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Criminological Fiction: What is it good for?
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Abstract:

The purpose of this article is to establish the criminological value of fiction. I argue for three methodological values of criminological fiction in the context of previous research in the critical realist framework. Criminological fiction is fiction that provides criminological knowledge in virtue of one or more of its phenomenological, counterfactual, or mimetic values, i.e. by (1) representing what certain experiences are like, (2) by representing possible but non-existent situations, and (3) by representing reality in detail and with accuracy. I demonstrate the criminological potential of these values using case studies of a novel, a television series, and a feature film. I conclude that fiction has criminological value and that, in consequence, criminological fiction can provide data that complements data provided by traditional criminological sources.

KEY WORDS: Critical realism, Counterfactual thinking, Fiction, Film, Mimesis, Phenomenology

Introduction

This article offers an answer to the question of the usefulness of criminological fiction. I take the aim of the criminological project to be the reduction of crime or social harm, which is achieved by employing theoretical and empirical investigation and verification to direct or inform public policy and evidence-based practice (Matthews 2014). The chain of causation from criminology to crime or social harm reduction proceeds as follows: criminological inquiry identifies the cause or causes of a particular crime or social harm; the findings of the research are translated into a policy for one or more government or private agencies with the aim of reducing or removing the causal factor or factors; and the policy is put into practice resulting in the reduction of certain types of crime or social harm or of the commission of various crimes or social harms by certain categories of perpetrator (Sutherland 1947; Garland 2001; Agnew 2011). The key factor that links criminological research to crime or social harm reduction is the

explanation of the cause of the crime or social harm. *Criminological fiction* is thus fiction that can provide an explanation of the causes of crime or social harm and could, in consequence, contribute to the development of crime or social harm reduction policies. I argue that criminological fiction can provide at least the following three types of criminological knowledge: (1) phenomenological, i.e. representing what certain experiences are like; (2) counterfactual, i.e. representing possible but non-existent situations; and (3) mimetic, i.e. representing reality in detail and with accuracy.

The naïve identification of non-fiction with truth and fiction with falsity cannot withstand intensive scrutiny (Potter 1998; Diken & Laustsen 2007; Carrabine 2008). I take the most promising account of the distinction to be Peter Lamarque and Stein Haugom Olsen's (1994) conception of fiction as a rule-bound practice that informs a particular type of communication between an author or director on the one hand and a reader or audience on the other. To create a work of fiction in a verbal or visual tradition is to make a fictive utterance and to experience that work, as a work of fiction is to adopt the fictive stance. The authorial or directorial invitation to experience a work as fiction is matched by a set of expectations in readers and audiences. The expectations associated with the practice of fiction differ from those associated with the practice of non-fiction. Typically, there is a desire for a closer correspondence between representation and reality in the latter and a greater tolerance for inventiveness, imaginativeness, and fabrication in the former. In addition to avoiding the pitfalls of the true/false, belief/imagination, existent/invented dichotomies, the conception of fiction and non-fiction as different practices explains why the former practice has been – and continues to be – marginalised in criminology. Fiction as a practice involves the creation of works that are both produced and recognised as fictions and of which most criminologists are dismissive because there is less correspondence with reality and more fabrication, in consequence of which fictions appear to have little to offer with respect to the reduction of crime.

I use a case study for each of the three criminological values of fiction, selected on the combined basis of mode of representation and contemporary popularity. Television series and feature films (both instantiations of the cinematic mode of representation) are the most common ways in which contemporary audiences experience fictions. In order to demonstrate that there is no necessary relation between the screen and the criminological value of fiction, I have selected a novel (an instantiation of the literary mode of representation) for the third case study. While novels may not be as popular as film, they remain an important part of popular culture in the twenty-first century. Similarly, my argument for the criminological value of fiction is not restricted to a particular category of crime or even to crime as opposed to social harm (or social harm as opposed to crime). My case studies thus cut across crime committed by the state (genocide), crime committed by organised criminal enterprises (drug trafficking), and what Sandra Walklate (2017: 63) refers to as 'ordinary crime' (rape) – a term that is not intended to diminish the harm caused by this type of crime, but is indicative of the crimes that come to mind most readily when *crime* is used and the crimes that are standardly the subject of criminological inquiry.

Critical Realist Framework

There is an obvious affiliation between my argument for the criminological value of fiction and the narrative criminological framework established by Lois Presser and Sveinung Sandberg (2015: 1), defined broadly as 'any inquiry based on the view of stories as instigating, sustaining, or effecting desistance from harmful action.' My argument is nonetheless more accurately described as being conducted within the critical realist framework. Before explaining this framework, I must distinguish among three levels of criminological inquiry: approaches, frameworks, and methodology. I take *approach* to denote a set of ontological and epistemological assumptions about social reality (Perri 6 & Bellamy 2011). I follow Jon Frauley (2010) in identifying the following three distinct approaches to criminology: positivism (also called naturalism), constructionism (also called interpretivism), and realism (which should not be confused with the framework that underpins both left and right realism in criminology). These approaches combine assumptions about what is being studied in criminology with assumptions about what can be discovered by criminologists. *Realism* as employed by Frauley and as I shall

use the term assumes that the social world is an external reality and that social facts have a truth value, but that researchers have only partial access to reality, in consequence of which criminological knowledge is approximate to rather than correspondent with reality. While criminologists are unable to reach the truth, they can nonetheless advance the discipline with more accurate approximations of that truth. A *framework* is a shared commitment about what research questions are important, what data is relevant, how that data should be interpreted, and what counts as a satisfying answer (Perri 6 & Bellamy 2011). Frauley (2010) establishes a framework within the realist approach that draws on the work of both Vincenzo Ruggiero (2003) and Gary Potter (1998). Out of deference to Frauley's association of the realist approach with the critical tradition of criminology as well as the way in which the term is employed in scientific inquiry more generally (see: Bhaskar 1975, 1987, 1989), I shall call his framework the *critical realist framework*.

Ruggiero's (2003) thesis is that crime and crime control can be viewed through the lens of literature rather than the law and that the former view draws attention to the significance of value, emotion, and the imagination in understanding these phenomena. His best-known criminological analysis of literature is '*Moby Dick and the Crimes of the Economy*' (Ruggiero 2002, 2003), of which Frauley (2010: 65) writes:

Ruggiero's work is exemplary: he does not simply assert or construct a normative value position but illustrates the value of fiction for criminology by constructing an [*sic*] criminological narrative of *Moby Dick* and a number of other works of classic fiction.

