Legal Issues in *Romeo and Juliet*

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Abstract
This chapter explores the transformation of the concept of justice in Elizabethan society, focusing on its representation in Shakespeare's works, and particularly in *Romeo and Juliet*. It examines how the legal system shifted from private vengeance to public justice, highlighting the role of theatre as a critique of the corruption and violence within legal institutions. The essay also analyses the themes of legitimacy, identity, and the *patria potestas*, linking them to modern legal concepts such as equity and human rights.

Keywords: Shakespeare; *Romeo and Juliet*; theatre; insubordination; justice; revenge; legitimacy, identity; *patria potestas;* Law and Literature.

Elizabethan society was marked by profound economic, social, legal and philosophical transformations. Theatre was affected by these changes as well because of the constant negotiation between theatre and society, as explained by Stephen Greenblatt.[1] The English Renaissance, though influenced by the Mediaeval period, shows signs of a transformation which affected not only the literary production, but also the religious beliefs of the previous era. In a period of social upheaval like this, when the Mediaeval hierarchical uniformity started to be challenged, and signs of the religious

1 S. Greenblatt, *Renaissance Self-Fashioning: From More to Shakespeare*, Chicago, Chicago UP, 1980; S. Greenblattt, *Shakespearean Negotiations: The Circulation of Social Energy in Renaissance England*, Berkeley, University of California Press, 1989.

and cultural crisis of the 20th century could already be spotted,[2] the legal system underwent a profound transformation.

Theatre records the passage from private vengeance (such as the family feuding in *Romeo and Juliet*) to a modern form of justice where an authority is appointed to take care of legal issues (a judge, the tribunal, higher authorities). Theatre became an instrument to criticise a form of justice which was often violent and corrupt. Lawyers are often represented as crooks: in *Doctor Faust*, they are described as "mercenary drudge[s]," in *The White Devil*, they appear as corrupt and dishonest, and in John Webster's *The Devil's Law Case,* lawyers are given the title of "villain[s]."[3] The justice system was evaluated and criticised for its flaws: people started questioning its honesty, equity and ability to punish lawbreakers.

During the Renaissance, talk of "justice miscarried" started to spread. This paved the way to the creation of "Critical Legal Studies" and hence the "Law and Literature" movement in the Twentieth Century, which also re-examined the Elizabethan theatre from a legal perspective by initially denouncing the unreliability of the law. The first comparative studies on law literature were carried out by James Boyd White and published in two volumes: *The Legal Imagination* (1973) and *Justice as Translation. An Essay in Cultural and Legal Criticism* (1990). In these works, White describes the law as a form of rhetoric, the art of persuasion, but also a deliberative constitutive art which allows one to build entire worlds of meaning and actions solely by using linguistic structures. The law uses an interdisciplinary approach which draws on the humanities, social studies, and even natural science and is influenced by critical theory studies developed in the English-speaking world and by several critical approaches to the literary text.

Many literary and theatrical works mark the ambiguous, momentous shift from the Middle Ages to the Modern era. This is the case of *Hamlet*, where the lead character is well aware that he needs to rely on the competent

2 D. Carpi, "Renaissance into Postmodernism: Anticipations of Legal Unrest" in D. Carpi, J. Gaakeer eds., *Liminal Discourses. Subliminal Tensions in Law and Literature*, Berlin/Boston, DeGruyter, 2013, pp.179-91.

3 D. Carpi, "*The Devil's Law Case* by John Webster: Legal Fraudulence or New Professionalism?", in *Anamorphosis, Revista Internacional de Direito e Literatura*, 4, 2, julho-dezembro 2018, pp. 345-356; D. Carpi, "The Trial in John Webster's *The White Devil*: Italy in the Reenactment of a Renaissance English Drama", *Forum Italicum*, Sage journals online, 16 February 2019, pp. 1-12.

authority to punish his father's murderer, but he also knows that this higher authority is represented by the murderer himself: King Claudius. Hence, his decision to take things into his own hands and resort to the necessary, though archaic, private justice. Here lies one of the reasons that prevents him from acting on his vengeful thoughts: the ethical issues of private justice.

A similar debate on public and private justice takes place in *Romeo and Juliet,* where Prince Escalus who, unlike Hamlet, is a public, judicial authority, criticises the feud going on between the two families because of the deaths it causes and because it prevents him from exercising his legal authority. Maybe his failure to enforce the law allowed the feuding between the two families to keep growing, as they harboured feelings of hate. Here, private and public justice stand in sharp contrast. Only impartial public authority can restore the harmony society has lost.

