminal justice in the twenty-first century to which Shakespeare is not directly applicable. Gang violence and cybercrime come to mind. Inevitably, students must still receive much in the way of *content* from traditional criminological studies—historical, statistical, and theoretical material—but Shakespeare can still help students in the *form* of criminological interpretation, training them to think deeply about complex problems, so that they have a portable strategy for interpreting issues that arise in their other studies, and those that will emerge in the future.

When I first piloted the idea of Shakespeare in a criminal justice classroom, a number of students initially responded, "I just don't like it." I asked them in a straw poll, "What is your interest in, engagement with, and/or excitement for the notion that Shakespeare is a valuable resource for the field of Criminal Justice?" Before reading one of Shakespeare's plays, 80 percent of my 79 students that semester said they *were not* interested in, engaged with, or excited about the idea; only 20 percent said they *were*. When asked the same question after reading one of Shakespeare's plays, however, 73 percent of students said that they *were* interested in, engaged with, or excited about the idea, and only 27 percent said they *were not*. Arguably, the distaste my students felt for Shakespeare came from never having had any direct experience with his plays, or perhaps from having had the wrong kinds of experience. When those plays were presented in the context of a criminal justice classroom, my students overwhelmingly and enthusiastically recognized the value of what they had previously dismissed (which, in my classes, also served as an opportunity to discuss the formation and reformation of prejudice). More to the point, the students from this semester went on to write more thoughtful, more creative, and more successful papers in response to issues of criminal justice in the twenty-first century than had my students from previous semesters who were doing the same assignments without having done Shakespeare first.

Regarding the objection against "book smarts," I tend to agree with those criminal justice students, professors, and workers who believe that experience on the job is better preparation for a criminal justice career than education in a classroom, that "street smarts" are more important than "book smarts." On first blush, it may seem that studying Shakespeare's plays is a feeble pursuit of "book smarts," but actually the opposite is true. In fact, Shakespeare's plays can serve as a training academy of sorts for work in the fields of criminal justice. By virtue of their ability to immerse their audiences in lively and complicated worlds in which crime and justice actively unfold before our eyes, all around us, often in unexpected or difficult to interpret ways, Shakespeare's plays approximate experience out on the street, experience that may be otherwise unavailable to a student pursuing a criminal justice degree in a classroom setting. Shakespeare's plays create for us another world in which to live for a time, a world that presents the same problems as our world, but a world that—by virtue of being imaginary—allows for greater exploration and contemplation than one usually enjoys in life. The plays are areas in which to wrestle with the problems of crime and justice, and that is precisely the value of Shakespeare to criminology: his plays open up an imaginative space in which to work out the various emotions, judgments, analyses, and theories of criminology,

an imaginative *Verstehen* of sorts—the criminologist Jeff Ferrell (1997) using this term, *Verstehen*, to refer to analysts immersing themselves in the world of those they study—but a *Verstehen* in which the consequences of erroneous thought are less severe than they are in life, which allows for the exploration of emergent, uncomfortable, or even dangerous ideas.

Suggestions for studies of Shakespeare and criminology

To give just a few examples, new theories of juvenile delinquency might emerge by considering the case of Shakespeare's Prince Hal, a wayward youth who only acts out to make his future success as king seem all the greater; or by considering the example of Shakespeare's Caliban, an adolescent sexual offender whose experience in an imperfect correctional system transforms him into a militant political radical and career criminal. As a physically deformed ethnic minority, Caliban is the epitome of what the criminologist Howard Becker (1963) called an "outsider," as are the deformed title character in *Richard III*, Shylock the Jew in *the Merchant of Venice*, and Aaron the Moor in *Titus Andronicus*. In each case, Shakespeare attends to the causes and effects of stigma using the rubric of revenge tragedy, a dramatic genre that reached its height in the Renaissance, and one that can provide criminologists with a remarkably resourceful logic for unpacking a great number of modern crimes. At the same time, if criminals are often motivated by revenge, so too are the law enforcement agents who oppose them, a point that is rarely acknowledged in the field of criminal justice, yet one that is on full display in Shakespeare's most famous revenge tragedy, *Hamlet*, where the title character is both a cop and a criminal. Furthermore, plays like *Hamlet* and *Macbeth*, where hallucinations spur criminals to action, offer us opportunities to consider the tension between mental illness (a psychological concept) and insanity (a legal concept), a tension that the disciplines of criminology and law have recognized but not yet resolved. While these plays address the relationship between the mind and crime, Shakespeare elsewhere emphasizes the importance of culture: rampant crime comes from a culture of honor in *Titus Andronicus*, for example, or from a culture of negligence in *Measure for Measure*.

Criminology and Literature

I would like to conclude by making two points of clarification about the study of criminology and literature together, since this seems to be a productive field for future research. First, I am not convinced that someone will become a better criminologist simply by studying just any literature at all: Shakespeare is special. I do not think it would be terribly beneficial for criminologists to study, say, the poetry of John Donne (though it would certainly be fun). The consistency with which Shakespeare represents crime, the depths he searches in the criminal mind, the connections he draws between culture and crime, and the skeptical attitude he displays when doing so all make his works particularly relevant to the criminologist. To be sure, there are other authors who consistently depict crime—from classical dramatists like Aeschylus and Seneca to modern novelists such as Raymond Chandler and Elmore Leonard—but the field of "criminology and literature" will need to center on Shakespeare if it is to be successful.