Where the various criminological frameworks within the constructionist approach (including, for example, cultural criminology) restrict textual meaning to the intended meaning of the author or director, Ruggiero's approach is '*broadly realist*' (Frauley 2010: 52).² Frauley identifies a tripartite foundation in Ruggiero's realism: independence of meaning, authorisation, and the relationship between textual meaning and extratextual reality. The idea is that it is the text rather than the authorial intention that authorises meaning and that meaning is produced by the reader or audience within the constraints established by the text. Potter (1998: 182) also uses Herman Melville's (1851) *Moby-Dick; or, The Whale* as an example:

Our "readings" of *Moby Dick* may be highly individualised but nonetheless are bound by reality, the reality of the meanings inscribed in the text. But poststructuralists are quite right to say that this does not mean bounded by authorial intention. I need not thus obsess about Melville's intentions, but nor am I free to interpret the novel in any way I want. In Frauley's (2010: 57) terms, 'texts "authorize" the meaning that is to be found in them. Hence, the text constrains our reading and disciplines our imagination; that is, the text authorizes what we can imagine as a plausible interpretation'. In literary texts, the language used determines the structure of the fictional world and this, in turn, determines textual meaning. The relationship between textual meaning and extratextual reality is then determined by the combination of: linguistic structure, the analytic languages (or discourses) of criminology or sociology, the practices of reading, and the extent to which the fiction is characterised by truth as well as invention.

It is worth noting that very little of the above is explicitly stated by Ruggiero. This is not a criticism, but an indication that the critical realist framework that Frauley attributes to Ruggiero appears to at least some extent to have been retrospectively applied to his criminological analyses. Frauley evaluates Ruggiero's contribution to establishing the relationship between narrative fiction and criminological inquiry in terms of two features. First, Ruggiero develops a realist approach to fiction, which articulates both the independence of the text from authorial intention and the relationship between the fictional representation and reality. Frauley (2010: 66-67) recognises the complexity of the relation between fiction and truth mentioned in my introduction and reads Ruggiero as providing evidence for his preferred characterisation, by Potter (1998). In his discussion of the ontological status of fictional universes, Potter (1998: 183) argues that truth is instantiated in fiction on the basis that 'even in the most unconventional of texts, the most "non-naturalistic" of texts, our possible ("correct") readings of

them are bound by convention and tied to reality.’ For Potter, the combination of the structures of language and the social conventions of reading is sufficient to establish a link between representation and reality, which is, in turn, sufficient to establish a link between fiction and truth. My advance on Potter’s relation, made within the constraints of the critical realist framework, is that fictional people, places, and events refer to universals rather than particulars (McGregor 2016). The notion is from Aristotle’s (2004) famous observation on the superiority of poetry over history: the latter refers to what has happened (particulars) and the former to the kinds of thing that can happen (universals). For example, although Matthew Vaughn’s *Layer Cake* (2006) does not represent the rise to power of a real cocaine dealer, the anonymous protagonist’s (played by Daniel Craig) outwitting of his rivals is accurately described as true to life, lifelike, or resembling reality in virtue of representing a type of person that succeeds in organised crime. Second, ‘Ruggiero explicitly situates fiction as both a *pedagogical* and *analytic* tool’ (Frauley 2010: 51). Literature has pedagogic value because it is a tool for communicating sociological meaning and analytic value because it is a tool for the elaboration of criminological analysis.

Frauley’s (2010) own thesis argues first for a greater recognition of the significance of theory and the practice of theorising within criminology and then for the value of fictional realities for theory and theorising. He maintains that the fictional realities presented in literature and cinema both (1) exemplify concepts and theories and (2) provide empirical referents for concepts and theories. *Empirical referents* are ‘the means by which we can explore criminological concepts and their value for conceptualizing broader features of sociality’ (Frauley 2010: 17). Frauley (2010: 114) differentiates between cinematic fiction exemplifying theory and cinematic fiction as an empirical referent in his most extensive cinematic analysis, of Joel Schumacher’s *Falling Down* (1993):

The film, *Falling Down*, can be theorized as a protracted effort to illustrate the process of symbolic transformation in which Bill Foster participates. This is not something that simply happens to Bill; it is something that is actively constructed by Bill through the intersection of social and cognitive processes. Paying attention to process in *Falling Down* and treating the film as an empirical referent to which Katz’s concepts can be applied helps us to examine and clarify Katz’s theoretical position and particular mode of theorizing, just as Katz’s theoretical concepts can help us examine *Falling Down*.

On the pedagogic side, the film exemplifies Jack Katz’s (1988) theory of moral transcendence. *Falling Down* not only exemplifies Katz’s theory, however, but provides a protracted exemplification in which his conceptions of line of interpretation, emotional process, and path of action shape the protagonist’s emergent criminality and in which his conceptions of omens, spells and incantations, sacrificial violence, Godly judgement, and idolatry shape the experience of the cinematic narrative for the audience. Cinematic fictions are empirical referents for (rather than exemplifications of) theories when theories are exemplified in textured detail and theoretical interpretation of the film enhances the cinematic experience by revealing deeper and more nuanced elements of the form and content of the fictional narrative. This is true of not just cinematic fictions in Frauley, but literary fictions in Ruggiero, i.e. of the critical realist framework in general. In the remainder of this article, I employ the critical realist framework to explore the methodological values of fiction. A *methodology* is a theory of research, a set of principles, and a system of methods regulating a particular inquiry (McGregor 2018b). The methodological value of a practice is the extent to which it facilitates a consistent and systematic theory of research, set of principles, and system of methods for inquiry. My argument is that there are at least three methodological values of criminological fiction – phenomenological, counterfactual, and mimetic – and that these values constitute the criminological value of fiction.¹

Phenomenological Value

Dorothy Walsh (1969) is credited with identifying three distinct types of knowledge that representations can provide: knowledge-that (such and such is so), knowledge-how (to perform some act), and knowledge-what (something is like). The realisation of what a particular lived experience is like is standardly referred to as *phenomenological knowledge*.

John Gibson (2008: 582-583) explains how representations provide phenomenological knowledge, using a novel and a film (both fictional narratives) as examples:

Drawing solely on my own experiences and my preferred books of theory, I will acquire no significant knowledge of what it is like to be a victim of systematic racial oppression or an immigrant struggling to make his way to an unwelcoming country. But I can read Ralph Ellison's *Invisible Man* or watch Elia Kazan's *America, America* and in so doing acquaint myself with a region of human experience that would otherwise remain unknown to me.

Importantly, this phenomenological knowledge is, given the scope for truth in fiction in the critical realist framework, knowledge of actual lived experience rather than just knowledge of the lived experience of the fictional characters (Frauley 2010; Potter 1998; McGregor 2018b; see also: Lamarque & Olsen 1994). In order to acquire the phenomenological knowledge it is necessary to not only experience the representation, but accept the author or director's invitation to adopt an approved set of cognitive, evaluative, and emotional responses to the representation. For example, if one fails to accept Ellison's invitation to regard the anonymous narrator of *Invisible Man* as a sympathetic character, then one will not realise what it is like to be a victim of systematic racial oppression and will not acquire the relevant phenomenological knowledge. In a case such as Kathryn Bigelow's *Zero Dark Thirty* (2012), many contemporary viewers may reject the framing of Maya's complicity in crimes against humanity as justified by their end (locating and killing Osama bin Laden). Viewers who do adopt Bigelow's framework do not have to become temporary or permanent enthusiasts for the War on Terror, but they must temporarily set aside their reservations about the Central Intelligence Agency's official and unofficial use of torture if they are to understand the lived experience of a participant in that war as represented in the film.