The Question of Insubordination

In *Romeo and Juliet*, the transformation of the justice system is what makes people insubordinate. From the play's beginning, the Chorus repeats the word "mutiny." This term is strictly connected to an idea of justice that gradually acquires symbolic meaning. The concept of "mutiny" implies the existence of a rule and the will to infringe it; it shows people are aware of the existence of a shared code but still decide to disobey it. It implies the existence of social unrest which is cause for transgression, or it may be a consequence of an ongoing, unsettled social transformation, which inevitably causes upheaval.[4] Many are the mutinies which appear in the play: citizens disobey the Prince's orders, Juliet goes against her father's wishes, the cosmic order of day and night is upset by Romeo's agonising over love as the character's psychology splits, and he doffs his name, even the harmonic balance of the body (with the senses balancing each other out) is upset by the pathos of the situation. The entire social and physical organism is, thus, distraught by a disruptive force.

First of all, citizens deliberately disobey the Prince when he orders them to stop fighting, to the point that he accuses them of being "rebellious

4 D. Carpi, "Law and its Subversion in Romeo and Juliet" in *Shakespeare and the Law*, G. Watt, P. Raffield eds., Oxford, Hart Publishing, 2008.

subjects, enemies to peace, /Profaners of the neighbour-stained steel" (I.I.72).[5] Yet, the Prince is well aware his subjects do not respect his laws, since soon after he asks: "Will they not hear?" (I.I.74). The Prince says his citizens do not listen to him, meaning that his supreme authority seems ineffective. He later adds: "And hear the sentence of your moved prince" (I.I.79), as if he wants to reassert the authority he has been stripped of.

In the original play, the character of the Prince is bestowed with sacred virtues: he is pious and forgiving; he loves his subjects and pardons them for their disorderly behaviour. He, thereby, acquires a metaphysical aura: he shows signs of superior wisdom and appears as an ideal governor. And while he knows the danger his citizens face due to their disobedience, "the fire of your pernicious rage" (I.I.75), on the one hand, he threatens to punish them, "If ever you disturb our streets again, /Your lives shall pay the forfeit of the peace" (I.I.87-8), on the other, he shows indulgence: "For this time, all the rest depart away" (I.I.89). Something similar happens when the Prince commutes Romeo's death sentence into exile.

Here lies a much-debated issue in the Elizabethan period: the contraposition between equity and the strict enforcement of the Common Law. This debate is particularly relevant in *The Merchant of Venice*, where terms like piety, equity, and law are used to decide the best form of justice. This issue has been discussed for a long time since it was first laid out in Aristotle's *Nicomachean Ethics*. From that moment, equity and justice have been inextricably linked. Equity epitomises an ideal form of justice because when a law is strictly enforced to the point that it no longer corresponds to an ideal form of justice, the idea of justice itself is compromised. Equity denotes creative flexibility, piety, individuality, and the "perception" of justice, as it requires the law to be enforced according to different circumstances. It can be a useful tool for the law, which can be thus directed to its actual goals, namely, justice and fair play. Basically, equity seeks to correct the flaws of the law. In the *Nicomachean Ethics*, Aristotle invites us to question the person who makes the law more than the law itself. He invites us to think about the legislator's intentions more than the rule.[6]

5 *Romeo and Juliet,* edited by John Dover Wilson and George Ian Duthie, Cambridge, Cambridge University Press, 1971.

6 Cfr. Daniela Carpi ed., *The Concept of Equity: an Interdisciplinary Assessment*, Heidelberg, Winter, 2007; D. Carpi ed., *Practising Equity, Addressing Law. Equity in Law and Literature*, Heidelberg, Winter, 2008; D. Carpi, "Equity: Assessing the Results of a Project", in *Law*

It can be generally affirmed that among the different meanings which equity has been given by private law, there are two main ones which foster the idea that justice should be enforced in a different way, according to the circumstances. On the one hand, equity is seen as the very essence of the law. In order for positive law to be "just," it needs to apply similar punishments in similar circumstances. On the other hand, equity can also be seen as antithetical to positive law, since the idea of justice itself implies that positive law be interpreted and enforced considering the specifics of each case and considering the subjective and objective circumstances that led to the crime.[7]

The Prince, then, embodies the "government as a form of art":[8] history is like the stage where the moral drama of good governance is performed; and being a good governor means interfering with the private lives of citizens and imposing one's will on others to keep order. Good governance is like a theatre performance since it implies some form of negotiation between the judge/governor (metaphorically represented by the actor) and his citizens (the public). Coexistence and balance between authority and freedom result from a series of agreements that must be constantly renegotiated and adapted to social needs. In *Romeo and Juliet*, the Prince is torn between his duty to enforce the Common Law and the need to adapt and mitigate it, according to each case. Hence, his decision to commute Romeo's punishment into exile (which is technically like killing his rights as a citizen).

Stability and innovation, conservatism and renovation go hand in hand, as they are not only historical processes but also spiritual diagrams. The play brings together these conflicting legal issues, as the Prince embodies the image of the good governor who manages to maintain a precarious balance while trying to establish the right form of government.

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and Humanities, 5, 1, Summer 2011, pp. 221-9; D. Carpi, "Equity in Classical Times", *Pólemos*, 1/2008, pp. 35-46.

7 A. Mordecai Rabello (ed.), *Aequitas and Equity: Equity in Civil Law and Mixed Jurisdictions*, Jerusalem, The Hebrew University of Jerusalem, 1997.