Second, the subject of criminology and literature is related to yet distinct from the law and literature movement, which has garnered attention for many years from scholars such as James

Boyd White (1973), Ronald Dworkin (1982), and Richard Weisberg (1992). In contrast, the idea of criminology and literature has only recently been conceptualized by the likes of Steven Engel (2003), Blythe Alison Bowman (2009), and Afra Saleh Alshiban (2012). To clarify the distinction between “criminology and literature” and “law and literature,” just consider the example of Shakespeare’s *The Merchant of Venice*, a classic in the law and literature movement. Looking at this text, legal scholars ask if Shylock’s contract with Antonio (for a pound of Antonio’s flesh if Antonio defaults on a loan from Shylock) is void because Shylock did not make it in good faith; they ask why the magistrates in Venice must uphold a clearly compromised contract law; they ask how Shylock’s civil hearing turns into a criminal trial; they ask if Portia’s cunning application of Venetian law (Shylock can take the pound of flesh, but no blood) is judicious (and, if not, if it is virtuous nonetheless); and they ask whether or not Shylock’s penalty (forced conversion to Christianity and forfeit of his wealth) is legal. In contrast, a criminology and literature reading of this text would be largely pre-legal, concerned with the origin and structure of the criminal’s culture and mind. A criminology and literature reading of *The Merchant of Venice* might address the moral panic in the city regarding Judaism, the Christians’ characterization of Shylock as a folk devil, Shylock’s uneasy negotiation of his stigmatization, the relationship between his frustration and his aggression, his exploitation of the law for criminal ends, the persistence of his criminal intent during his hearing, and his ultimate desistance from crime in the face of a death penalty. Once the distinctions between “criminology and literature” and “law and literature” have been made, however, we can observe the similarities. Just as there are two main components to the law and literature movement—first, the study of *law in literature* (concerned with artistic representations of legal issues), and second the idea of *law as literature* (concerned with the rhetorical analysis of legal texts)—the field of criminology and literature can take two comparable foci: *crime in literature* and *crime as literature*. Thus, to propose a study of Shakespeare and criminology is to attend to instances of crime in Shakespeare’s drama, especially insofar as they can be elucidated through the explanatory resources of criminological theory, and also to address the frequently Shakespearean structure and tenor of crime as it occurs in modern society. Shakespeare’s representations of crime are productive places in which to consider comparable crimes that occur in our own societies, and the vast analytical resources available in Shakespeare studies can provide new and illuminating ways of thinking about crime, ways of thinking that can be extrapolated from Shakespeare to society, ways of thinking that might not otherwise occur.

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1. For some time now, researchers have studied the ethical orientations of criminal justice students (Byers and Powers, 1997) and professionals (Catlin and Maupin, 2002), especially insofar as their tendencies toward egocentrism and authoritarianism stand in sharp contrast to the assumptions, beliefs, and values of many criminal justice scholars. There is an ongoing debate about whether the ethical lapses of criminal justice students and professionals are a function of the extremely complex and difficult nature of criminal

- justice (the “occupational culture” thesis; see Bjerregaard and Lord, 2004) or of an unethical streak in the people attracted to this field (the “predisposition” thesis; see Owen and Wagner, 2008).
2. In addition to the shows in the *Law and Order* and *CSI* franchises, in which a brilliant team of police officers nabs a new criminal each week, we can think of shows such as *Castle*, in which a pulp mystery novel writer joins a police squad and helps it nab a new criminal each week, and *The Mentalist*, in which a fraudulent former psychic joins a police squad and helps it nab a new criminal each week. These shows repeat and thereby codify a version of criminal justice that no one seriously accepts, yet one that, by virtue of its repetition and codification, surreptitiously acquires the status of truth in the minds of the television-watching American public. To be sure, there are cable television shows such as *The Wire* or *Breaking Bad* that challenge the dominant paradigm of the police procedural, but such shows, while loved by critics, tend to have much lower ratings than the network TV police procedurals, which effectively exert a greater pull on the public’s conceptualization of criminal justice.
 3. By defining “criminology” as “the formal study of crime,” I am siding with Sutherland’s (1939) often quoted definition—“Criminology is the body of knowledge regarding crime as a social phenomenon. It includes within its scope the processes of making laws, and of breaking laws, and of reacting toward the breaking of laws” (Sutherland, 1939: 1)—as against Sellin’s (1938) less quoted but arguably more popular position—“The term ‘criminology’ should be used to designate only the body of scientific knowledge and the deliberate pursuit of such knowledge” (Sellin, 1938: 3).
 4. All references to Shakespeare’s plays are to *The Riverside Shakespeare*, ed. Evans and Tobin (1997), and will be noted parenthetically in the text.

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