Criminological interest in lived experience is widespread, extending from the victims of crime or social harm to criminal justice workers and offenders (Redmon 2015, 2017). My focus here is on the lived experience of the perpetrators of crime and social harm in virtue of the more direct link between their experiences and the criminological project. Phenomenological knowledge of the perpetrator of crime or social harm is more likely to explain the cause of that crime or social harm than phenomenological knowledge of the victims or criminal justice workers involved. In consequence, for my purposes, the *phenomenological value* of a representation is the extent to which that representation provides knowledge of the lived experience of perpetrating crime or social harm. While the critical realist framework recognises that the conventions and practice of fiction typically involve less correspondence with reality and more fabrication, there is no *prima facie* reason that a particular fictional representation should not be as valuable as some non-fictional representations. There is also a sense in which fictional representations can provide phenomenological knowledge that is not available to non-fictional representations. Joshua Page and Philip Goodman (2018) discuss the difficulties of practicing what Loïc Wacquant (2005) calls *carnal sociology* in the context of researching crime and punishment. They note the problems of access and ethics with regard to experiencing or witnessing the embodied nature of behaviour in the environments in which criminologists are interested (see also: Redmon 2017). In the case with which Page and Goodman are concerned, the embodiment of prisonisation, there are also legal considerations and they argue that Edward Bunker's (1977, 1981) fictionalised autobiographies can be employed to overcome these impediments to criminological analysis. The ability of fictional representations to provide phenomenological and other knowledge that is not available to non-fictional representations for access, ethical, or legal reasons is an important component of the criminological value of fiction.

Martin Amis' (2014) novel, *The Zone of Interest*, is a paradigmatic example of a work of fiction that provides knowledge of the lived experience of perpetrating state crime, specifically the National Socialist genocide of Jews, Jehovah's Witnesses, Roma, Eastern Europeans, the disabled, homosexuals, and socialists from 1939 to 1945. The novel consists of six titled chapters, an Aftermath, and an Acknowledgments and Afterword. Each of the chapters is divided into three subtitled parts, narrated in the first person by one of the three protagonists: Angelus Thomsen, Paul Doll, and Szmul (given name never revealed). Thomsen is a mid-level bureaucrat who is the nephew of Martin Bormann, the *Reichsleiter* (head of the Nazi party), a genetic association that provides him with far more privilege than his honorary *Schutzstaffel* (SS) rank. Doll is a concentration camp commandant, the SS officer in charge of extermination. Szmul is Doll's *Sonderkommandoführer*, a Jewish inmate in charge of a squad of inmates who prepare the new arrivals for the gas chambers and (attempt to) dispose of their bodies afterwards. The Aftermath is narrated by Thomsen, who is the most significant of the protagonists and the only one to survive the war with his sanity intact. The Acknowledgments and Afterword is by Amis, addressing readers directly and in his own voice.

The novel takes its title from the SS *interest zone*, a fifteen square mile area around the town of Auschwitz in the General Government of occupied Poland (Wachsmann 2015). The zone was cleared of inhabitants in 1940 and developed into a purpose-built complex of extermination, concentration, labour, and prisoner of war camps; armaments and chemical factories; barracks with accommodation for families; and agricultural stations to feed the garrison. The main camps were Auschwitz I (a concentration camp, *Kat Zet I* in the novel), Auschwitz II-Birkenau (an extermination camp, *Kat Zet II*), and Auschwitz III-Monowitz (a labour camp, *Kat Zet III*). The novel opens in *Kat Zet I* in August 1942 and the central narrative concludes at the end of April 1943, with the Aftermath (and novel) finishing in 1948. At this conclusion, Thomsen reflects on the *real zone of interest*, developing a point first mentioned by Szmul. Members of the *Sonderkommando* are themselves selected for extermination relatively quickly, but Szmul has survived longer than all of his subordinates in consequence of Doll's patronage. He writes:

Once upon a time there was a king, and the king commissioned his favourite wizard to create a magic mirror. This mirror didn't show your reflection. It showed your soul – it showed who you really were. [...] I find that the KZ is that mirror. The KZ is that mirror, but with only one difference. You can't turn away (Amis 2014: 33).

Thomsen extends the kind of moral suicide to which Szmul refers to not just the outright collaboration of which he and Szmul are guilty, but to life in the Third Reich as a whole:

Under National Socialism, you looked in the mirror and saw your soul. You found yourself out. [...] We all discovered, or helplessly revealed, who we were. Who somebody really was. *That was the zone of interest* (Amis 2014: 285).

There are three literary devices employed by Amis that are of particular interest with respect to the phenomenological value of the novel. The first is the combination of narrators (the three protagonists) and narration (the use of the first person). The narration allows the reader to gain direct access to the thoughts of the three perpetrators of genocide, an access that would not be possible in non-fiction. Even if a perpetrator was interviewed, his or her thoughts would be mediated by their speech and the reader could never be sure that the perpetrator was being completely honest (especially when one considers the legal consequences of documented confession). In contrast, Thomsen and Szmul are quickly established as transparent narrators, well aware of their own failings and with the courage to confront them. Doll's narration is immediately established as unreliable in virtue of his fragile hold on his sanity. The first section that he narrates, 'The Selektion', reveals a pathological obsession with numbers, a pronounced

lack of self-awareness, and a craving to be regarded as normal. Szmul considers the relationship between genocide perpetration and madness with greater insight:

“Either you go mad in the first ten minutes,” it is often said, “or you get used to it.” You could argue that those who get used to it do in fact go mad. And there is another possible outcome: you don’t go mad and you don’t get used to it (Amis 2014: 77).

The transparent access to the thoughts of Thomsen and Szmul and the opaque access to those of Doll, represented as a singular synthesis of self-deception and lucidity, provides psychological insight into the motivation, morality, and mental health of all three collaborators in genocide.