8 I. Ward, "A Kingdom for a Stage, Princes to Act: Shakespeare and the Art of Government", *Law and Critique*, VIII, 2, 1997, pp. 189-213.

The Theme of Legitimacy

The theme of legitimacy is linked to the idea of the "legal person." The link between legitimacy and identity is explained in a passage of the play, where Lord Capulet threatens to disown Juliet were she to refuse to marry Paris:

> And you be mine, I'll give you to my friend;
> And you be not, hang, beg, starve, die in the streets.
> For, by my soul, I'll never acknowledge thee,
> Nor what is mine shall never do thee good.
> Trust to't, bethink you, I'll not be forsworn.
> (3.5.191-5)

Thomas Kuehn states that "Legitimacy was both a moral and a legal category. It set the role of the family in transmitting status and property in social reproduction […]. Illegitimacy, on the other hand, marked those who stood outside the usual, legitimate social relations."[9] Lord Capulet threatens to deprive his daughter of the family name, thus making her a bastard.[10] In that period, bastard children had no rights regarding their fathers' properties: "Nor what is mine shall never do thee good" (3.5.194). Moreover, illegitimacy had some relevant social implications: once their families had cut them off, illegitimate children were no longer entitled to legal protection; they became outcasts with no identity: "hang, beg, starve, die in the streets" (3.5.192). Therefore, by disowning Juliet, her father takes away her citizenship and condemns her to die of starvation. This brings us to Romeo's condition as an exile: he, too, is stripped of his citizenship. The punishment for a rebel child meant ostracising them from society. "Juristic treatment of legitimation, the acquisition of family membership, had much in common with the treatment of acquired citizenship. For both families an ideology of descent figured as the basis for identifying members."[11]

The theme of legitimacy is also connected with the issue of a name. "I'll never acknowledge thee" (3.5.193) says Lord Capulet to his daughter

9 T. Kuehn, *Law, Family and Women. Toward a Legal Anthropology of Renaissance Italy*, Chicago and London, The University of Chicago Press, 1991, p. 176.

10 D. Carpi, "*Romeo and Juliet*: The Importance of a Name", *Pólemos*, 9.1.20, 15, pp. 37-50.

11 Kuehn, *Law, Family and Women,* cit., p. 192.

because names likewise define our identity. When children are born, they are given a name to identify them, acknowledge their existence as a son or a daughter, register them, and recognise them as part of a community. A name plays a symbolic role similar to that of baptism: by baptising a child, we make them part of an ecclesiastic community; we give them a religious identity. When Lord Capulet threatens Juliet, saying that he will strip her of her name, he also threatens to take away her legal privileges. Identity, then, is a linguistic construct: in *Genesis,* God names (the divine *logos*) things, and they come into being. Words assume thereby an informative value. Naming something or someone has religious and political, spiritual and creative implications: it's by naming them that the spiritual essence of an individual is transferred from God to man, and when humans name things, they reproduce that divine act of creation.

In *Romeo and Juliet,* the act of naming someone and changing one's name are central. Yet, there's a conflict between social identity (represented by one's name and legal status) and personal identity, our sense of self. When Juliet asks Romeo to doff his name because his name is her enemy and not his personal identity, she highlights the difference between name and essence. There is, then, a close link between language and identity.

Starting from the assumption that "nomen est omen" Catherine Belsey stresses the difference between signifier (the name) and signified (the person to whom the name refers).[12] Individuals are both linguistic entities and physical ones. The splitting of personal identity is portrayed in *Romeo and Juliet* when Tybalt kills Mercutio. At first, Romeo tries to be impartial and mediate between the parties, regardless of their family names:

> Romeo: Tybalt, the reason that I have to love thee
> Doth much excuse the appertaining rage
> To such a greeting. Villain I am none –
> Therefore farewell; I see thou knowest me not.
> (3.1.55-8)

He rebuffs the title of "villain," which Tybalt gives him. According to Romeo, Tybalt doesn't know him well and his accusations are idle. The epithet does not represent his real essence. The duality of the name becomes

12 C. Belsey, "The Name of the Rose in *Romeo and Juliet*", *Yearbook of English Studies*, 23, 1993, p. 133.

evident in this passage: Romeo is a Montague, but his spiritual essence is much more than a family name. Moreover, Romeo's sense of self differs from how Tybalt sees him: private and public identities clash. Personal identity is stuck in a symbolic linguistic labyrinth. This ambiguity is even more apparent when Mercutio gets fatally wounded by Tybalt and yells: "A plague a'both your houses!" (3.1.97). Once more, the family name is called into question: even though Romeo is trying to show he is more than his name, that name becomes a trap, forcing him to do something he would not otherwise have done. Therefore, the sense of responsibility that comes with his name is greater than his will. Mercutio embodies the traditional link between name and legal person, while Romeo represents the ethical shift in the concept of identity.