The second device extends beyond the explanation of the causes of collaboration in the individual perpetrators to the construction of an overarching pattern of meaning by the juxtaposition of the three narrators. All three are active participants in the genocide: Doll is the commandant of Kat Zet I and Kat Zet II (III has not been built at the time the novel opens); Szmul is responsible for the disposal of the corpses, which is problematic in consequence of the industrial scale on which they are being produced; and Thomsen is an official in the *Buna-Werke*, the IG Farben rubber factory that literally works slave labourers to death (even to the extent of inefficiency). Doll is a completely despicable character, a physical and moral coward who fantasises about physically and sexually abusing his wife, Hannah, but fears she will get the better of him in a fight. He is an enthusiastic perpetrator of genocide whose emotions do not extend beyond his own suffering (pressure to dispose of ever more corpses and a wife who refuses to perform marital duties) and is fully committed to the Nazi cause. Szmul joined the Sonderkommando for several reasons, only one of which is selfish: to prolong his life, to exact revenge on the Nazis by recording their crimes (the sections of the novel narrated by him constitute a memoir he is writing), to make the inevitable deaths of those selected for extermination as painless as possible, and to use his knowledge of the process of selection to save lives in the few opportunities available. Szmul is unquestionably a victim of the genocide, his collaboration sustained by the combination of helplessness and hopefulness.

Thomsen is situated somewhere between Szmul and Doll, a cynical collaborator who is fully cognisant of the moral horror of the Nazis, but concerned for the most part with himself, his main interest being the serial seduction of as many women as possible. Thomsen’s libido initiates the central plot of the novel, which is essentially a love story. His initial interest in Hannah Doll is purely carnal: ‘This would be a *big fuck*’ (Amis 2014: 14). Ironically, Thomsen’s relationship with her remains chaste throughout, evolving from unrequited lust to a deep, meaningful, and persistent love in which he places himself at risk to help her for no reward during the war and devotes a substantial amount of his resources to finding her following its conclusion. When he meets Hannah after three years of searching, he asks only for permission to correspond and maintain a long-distance friendship. As the novel progresses, Thomsen reveals that he has committed minor acts of sabotage at the rubber factory (rubber is essential to the war effort). His character appears to develop from almost complete selfishness to a growing concern for other people, a trajectory for which Hannah is a catalyst. Unlike Doll and despite his collaboration in genocide, Thomsen is not irredeemable and it is significant that the instrument of his redemption is Doll’s wife. The juxtaposition of the three narrators thus provides moral insight with respect to questions of responsibility, justice, and reparation.

The third literary device that is relevant to the phenomenological value of the novel is both more subtle and more complex than the first two. The way in which Amis represents the fictional reality of the narrative is faithful to the subjective experience of his three narrators, adhering closely to their respective points of view in each section of each chapter. Thomsen, Doll, and Szmul focus only on that which is important to them personally and exclude details that would assist readers in comprehending the specifics of the setting (i.e., details that are so familiar to the narrators that they do not require articulation). Thomsen initially identifies his location as only ‘Kat Zet I’ (Amis 2014: 1) and Doll his official role as extending ‘Protective Custody’ (Amis 2014: 20) to fifty thousand people. The combination of this claustrophobically

close first-person narration with a title that lacks an obvious context and the absence of a preamble of any sort infuses the novel with an atmosphere of vagueness. This is exacerbated by Amis' use of English translations for many (but not all) of the German names and terminology that is not associated with Auschwitz in the popular imagination. Examples of the latter include: the 'Equestrian Academy' (Amis 2014: 1), 'figures in city business suits' (Amis 2014: 88), 'Summer Huts' (Amis 2014: 96), and 'St Andrew's in the Old Town' (Amis 2014: 129). The spatiotemporal opacity draws attention to the referential relation between fiction and reality that I proposed above, in which the subject of the novel is not just Auschwitz in particular, but concentration camps in general, an international institution whose use can be traced at least as far back as 1900, by the British Empire during the Second Boer War (Kruger 1959).

Amis achieves more than drawing attention to the reference to universals characteristic of fiction, however, hinting at the contemporary relevance of the novel by means of incongruous reminders of America. These are sparse, but conspicuous: a part of the zone is called 'Kalifornia' (Amis 2014: 39); 'both [of Thomsen's] parents, in 1929, died in an elevator plunge in New York' (Amis 2014: 72); and Thomsen's use of a 'pack of Camels' and 'Hershey bar' as currency (Amis 2014: 100). The allusions to America, made at the end of 2014 (the novel was published in September of that year), inevitably brings the Guantanamo Bay detention camp (GTMO) to mind. In March 2013, thirty-nine of the one hundred and sixty-six inmates went on hunger strike and the number had risen to one hundred and six by July, with forty-five being force-fed. By December, when the Joint Task Force Guantanamo announced that it would cease disclosing information about the protests, fifteen inmates (all of whom were being force-fed) were still on hunger strike (Associated Press 2013). President Obama renewed his efforts to close the concentration camp in 2014, but by the end of the year there were still one hundred and twenty-seven inmates (Jackson 2014). Amis' allusions to America, made in a context that is often nebulous, provides an extra dimension to the referential relation between representation and reality in fiction, suggesting a parallel between Auschwitz and GTMO that readers might otherwise not make. *The Zone of Interest* can be understood as a story about Auschwitz; as a story about Auschwitz in particular, but concentration camps in general; and as a story about Auschwitz in particular and concentration camps in general that makes indirect reference to GTMO. In consequence, the combination of the vague atmosphere with allusions to America intimates that the psychological and moral insights about Auschwitz are not only relevant to concentration camps universally, but to GTMO in particular. By means of these three literary devices, *The Zone of Interest* provides phenomenological knowledge of collaboration in genocide, i.e. knowledge of the lived experience of perpetrating genocide. This knowledge consists of data that reveal motives of perpetration that would not be feasible in non-fiction and is criminological to the extent that the explanations afforded could be used to reduce or prevent the perpetration of genocide.

Counterfactual Value

'Counterfactual' is used in both philosophy and psychology, most often employed in the context of possible worlds in the former and counterfactual thinking in the latter. David Lewis (1973) produced the first comprehensive philosophical analysis of counterfactuals, which he conceived as propositions that express conditionals that are contrary to fact. A conditional is a statement that takes the form *If..., Then...* and an example of a conditional that is contrary to fact is: if HOLMES (Home Office Large Major Enquiry System) had been available in 1975, then West Yorkshire Police would have charged Peter Sutcliffe with murder before January 1981. The conditional is contrary to fact, because HOLMES was not available until 1985 and Sutcliffe was not charged until after he had killed thirteen women from 1975 to 1980 (Bilton 2006). Lawrence Byford's (1981) report identified the inability of the Ripper Incident Room to cope with the vast amount of intelligence generated by the investigation as one of the reasons for the delay in catching Sutcliffe. Although the Police National Computer was used to a limited extent from June 1978 to August 1979, most of the reports were stored manually and it seems highly likely that relevant information from the Cross Area Sightings would have been retrieved much more quickly had information technology such as HOLMES been available. Lewis (1986) understood

counterfactuals in terms of *possible worlds*, such that there is a possible world in which (in contrast to our world) Sutcliffe was arrested and charged prior to January 1981 and did not murder thirteen women. In psychology, Daniel Kahneman (Kahneman & Tversky 1982) discussed counterfactuals as assessments, judgements, and fantasies that took alternatives to reality as their subject. Drawing on Lewis (1973), Kahneman (Kahneman & Miller 1986) explored *counterfactual thinking* in terms of knowledge of categories, the interpretation of experience, and the role of affect. A *counterfactual* can be defined as a circumstance that has not happened, but might, could, or would happen if conditions differed from those actually existing.