The Patria Potestas

The concept of *patria potestas,* developed in Ancient Rome, denotes the absolute dominance of the father over his family. In *the Institutiones* (I BC), the Roman jurist Gaius makes a distinction between *sui juris* individuals and *alieni juris* ones: the first group includes those people who are not under anyone's authority but their own and are thus free; by contrast, the second includes those people who are subject to the authority of someone else and are not free. This distinction separates free men from enslaved people. Yet, inside the family, *patria potestas* gave fathers absolute dominance, *ius vitae et necis*, over all family members, including the servants. This pyramidal structure is portrayed in *Romeo and Juliet*: the father is the highest authority, while his daughter is just a *commoditas*, a commodity which needs to be invested in an arranged marriage; servants (as enslaved people) are, instead, the family's property. The street fight scene suggests that servants are a commodity, where they, too, take part in that "ancient quarrel" between families: their livery represents their belonging.

Lord Capulet's dominance over his daughter encapsulates the violence of the patriarchal system. Jacques Derrida states that justice itself is rooted in violence.[13] Strength is, in fact, a form of violence and legitimates power:

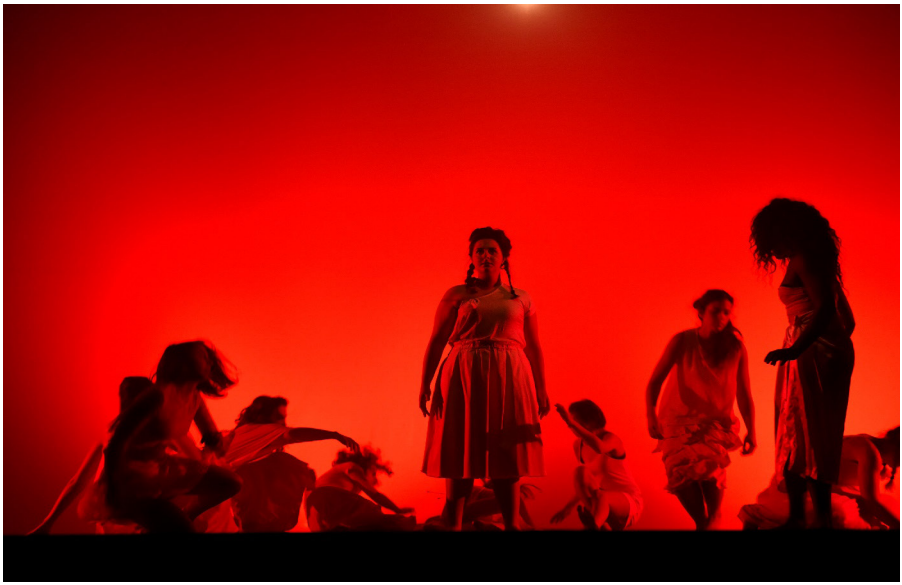
13 J. Derrida, "Force of Law: The "Mystical Foundation of Authority" in D. Cornella, M. Rosenfeld and D. Gray Carlson eds., *Deconstruction and the Possibility of Justice*, New York, Routledge, 1992, pp. 3-67.

Lord Capulet's will acts as a performative power embedded in the principle of authority. He subdues Juliet and ignores her will. Once again, Juliet's personal identity, according to her own perception, does not match her social one which is imposed on her. For her father, Juliet is nothing as an individual entity but exists only as part of an authoritarian and hierarchical structure.

The violence of the *patria potestas* violates Juliet's fundamental rights. Even if it was passed in the twentieth century, after the horrors of the Holocaust, the Universal Declaration of Human Rights (1948) helps us understand from a contemporary perspective the form of violation Juliet is subjected to in Shakespeare's play. In art. 3 the Declaration states, "Everyone has the right to life, liberty and security of person." Seeing his threats, Lord Capulet does not respect his daughter's right to liberty and security because he threatens to disown her, thus leaving her without legal protection.

Art. 6 states "Everyone has the right to recognition everywhere as a person before the law." As previously mentioned, if Lord Capulet had acted on his threats, Juliet would have been stripped of her identity as a legal person. Last but not least, art. 12 states, "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." The law can't protect Juliet regarding her father's violent behaviour because families were still under the tutelage of the *patria potestas*. Hence, she cannot be protected from what is a violation of her freedom.

In many of his works, Shakespeare questions legal issues which have been central to political debates since the twentieth century. In this case, the codification of unalienable rights in the Universal Declaration of Human Rights helps us to get a better grasp of the kind of coercion Juliet was subjected to. Overall, by presenting complex legal cases, *Romeo and Juliet* gives us a chance to better understand the transformation of the social background in the period the play was written and reveals Shakespeare's interest in the many controversial aspects of justice.