There is an obvious sense in which counterfactual thinking is essentially fictional, extrapolating from reality to an alternative to reality by recourse to the imagination. Neither Ruggiero (2003) nor Frauley (2010) use 'counterfactual', but the concept is implicit in Frauley's (2010: 3) characterisation of fictional realities as an analytic tool in terms of 'a disciplined imagination.' The disciplined imagination is one of the means by which knowledge is acquired from fiction in the critical realist framework, linking text (literary or cinematic) to reality by the combination of linguistic (literary) or linguistic and pictorial (cinematic) structure, the analytic language of criminology, the practices of reading (literature) or viewing (cinema), and the extent to which fiction is characterised by truth as well as invention. I think Frauley is most explicit about counterfactual value in his discussion of literary and cinematic texts as empirical referents for criminological theories. Recall that literary or cinematic texts are empirical referents for a theory when theories are exemplified in textured detail and theoretical interpretation of the film enhances the cinematic experience. The example I quoted above is amenable to restatement in counterfactual terms in a variety of ways, one of which is: if Katz's moral transcendence is valid, then the process of symbolic transformation would occur as represented in *Falling Down*. The *counterfactual value* of a representation is the extent to which that representation provides knowledge of reality by means of exploring alternatives to that reality. Counterfactuals can be distinguished in terms of their temporality, providing either retrospective or prospective knowledge of the significance of a variable. In the retrospective example of the Yorkshire Ripper, the comparison of the investigation with (imagined) and without (reality) HOLMES provides knowledge of the significance of HOLMES to cases that cut across police service boundaries. A prospective example would be the comparison of the rate of violent crime in London (which has been rising since 2015) with (reality) and without (imagined) the reduction of government funding to the Metropolitan Police Service from 2010 to 2020 (ONS 2019; HMICFRS 2017).

My examination of the counterfactual value of narrative fiction uses *Broadchurch* (series 3) (2017) as an example of a counterfactual that provides knowledge of the legal and moral responsibility for rape. *Broadchurch* (2013, 2015, 2017) is a contemporary crime drama produced by ITV (Independent Television) and set in Broadchurch, a fictional coastal town in the English county of Dorset (in the West Country). In keeping with the genre, the series follows a pair of police detectives, Detective Inspector Alec Hardy (played by David Tennant) and Detective Sergeant Ellie Miller (played by Olivia Colman) (Turnbull 2014). Each season consists of eight episodes of approximately forty-five minutes duration.³ Season 1 (*Broadchurch* 2013) focuses on the investigation of the murder of an eleven-year-old child. Season 2 (*Broadchurch* 2015) focuses on the consequences of police investigations – the court case of the murder trial from the previous season and the protection of a witness from one of Hardy's earlier cases. Season 3 (*Broadchurch* 2017) focuses on a new crime, the rape of Trish Winterman (played by Julie Hesmondhalgh), and the consequences of the not guilty verdict in season 2 (for the murder investigated in season 1). All three seasons explore the effects of violent crime on the close-knit community of Broadchurch.

Broadchurch 3 begins with Trish reporting that she has been raped while at a party held by her friend, Cath Atwood (played by Sarah Parish), and her friend's husband, Jim Atwood (played by Mark Bazeley). While Trish was smoking outside, she was knocked unconscious, tied and gagged, moved to a more remote location, and raped. Hardy and Miller pick up the case, determining that Trish did not see the rapist and that the crime was premeditated. As the investigation progresses, suspicion falls on Trish's husband, Ian Winterman (played by Charlie Higson), from whom she is separated; a recently-released sex offender, Aaron Mayford (played by

Jim Howick); Clive Lucas (played by Sebastian Armesto), a sexually aggressive minicab driver; and Atwood, who had consensual sex with Trish on the morning of the party. Halfway through the season (at the end of episode 4), Laura Benson (played by Kelly Gough) comes forward, claiming that she was raped in a similar manner but did not report the crime because she was drunk and knew she would be blamed by the press and the public. As the pace picks up in the second half of the season, a third victim, Nira (played by Ellora Torchia), tells an Independent Sexual Violence Advisor that she may also have been raped by the same man. Nira did not report the rape initially and refuses to report it now because she does not want her family to know. Suspicion is focused on three men in turn: first Trish's employer, Ed Burnett (played by Lenny Henry), who is obsessed with her; then Atwood again (whose own wife suspects him); and finally on Leo Humphries (played by Chris Mason), a shopkeeper who is tangentially linked to several aspects of the extended investigation. In the final episode, Humphries is found to have raped three women previously (including Laura and Nira) and to have assaulted and bound Trish, but then coerced Lucas' teenage son, Michael (played by Deon Lee-Williams), to rape her. Humphries has been grooming Michael as a sexual predator and Lucas knows that his son and Humphries are responsible for the rape. From the point of view of the overarching plot of the series (which finishes with season 3), the conclusion brings the narrative back to the point at which it began, the horrific consequences of the crimes for Miller, as both a police officer and a member of the local community. Miller's husband, Joe (played by Matthew Gravelle) was the child murderer in season 1, and her eldest son, Tom (played by Adam Wilson), is close friends with Michael. Although Tennant receives top billing, it is Miller rather than Hardy who is the protagonist of the series and she exemplifies the many and varied unpleasant consequences of the crimes that ripple through the community across the three seasons.

The counterfactual knowledge of *Broadchurch 3* is provided by means of the integration of cinematic content with cinematic form. In all modes of representation, the form of a particular representation can be distinguished from the content of that representation and this form-content pairing is also referred to as style-substance, manner-matter, and medium-message. The importance of the relationship between form and content has been recognised for more than two millennia, with Plato (1997) differentiating the style of stories from their content in the *Republic*. Form in verbal or descriptive representation, includes: structure, morphology (the patterns of word formation), syntax (the rules of sentence formation), metre (the arrangement of words in regularly measured, patterned, or rhythmic lines or verses), and tropes (all literary or rhetorical devices that use words in other than their literal sense). Content includes subject, theme, characters, settings, and events (McGregor 2016). Unlike form, content remains constant throughout different modes of representation. Form in visual or depictive representation includes: line, shape (a two-dimensional closed line), form (a three-dimensional shape), colour, and texture (Gombrich 1950). Form in hybrid modes of representation combines elements from the discrete modes of representation with elements unique to the compounding of those modes. In cinematic representation, the convention is to distinguish film form from film style, where the former are the formal elements associated with a film as a narrative and the latter the formal elements associated with the technology required to animate pictures. Film style includes *mise-en-scène*, cinematography, editing, and sound (Bordwell, Thompson & Smith 2017). For my purposes in this article, I employ 'cinematic form' in its broader sense, as including both narrative and technological elements. In *Broadchurch 3*, content and form are integrated in such a manner as to combine changes in the circumstances of the rape with changes in the framework from which Trish is viewed.

The content of the season reveals both the prevalence of rape myths, false beliefs about sexual assaults that condone sexual aggression and the propensity of the public for victim blaming (Brownmiller 1975). Episode 1 begins with Trish apparently the victim of what Jennifer Temkin, Jacqueline Gray, and Jastine Barrett (2018: 2010) refer to as the "'real rape" stereotype', i.e. the rape was violent, by a stranger, resisted by the victim (who is physically injured), and reported immediately. Across the next six episodes, however, this stereotype is broken down step-by-step, in the course of which many of the myths associated with rape – such as the relationship between alcohol and consent and the relevance of sexual history evidence – are revealed as part of the tacit acceptance of rape that remains prevalent in the twenty-first

century (Grubb & Turner 2012; Tempki, Gray & Barrett 2018). First, Hardy and Miller realise that two full days have elapsed between the crime and its reporting (episode 1). Trish then delays the investigation further when she is reluctant to provide a full statement. She is also discovered to have been sexually promiscuous during her separation (episode 2). Flashbacks are used to confirm that Trish was drinking heavily at the party and to show that she was drunk and flirting with several men (episode 4). The connections between rape myth acceptance and racism are explored when suspicion falls on Burnett (episode 6) and the question of intimate partner rape is explored when suspicion returns to Atwood, her lover (episode seven) (Suarez & Gadalla 2010).

The narrative framework initially invites sympathy for Trish, employing dramatic and cinematographic means to emphasise her courage in reporting the rape to the police, subjecting herself to invasive forensic procedures, and recalling the details of the assault. As the circumstances of the case drift away from the real rape stereotype, the perspective from which Trish is presented also changes, becoming gradually less sympathetic. Despite her initial cooperation, Trish impedes a difficult investigation when she postpones a formal interview and then, in the interview, refuses to identify the man with whom she had consensual sex before the party (episode 2). Aside from making Hardy and Miller's job more difficult, Trish's refusal leads to Atwood being accused of rape twice, first on the basis of DNA evidence and then when he is found to have met Laura. Under pressure, Trish reveals that she had sex with Atwood, who is her best friend's husband, for no reason other than sexual gratification and that she has no intention of confessing this betrayal of trust (episode 4). When Cath subsequently makes the reasonable request that Trish cease contact with her and her husband, Trish responds with aggression (episode 6). Trish's personality is performed to perfection by Hesmondhalgh, constituting a complicated combination of merits and flaws; being unquestionably brave and resilient, but also not particularly likeable, lacking in charisma, and prone to selfishness. At the same time as the audience is invited to regard the offence of which Trish is a victim as less serious so she is represented as less amiable.

The integration of the cinematic content with the cinematic form creates a cinematic experience in which members of the audience are invited to accept one or more rape myths at the same time as they acknowledge a growing distance between themselves and the victim of the crime. The complex plot twist in the final episode has a threefold significance: at the narrative level, the identification of an unexpected perpetrator sustains suspense; at the thematic level, the realisation that Humphries is a psychopathic serial rapist raises the stakes of the crimes for the community in general and Miller in particular; at the level of audience engagement, the conspiracy between Humphries and Michael constitutes a reversal of fortune in which the invitation to minimise the significance of the rape is disclosed as completely unjust. In other words, after having attempted to persuade the audience to either accept myths, Judge Trish as blameworthy, or both, the directors show rape myths and victim blaming to be misleading, unethical, and dangerous. The compelling and unambiguous message conveyed is that none of the counterfactual options explored would have changed either the legal or moral responsibility for the rape, both of which are exclusively borne by the perpetrators. The integration of content with form in the cinematic fiction constitutes an in-depth exploration of a violent sexual crime, i.e. provides counterfactual knowledge of legal and moral responsibility for rape by representing a fictional situation. This knowledge consists of data that expose the appeal of rape myths and victim blaming and is criminological to the extent that the explanation of mythology and blame could be used to improve the way in which the criminal justice system deals with violent sexual crimes. Significantly, the way in which *Broadchurch 3* provides this knowledge would not be open to non-fiction narratives, where legal and ethical considerations preclude detailed analyses of this kind of crime.

Mimetic Value

Mimesis is the imitation or re-creation of reality and the two denotations reflect two types of interest in mimesis that are relevant to criminological inquiry, the anthropological and the aesthetic. The aesthetic interest in mimesis as the re-creation of reality has been central to the practice of the fine arts and the conventions of representation in Europe for over two millennia. Classical theories of artistic production and reception maintained that mimesis was not only the purpose of art, but afforded works of art their characteristic value (Plato 1997; Aristotle 2004). The link between the value of art and representation on the one hand and accuracy, correspondence, likeness, realism, verisimilitude, and vividness on the other hand was not challenged until first the Romantic Era's focus on the artistic expression of genius (Kant 1790; Coleridge 1817) early in the nineteenth century and then the modernist focus on the formal features of representation early in the twentieth century (Bell 1913; Shklovsky 1921). Doubts about the aesthetic value of mimesis were matched by the development of the anthropological interest in mimesis as imitation, as either a biological faculty or a social practice (Bleek 1869; Darwin 1871). In the twentieth century, the anthropological interest gained ground in first critical theory (Benjamin 1933a, 1933b; Horkheimer & Adorno 1947; Adorno 1966) and then sociology (Girard 1978; Irigaray 1985; Bourdieu 1990; Taussig 1993). My interest in mimesis is restricted to the aesthetic and within the aesthetic to the conventions of representation rather than the production and reception of the fine arts. For my purposes, the *mimetic value* of a representation is the extent to which that representation provides knowledge of the world by representing reality in detail and with accuracy.

As such, I am concerned exclusively with the extent to which fictions are realistic representations understood in terms of Berys Gaut's (2010) seven kinds of cinematic realism:

- (1) Content realism: the characters, settings, and action in a representation are of a kind that exists in reality.
- (2) Photorealism: the animated image of a character, setting, or action in a representation is indiscriminable from a photographic image of the character, setting, or action.
- (3) Ontological realism: a photographic image has a causal rather than intentional relation to that which is represented because the representation is created by the capture of light waves emanating from that which is represented.
- (4) Epistemic realism: a photographic image offers strong although not conclusive evidence that that which is represented existed at the time the photographic representation was created.
- (5) Perceptual realism: the characters, settings, and action in a representation look (and sound) like their counterparts in reality.
- (6) Transparency: a photograph presents rather than represents its subject, i.e. the viewer sees the subject itself rather than a representation of the subject.
- (7) Anti-illusionism: cinematic representations do not standardly create an illusion in the minds of their spectators.