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Staging Masculinities. *Romeo Montague: Innocent or Guilty?* at the "Cesare Beccaria" Youth Detention Centre

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Abstract

This paper explores the complex representations of masculinity in *Romeo and Juliet*, examining how Shakespeare portrays young men caught between love, aggression and societal expectations. Through a close analysis of key characters such as Romeo, Mercutio, Benvolio and Tybalt, the study shows how their actions reflect different aspects of masculine identity, from romantic idealism to violent assertiveness. The play's depiction of the volatile nature of masculinity, influenced by family feuds and personal honour, provides a lens through which to understand the destructive consequences of rigid gender norms. By examining the tragic outcomes of these characters' lives, the paper links Shakespeare's portrayal of masculinity to contemporary issues such as gang violence and the pressure to conform to traditional male roles, offering insight into ways in which masculinity is constructed and challenged at the "Cesare Beccaria" youth detention centre.

Keywords: Shakespeare; *Romeo and Juliet*; masculinity; youth violence; masculine identity; gender; juvenile detention

Romeo Montague: Innocent or Guilty? A Collective Retelling of *Romeo and Juliet*

During the workshop we asked the twenty-five participants, made up of university students, young men in prison from the "Cesare Beccaria" Youth Detention Centre and members of the Puntozero company, to collaboratively write a new play, drawing on Shakespeare's tragedy. On this occasion, we decided not to create an abridged version of the Shakespeare play, as we had done for *A Midsummer Night's Dream* (2016) and *Sir Thomas More* (2019), but a retelling of the tragedy in modern Italian that would focus particularly on the figure of Romeo and the other young men in the play. We also decided on a significant spatial and temporal shift: the action would take place in a changing room, a prison and a law court in contemporary Milan.

Romeo Montague: Innocent or Guilty? is therefore a radical departure from the Shakespeare play, featuring scenes that don't appear in Shakespeare. Instead of being sent into exile, as happens in *Romeo and Juliet*, Romeo is arrested and finds himself in a cell, awaiting trial for Tybalt's murder. In other scenes, the trial unfolds.

Curricula at the Beccaria Youth Detention Centre and at Milan State University

It's worth underlining that the workshop, like the three preceding Shakespeare theatre workshops, is not an integral part of the prison curriculum, but are attended on a voluntary basis. Some of the young men are Italian, from different parts of Italy, others from countries around the world. They are frequently from deprived backgrounds and have had little formal education. For the university students, the Shakespeare workshop is likewise not a compulsory part of their academic curriculum (most of them study Languages and Literatures, some, the Law), but if they sign up, they receive credits for their attendance. Unlike the people inside the prison, these students hold a secondary school diploma, which has given them access to university. By joining the workshop, participants show their willingness to be part of a challenging process; they work as active members of a mixed group, made up of people, often, very different from themselves, with respect to social class, education and ethnicity. As team leaders, we

encourage the attendees to work creatively, either individually or in small groups, so helping them learn creative writing and performance skills, often for the first time.

Aims of the Workshop

As leaders, we believe that our drama workshops can bring about a positive change in participants. There are of course ample studies on the positive impact of drama workshops on individuals of all ages and the behavioural changes they can bring about in very different settings (see Pietro Barone's chapter). However, I feel, as in many things, that Shakespeare and other thinkers of his day got there first. We know that Shakespeare read Ovid's *Metamorphoses* and was fascinated by ideas of change and mutability that surface in many of his plays. In *Romeo and Juliet* Friar Lawrence puts forward a view of human nature and the world that is not an essentialist one. He reminds us that every animate and inanimate thing in the world is both good and bad, and subject to change. It is actually the way we perceive the natural world and the people living there, the manner we treat and use them, that makes the difference. According to this view of the natural world and human beings, each of us has the power to embrace good or evil and change our behaviour. Such a mindset becomes vital, when one is working with minors involved with the justice system, or any young attendees come to that.

> O mickle is the powerful grace that lies
> In plants, herbs, stones, and their true qualities;
> for naught so vile, that on the earth doth live,
> But to the earth some special good doth give;
> Nor ought so good but, strained from that fair use,
> Revolts from true birth, stumbling on abuse.
> Virtue itself turns vice, being misapplied,
> And vice sometimes by action dignified.
> *Enter Romeo*
> Within the infant rind of this weak flower
> poison hath residence and medicine power;
> for this, being smelt, with that part cheers each part,
> being tasted, stays all senses with the heart.
> Two such opposed kings encamp them still

in man as well as herbs, grace and rude will.
And where the worser is predominant,
Full soon the canker death eats up that plant.
(2.2.15-30)