My claim is that (1) to (7) are all characteristic of cinematic representation and that cinematic representation is, in consequence, characteristically realist, i.e. cinematic representations appear to reproduce rather than represent reality (see also: Walton 1984; McGregor 2018a).

This scope for realism affords cinematic representation the greatest potential mimetic value of all the different modes of representation. The criminological concern with fictional as opposed to documentary cinema has for the most part focused on the extent to which the former has misrepresented rather than represented, distorting reality in both crime films on the big screen and crime dramas on the small screen (Rafter 2006; Reiner 2010; Ferrell, Hayward & Young 2015). The potential to reproduce reality in detail and with accuracy is also the potential to simulate reality in detail and without accuracy (see: Baudrillard 1981) and any methodology that employs representations as a source of knowledge (whether fictional or non-fictional) must

address this problem. In the critical realist framework, Frauley (2010: 21) develops a 'craft-enterprise model' in which the fictional realities that provide the empirical referents for theory are approached in a rigorous, systematic, and reflexive manner. The craft-enterprise model guides both the selection of literary and cinematic representations and their exploration as sources of knowledge. I apply this craft-enterprise model to what may be considered an unlikely case study, Michael Mann's *Miami Vice* (2006) as a source of knowledge of organised criminal enterprises.

Miami Vice (2006) is a paradigmatic example of a work of fiction that provides knowledge of organised crime by means of the explicit and extensive reproduction of its reality on screen. *Miami Vice* (1984) was an action adventure television series that was produced by NBC (National Broadcasting Company) and ran for one hundred and twelve episodes across five seasons from September 1984 to January 1990 (Lyons 2010). The series was set in Miami and followed the exploits of the Miami-Dade Police Department's Narcotics Bureau, focusing on two protagonists: Detective Sergeants James "Sonny" Crockett (played by Don Jonson), a Vietnam veteran, and Ricardo Tubbs (played by Philip Michael Thomas), a former New York police detective. Mann was executive producer of the series and his feature film reprised the main characters, Colin Farrell playing Crockett and Jamie Foxx playing Tubbs. The plot of the film is loosely based on the pilot episode of *Miami Vice* (season 1) (1984), with one major change, the introduction of Isabella (family name never revealed, played by Gong Li) in a major role. Following from the series, the film is concerned with the undercover work of Lieutenant Martin Castillo's (played by Barry Shabaka Henley) detective squad and opens with a scene in which Crockett and Tubbs discover that an undercover operation run by the Federal Bureau of Investigation against the Aryan Brotherhood in Miami has been compromised. As Miami-Dade were not part of the interagency task force running the operation, Castillo is asked if his squad can take over the case in order to identify both the source of the narcotics being trafficked and the mole within the justice system. The plan is that the squad will first disable the go-fast boat service being used to import the narcotics and then offer their own service as a replacement.

One of the themes that pervades the film is the power wielded by the top echelons of organised crime which, in the context of Miami, is focused on South American cocaine cartels. In the film, the theme encompasses both the absolute power and complete unaccountability of the senior management, foregrounding the difficulty of bringing anyone other than those involved at the selling or trafficking level to trial. This is an international problem in policing: transnational criminal organisations are able to prevent witnesses providing evidence in court and to maintain a sufficient distance between their leadership and the illegal transactions (Von Lampe 2015; Antonopoulos & Papanicolaou 2018). In consequence, much narcotics enforcement is symbolic of police commitment rather than effective in crime reduction and one of the narrative devices by which tension is maintained in *Miami Vice* is the desire of Crockett and Tubbs to remain undercover for as long as possible in order to secure prosecutions higher up the chain of cartel command (Coomber, Moyle & Mahoney 2017). The invulnerability of the upper echelons of organised crime is confirmed in the last few minutes of the film. While Crockett and Tubbs snatch victory from the jaws of defeat in a dramatic police operation in Miami, military special forces raid the jungle headquarters of Jesus Montoya (played by Luis Tosar), the apparent head of the cartel, in what is probably Colombia (the location is never confirmed). In a very short scene (under thirty seconds), dozens of soldiers burst into Montoya's mansion to find that everyone and everything (except the furniture) in it has disappeared, with evidence that the exodus happened in a hurry. The scene I want to focus on, which begins in the thirty-eighth minute (of one hundred and twenty-four) of the film and is just under five minutes in length, demonstrates the way in which the film provides knowledge of the absolute power wielded by organised crime by means of the detailed and accurate reproduction of reality.

After having been put in touch with the cartel by a confidential informant of Detective Trudi Joplin (played by Naomie Harris), Crockett, Tubbs, and several other detectives fly to Haiti posing as a trafficking gang. They are first interviewed by José Yero (played by John Ortiz), the cartel's head of counter-intelligence, and then Isabella, the cartel's head of finance. At the end of the second interview, Isabella tells them that they must now "meet the man" (*Miami Vice* 2006). Crockett and Tubbs are separated from the rest of their team and taken by motorcade to an undisclosed location in Port-au-Prince at night. As they approach their destination, they notice

that all mobile phone signals have been disrupted, suggesting considerable technological expertise on the part of the cartel. The motorcade passes (without stopping) through what appears to be a military roadblock and arrives in a deserted car park, where it is received by men in civilian clothes armed with automatic rifles. The detectives are searched thoroughly and relieved of their handguns. They are then told to walk towards three trucks in the middle of the car park, across a killing ground of a hundred metres or more, while covered by armed men at both ends and a sniper on a rooftop overhead. On arrival, they are directed to a luxury SUV and instructed to sit opposite Isabella and Montoya. The interview that takes place is a monologue by Montoya (with one contribution by Isabella) as he sets out the conditions of their probationary period with the cartel. Montoya is clear about both the terms of their employment and the benefits of working for him:

“In this business with me, I do not buy a service I buy a result. If you say you will do a thing, you must do exactly that thing. Then you will prosper beyond your dreams and live in Miami in millionaire style” (*Miami Vice* 2006).

He continues to speak and the camera focuses on the jewel-encrusted watches both he and Isabella are wearing, visual evidence of the verbal claim.