Shakespeare's Young Men in *Romeo and Juliet*

In around 1595 when Shakespeare penned *Romeo and Juliet*, he was writing for an exclusively male company, the Lord Chamberlain's Men. As indeed was true of his entire career, given the strict laws, prohibiting women from working in theatre, he never had the opportunity to write for women. Notwithstanding, he created several strong female roles, such as Desdemona, Portia, Katherine, Rosalind, Cleopatra, etc. *Romeo and Juliet* is no exception: Juliet and the Nurse are two rounded female characters, while the respective mothers of Romeo and Juliet are sketchily drawn. Still, by and large, in *Romeo and Juliet*, Shakespeare's focus is on the male characters and especially the young men.[1] The group of young men, in love and out of love, by turn, angry, lustful, remorseful and depressed, desperately wanting to live their lives, but sometimes meeting an early death, includes very different masculinities. Thanks to an exploration of the young men's roles in the tragedy, the young men at the Beccaria had a chance to familiarise themselves with very different male roles from their real-life selves and experiences. Shakespeare pens, moreover, young male servants as well as upper class youths. The ongoing feud between the Capulets and Montagues impacts on the behaviour of all the characters in the play, but especially the acts of violence and aggression and contrasting peace-making affect the young men's lives. As Coppelia Kahn says, "I shall argue that the feud in a realistic social sense is the primary tragic force in the play – not the feud as agent of fate, but the feud as an extreme and peculiar expression of patriarchal society, which Shakespeare shows to be tragically self-destructive.

1 Since the 1990 many critics have explored masculinities in Shakespeare. Important works include: R. Headlman Welles, *Shakespeare on Masculinity*, Cambridge, Cambridge University Press, 2000; B. Smith, *Shakespeare and Masculinity*, Oxford, Oxford University Press, 2000; J. Feather and C. E. Thomas, *Violent Masculinities, Male Aggression in Early Modern Texts and Culture*, New York, Palgrave-Macmillan, 2013.

The feud is the deadly *rite de passage* that promotes masculinity at the price of life."[2]

The tragedy begins with what Robert Appelbaum defines as "(….) its opening and recurring spectacle of masculine aggression."[3] The Capulet servants, Sampson and Gregory, set the tone of violence and aggression that intermittently surfaces in the tragedy. The language of this streetwise pair is brimming with bawdy innuendoes, such as Sampson's "I strike quickly being moved," reflecting his youthful longing for violence and his lusting for sex. Especially Sampson, whose speaking name, alludes to the biblical Sampson and Goliath, is itching for a fight with members of the enemy clan. In a drama class, which Giuseppe Scutellà led in the "blue room" at the Beccaria, the young men in prison showed that they could convincingly play these exuberant, lower-class characters, whose aggression seethes beneath the witty banter. Here are characters, close to the experience of young men in prison, so they immediately understood and were able to express the servants' lewd gestures, through their body language. Sampson cries: "I will bite my thumb at them, which is disgrace to them if they bear it," signalling to the Montague servants his eagerness to rile them.

Instead, some of the young men's roles presented the actors with a far greater challenge. Romeo, Benvolio, Mercutio and Tybalt belong to well-to-do, upper-class families in late 16th century Verona, a very different background from their own. We did not include Paris in the rewrite since he emerges as a rather flat, stereotypical character.

Romeo, at the centre of our rewrite, is a complex figure, whose stylised, poetic language, verging on the flowery and artificial in the early scenes of Shakespeare's play, tests an actor's ability to deliver blank verse. When Romeo declares his love for Rosaline, he seems to be in love not so much with the girl, but with his ability to pen and recite this artificial Petrarchan poetry to impress Benvolio: "Love is a smoke made with the fumes of sighs\being purged a fire sparkling in lovers' eyes." As Applebaum reminds us, "Petrarchanism provides Romeo with a strategy for performing a gender role that both insists on gender difference and allows him to remain aloof from the psychic requirement of thrusting and standing against another."[4]

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2 C. Kahn, *Man's Estate*, California, University of California Press, California, 1981, p. 84.

3 R. Appelbaum, "Standing to the Wall," *Shakespeare Quarterly*, 48, 1997, pp. 251-72.

4 Appelbaum, *Standing to the Wall* cit., p. 265.

Interestingly, Romeo's language and his capacity to love and to empathise evolve during the play, presenting an excellent example of positive change for the workshop attendees. The moment Romeo sets eyes on Juliet, he undergoes a sea-change. Having challenged Romeo's lack of spontaneity when he kisses her for the first time ("You kiss by the book"), Juliet wastes no time in asking him to forget his bachelor life and marry her. Instead of dreaming of Rosaline, who never appears onstage, in the presence of the real-life Juliet, Romeo's language and the metaphors he deploys grow more down to earth:

> See how she leans her cheek upon her hand!
> Oh that I were a glove 'pon that hand
> That I might touch that cheek!"
> (2.1.66)

Romeo's passion for Juliet, moreover, persuades him to declare his willingness to give up his very identity by taking another name:

> Call me but love and I'll be new baptised.
> Henceforth I never will be Romeo.
> (2.1.93-4)

Just before he kills Tybalt, Romeo seems to plumb and understand the very depth of civil strife:

> This day's black fate on more strife doth depend;
> this but begins the woe others must end.
> (3.1.119-20)

After murdering Tybalt, Romeo breaks down during his meeting with Friar Lawrence who berates him for his tears and his thoughts of suicide:

> Art thou a man? Thy form cries out thou art.
> Thy tears are womanish; thy wild acts denote
> The unreasonable fury of a beast.
> Unseemly woman in a seeming man,
> and ill-beseeming beast in seeming both,
> thy hast amazed me.
> (3.3.108-14)

The Friar gives voice to the commonplace idea that tears and shows of weakness are totally unacceptable in a man, who was expected to be both morally and physically strong. Instead, Romeo looks as if he is made of wax:

> Thy noble shape is but a form of wax
> digressing from the valour of a man;
> (3.3.125-26)

As was mentioned earlier, the workshop participants gave voice to the feelings of our modern-day Romeo in newly written scenes. In our retelling, Romeo is locked in a cell and later tried for Tybalt's murder. For anybody who has committed a murder, or who has physically harmed another person, Romeo's new trajectory is not unfamiliar. In a sequence of ever-shifting moods, the young man expresses remorse, suffering, anger, as he reflects on his crime and the consequences.

> *Scene 5 of the retelling.*
> ROMEO:
> Romeo… couldn't I have had another name? What's in a name? What's a Montague? It's not hand, foot, arm, face. Perhaps this is all a dream and not really happening. What did I do? Fuck, what have I done? I couldn't ditch Mercutio. No! He would have done the same for me. But now I'm like them. I'm a murderer.
> (my translation)

To make Romeo's trial as accurate and authentic as possible, we researched Youth Justice in Italy and explored questions of gang violence, murder, knife crime, in Shakespeare's day and in the present. To support us, we called in a criminologist and a lawyer, both specialised in Youth Justice. It was soon apparent that law and criminality were topics that the workshop participants, and particularly the young people in prison, were keen to learn about. For the trial scene, which turned out to be very dramatic and full of suspense, the writers, some of whom were studying law, skilfully exploited the information they had gleaned from the specialists. In the following example, the Defence Lawyer cites the Italian law that gives a young person,

guilty of murder, a chance to pay for what they have done, without a custodial sentence:

> *Scene 2.*
> ROMEO'S DEFENCE LAWYER:
> Your Honour, we are not here to claim the innocence of our client, nor to say he was unaware of the facts. The Prosecutor has fully demonstrated Romeo's involvement in the crime. I repeat, we have not come here to say there is no evidence, nor to plead for my client's release. Instead, we ask that the trial should be suspended, with a probation order, according to article 287 D.P.R. 448/1988.

Benvolio can be considered a positive role model for the workshop attendees. In Italian, his name means "a well-wisher" or somebody who is affectionate, and, like the Prince of Verona, he is bent on keeping the peace between the opposing factions. He expresses this intention the minute the Montagues put in an appearance, through two imperatives: "Part fools. Put up your swords" (1.1). He is down-to-earth and offers Romeo some sound advice: he should look for another girlfriend if Rosaline wants nothing more to do with him: "Tut, man, one fire burns out another's burning\ one pain is lessened by another's anguish." (1.1.60) Benvolio, like Mercutio and Tybalt, is a witness at Romeo's trial. As in Shakespeare's tragedy, he is articulate and, in our retelling, he recounts the events which led up to the murders of Mercutio and Tybalt. Moreover, he details these events, from the point of view of a Montague, cleverly tailoring his statement in favour of Romeo and Mercutio.

> *Scene 8*
> BENVOLIO:
> We were all drunk and high.
> We left Juliet's house, looking for a *paninaro*.
> Tybalt began rubbing Romeo up the wrong way.
> How? He eyeballed him.
> Mercutio was high.
> When he's high, it's like nothing can stop him.
> He was out of control.
> But leave off. Leave off, I shouted.
> I didn't do anything …shit.
> Mercutio was off his head.

Romeo stepped between the two.
He tried to stop them.
It was an accident … shit.
Can I go now?
(*Calmer and almost to himself*)
Tybalt killed Mercutio. He threw himself on Romeo.
Romeo acted in self-defence. Tybalt died.
He'd been looking for it. …shit.
Can I have a smoke?
(my translation)

Like Benvolio, Mercutio has a speaking name; he is "mercurial," witty, intelligent, effervescent, constantly changing. His name alludes to Mercury, the messenger of the gods, a trickster, known for his eloquence and magical use words. Mercutio actually purports to be a magician, with a remarkable imagination. He loves punning about sex and girls as sexual objects, a mindset which stands in sharp contrast to Romeo's overtly romantic vision of love:

If love be blind, love cannot hit the mark.
Now will he sit under a medlar tree
And wish his mistress were that kind of fruit
As maids call medlars when they laugh alone.
O Romeo, that she were, O that she were
An open-arse, or thou a popp'rin' pear.
(2.1.34-9)

This poet, wordsmith and songwriter immediately sparked the group's creativity. Many of the inmates write songs and raps, often expressing their difficult experiences in prison, so for them Mercutio was a particularly attractive figure. Mercutio is well capable of analysing the dynamics that can make petty quarrels escalate into terrible crimes. Such dynamics are very familiar to young men, who may have spent their youth engaged in gang warfare. In the following scene Mercutio seeks to rile Benvolio by accusing him of not being the peacekeeper he claims to be:

Thou? Why, thou will quarrel with a man that hath a hair more or a hair less in his beard than thou hast. Thou will quarrel with a man for crack-

> ing nuts, having no other reason but because thou hast hazel eyes. (3.1.17-9)

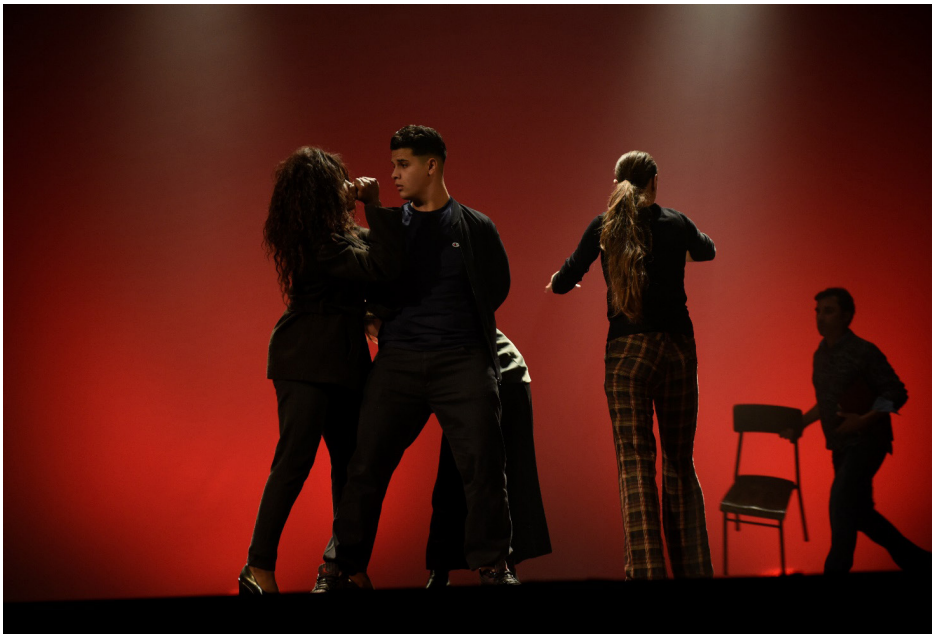
The reasons, which Mercutio claims make Benvolio quarrel, become gradually more absurd – from somebody waking up his dog, lying in the sun, to a tailor who dares to wear a new doublet before Easter. In our retelling, Mercutio plays a very different role. In the Prologue, set in a changing room, he reveals how at Juliet's party he spent most of the time upstairs, making love to one of the girls. He is boisterous and loud, accusing Benvolio of being effeminate and not enjoying sex. When Tybalt enters, like Benvolio, he comes in for some taunting, but this time the argument escalates into a fight.

Tybalt, Prince of Cats, is the most aggressive and violent of the young men, embodying a recurring trait of the masculine gender in Renaissance England. Jennifer Feather puts it well, "Men's capacity to imagine, control and enact violence has come to define normative masculinity in both Western and global contexts."[5] Among the group of young men in Verona, Tybalt is the one most inclined to stir up the feud between Capulets and Montagues. He mocks and rejects Benvolio's pleas for peace, in the following words, "What, are thou drawn among these heartless hinds? \Turn thee Benvolio, look upon thy death" (1.1.62-3). A little later he mounts an even more threatening attack on this self-appointed peacekeeper, extending his threats to the entire Montague clan, "What, drawn and talk of peace? I hate the word\as I hate hell, all Montagues, and thee" (1.1.65-6). Tybalt's hate of the Montagues surfaces again at the Capulets' party, where he attempts to convince Juliet's father to throw Romeo out. When he doesn't succeed, on meeting Romeo again, he insults him, "Romeo, the love I bear thee, can afford\ No better term than this: thou art a villain" (3.1.61-2). Notwithstanding Romeo's attempts to appease Tybalt, the latter refuses to listen to reason and attacks Mercutio, who draws his sword. Like Mercutio, Tybalt's role is drastically reduced in our retelling, and he, like Mercutio, returns as a ghost to give evidence at Romeo's trial, admitting that he murdered Mercutio.

5 J. Feather, C.C. Thomas, *Violent Masculinities*, *cit*., p. 3.

Outcome of the Workshop

Through the study of the young male characters in *Romeo and Juliet*, the attendees gained an insight into a wide spectrum of masculinities, which doubtless helped them to contribute to our new playscript. As was seen, some of the characters in Shakespeare's tragedy were rewritten and became part of the new script. It should also be mentioned that during the workshop the young men learnt to work in small groups and engage in a lively exchange with their peers. They began to show more respect for difference and enjoyed developing friendships with both genders. The university students developed similar skills and many of them reconsidered the stereotypes they may have had about prison and prisoners prior to the workshop. We encouraged students to keep a logbook and some of their reflections can be found there.



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