The interview finishes on an apparently innocuous note, delivered by Tosar with a sinister inflection: “I extend my best wishes to your families. Thank you for making this trip to see me” (*Miami Vice* 2006). In the context of the situation depicted thus far – the complete powerlessness of Crockett and Tubbs – the disjunction Montoya is establishing is clear: either follow your orders to the letter and become millionaires or deviate from your orders and have your families killed. After thanking them, Montoya indicates the door with a curt inclination of his head and they are dismissed without having said a word. They have not been asked any questions because Montoya is not interested in them as human beings only as a means to the end of trafficking narcotics to Florida. The purpose of the interview is less to communicate the details of the trial run (part of which were revealed by Isabella in the previous interview), than to establish the real conditions of employment: in coming to the cartel, Crockett and Tubbs have yielded all autonomy to Montoya are now faced with either compliance and wealth or non-compliance and death. The scene ends with the detectives, still under armed guard, watching the three trucks leave. Crockett and Isabella exchange a lingering look, foreshadowing the romantic relationship that will develop between them. The whole scene as described lasts for only four minutes and twenty-four seconds, but is able to convey a vast amount of detail by means of the combination of visual and verbal representation typically employed in film, uniting features such as cinematography with the non-verbal communication made by the actors. The advantage of representing such a scene by cinematic rather than literary representation is that the audience can acquire a great amount of perceptual information in a very short amount of time. If, for example, an equivalent scene in a novel attempted to convey the same amount of explicit and implicit information, the lengthy descriptions required would be tedious and detract from its drama – which is itself employed to provide information about the power dynamics of organised crime.

The detailed and accurate information about the power dynamics of organised crime is not merely revealed in this scene considered in isolation, but in the place of the scene within the complete fictional narrative. Montoya’s power as displayed forty minutes in to the narrative is juxtaposed with the enacting of that power forty minutes from the end of the film. Yero has never trusted Crockett and Tubbs, is jealous of Isabella’s seniority in the cartel, and decides to betray the former in order to usurp the latter. Without realising that they are all undercover police officers, he has his Aryan Brotherhood allies kidnap Joplin (who is having a relationship with Tubbs) and renegotiate the terms of the delivery on which Crockett and Tubbs are working. In a short sequence that switches between the ship the detectives have appropriated and the trailer park where Joplin is being held, one of the Brothers phones Crockett, using a television news broadcast to let him know that Joplin is both alive and in their custody. This development heightens the suspense of the film as the goal of the police operation switches from arrest to rescue. The juxtaposition of these two events in the narrative – the interview and the telephone

call – forms a pattern of meaning that provides more information about the absolute power involved than either event on its own. The placing of the scene and sequence in the structure of the film are indicative of the value of cinematic fiction in particular.

All cinematic representation has the potential for all seven of Gaut's (2010) kinds of realism and, in consequence, equivalent mimetic value. What fictional representations (cinematic and other) can achieve with much greater ease than documentary representations is the creation of layers of implicit meaning over and above the explicit information conveyed. In my example, Mann has the freedom to place the interview at forty minutes from the beginning of the film and the telephone call forty minutes from the end of the film precisely because the events being represented are fictional, i.e. he is not restricted by an actual sequence of events that must be reproduced on screen. While the details that are usually associated with mimetic value are not unique to cinematic fictions, the mimetic value of cinematic fictions is realised in different ways to documentary representations; for example, fictions are less accurate in the sense of not representing actual events, but more accurate in communicating information by implicit as well as explicit means. To this structural element of mimetic value, one should of course add the ability of cinematic fictions to overcome the access, legal, and ethical obstacles that documentaries might face. Even with the contemporary technology available in terms of miniature and satellite cameras, it would be impossible to reproduce a meeting between cartel leadership and new employees at the level of detail provided in Mann's fiction. *Miami Vice* employs stylistic and structural cinematic devices to provide mimetic knowledge of the power dynamics of organised criminal enterprises, i.e. detailed and accurate knowledge of the absolute power wielded by the senior management. This knowledge consists of data that explain the motives for working for organised criminal enterprises and has criminological value to the extent that it could be used to reduce the influence and capability of those enterprises.

Conclusion

As noted in my introduction, the three case studies cut across different categories of crime (state, organised, and ordinary) and different modes of representation (literary and cinematic, the latter including both television and film). While cinematic representation has the greatest potential for mimetic value, there is no necessary relation among the phenomenological, counterfactual, or mimetic values of fiction and either the modes of representation or the categories of crime. The criminological value of fiction thus extends beyond *The Zone of Interest*, *Broadchurch 3*, and *Miami Vice*, but the selection of further case studies should be undertaken with care, in the rigorous, systematic, and reflexive manner prescribed by the craft-enterprise model of the critical realist framework. That framework is, as noted in the second section of this article, largely the work of Frauley (2010), but comprises both Ruggiero's (2003) criminological analyses of literature and Frauley's criminological analyses of film. My argument for the criminological value of fiction has been conducted within the critical realist framework and my contribution to that framework is the refinement of Ruggiero and Frauley's analytic tools so as to establish three methodological values of criminological fiction that can be applied to different modes of representation and different categories of crime.

My argument proceeded as follows. I defined the methodological values of a practice as the extent to which it facilitates a consistent theory of research, set of principles, and system of methods for inquiry. I proposed three methodological values of fictional representations for criminological inquiry: phenomenological, counterfactual, and mimetic. I employed three case studies to demonstrate that fiction has: (1) phenomenological value in virtue of providing knowledge of what certain experiences are like; (2) counterfactual value in virtue of providing knowledge of possible but non-existent situations; and (3) mimetic value in virtue of providing detailed and accurate knowledge of reality. I claimed that the criminological value of fiction is constituted by the phenomenological, counterfactual, and mimetic values of fiction. Taken in isolation or combination, these three types of knowledge conveyed by fiction can provide data that complements the data provided by traditional criminological sources to explain the causes of crime and social harm and, in consequence, to reduce crime and social harm.

I conclude with a clarification that anticipates what would otherwise be a decisive objection to my argument for the criminological value of fiction. I am not suggesting that the knowledge conveyed by fictional narratives is more – or even as – valuable as the knowledge conveyed by non-fictional representations or discursive texts. Such a claim would be both obviously false and highly irresponsible. What I am suggesting is that some fictional narratives can provide sources of data for criminological research and that the practice of fiction is thus deserving of more attention than it currently receives within the discipline. In other words, one could characterise my argument in this article as an attempt to show that Frauley does not go far enough in his criminological engagement with fiction and that fictions have criminological value beyond their value as empirical referents for criminological theories.

Notes

¹ My approach to all three methodological values in this article is firmly rooted in the analytic (or Anglo-American) tradition of philosophy rather than the phenomenological-hermeneutic (or Continental) tradition. Notwithstanding, I am convinced that there is merit in both traditions and have previously published on the significance of bridging a divide that persists into the twenty-first century (McGregor 2014).

² I do not have space to discuss the contribution of the cultural criminological framework or Nicole Rafter's (2006) theory of crime films to the critical realist framework, but Frauley (2010) explains his debt to both in the second chapter of *Criminology, Deviance, and the Silver Screen*.

³ In the United Kingdom, *series* is often used to refer to both a particular series (for example, *Broadchurch 3*) and the series as a whole (for example, *Broadchurch 1-3*). In order to avoid confusion, I employ the American convention of *series* to refer to the whole and *season* to refer to its constituent parts.

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