

# Justice Framed: Law in Comics and Graphic Novels

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**Figure 1:** Kane and Finger 1940: 130  
© DC Comics. Reprinted with permission.

*Justice Framed* is born of the passionate and rich – though not always peaceful or courteous – nexus between two long-time companions: comics<sup>1</sup> and law. Comics are utterly gripped by issues of legality, order and justice, but their theoretical and ideological partnership has been conspicuously neglected in legal scholarship. Even in the emerging field of law and the visual,<sup>2</sup> or in the firmly established disciplines of criminal justice studies or law and popular culture, jurisprudential and sociopolitical texts addressing law's manifestations in, around, and through the comic frame are still an odd rarity – with a few remarkable exceptions.<sup>3</sup> While law's fascination with control and order is reflected in the existing literature dealing with the governance of comics by legal rules – the *law of art*<sup>4</sup> – the ways in which comics imagine and depict law – the *art of law* – are still academically underestimated and underexamined.<sup>5</sup> Fortunately, the situation seems to be rapidly ameliorating. This special issue of *Law Text Culture* reflects a growing interest among scholars in the insight and opportunity comics provide for illuminating, developing and critiquing law.

The cultural prevalence of comics is hardly a new phenomenon. In the wake of World War II, William Moulton Marston (1944: 35-44) – creator of *Wonder Woman* – was already contemplating why one million Americans read comics. Of course, comics' popular pervasiveness has not always been consistent. As late as the 1990s, Anne Rubenstein pointed out that comic audiences were being slowly confined to 'an increasingly small number of teenage boys who can be equally well understood through their relationship with video games and movies' and a 'small percentage of self-consciously bohemian adults' who constituted 'the most chatty alienated-minority-group of all time' (1997: 99).<sup>6</sup> Nonetheless, in the current age of synergy and digital media, comics have once again become omnipresent. Today, more than a decade after Rubenstein's bleak diagnosis, a huge diversity of comic publications thrive around the world. Comics are published globally, in a rich diversity of languages from the mainstream Anglo-American superhero comics to smaller independent 'alternative' works; from Japanese manga to *historietas* or *tebeos* in the Spanish-speaking world; from the centennial tradition of *fumetto* in Italy to the French-

language comics known as *bande dessinée*. Comics are also published in many genres – including autobiography, historical fiction, journalism, science-fiction, *noir*, erotica, romance and adventure – and for many different audiences. Perhaps the most evident sign of comics' resurgent popularity can be seen in the large number of films based upon comics released in the last decade,<sup>7</sup> in the increasing number of video games inspired by comics,<sup>8</sup> and in the existence of TV tie-ins with the comics narratives of *Heroes*,<sup>9</sup> *Buffy the Vampire Slayer*, *Angel* and *Serenity*<sup>10</sup> (Giddens 2011: 86).

Concurrent with this comics renaissance has been a dramatic rise in academic publishing on comics. Certain core themes have discernibly emerged in the discipline: the history and genealogy of comics;<sup>11</sup> its inner semiotic structure and aesthetic properties;<sup>12</sup> its cultural and social significance;<sup>13</sup> and close scrutiny or evaluation of particular artists, works, stories and characters<sup>14</sup> (Heer and Worcester 2009b: xi). Missing from the list is an explicit focus on law and jurisprudence.

How can we explain the obstinate blindness of legal scholarship towards such a pervasive medium of mass communication? In 1947, while reviewing George Herriman's *Krazy Kat* for the *Columbia Law Review* – reprinted in this volume – K. N. Llewellyn suggested to all 'men of the law' that they read the comic 'not a single time for amusement, but many times, for study' (338). Llewellyn's call for serious legal consideration of comics, however, fell on deaf ears in that era. In 1947 as today, two archaic prejudices haunt the interdisciplinary study of comics and law: on the one hand, the scornful perception of comics as a domain of cultural marginality demeaned as puerile and illiterate entertainment; on the other hand, the conceptual reduction of law to merely a textual and linguistic technique of dispute resolution, one hermetically sealed within its own logic, achieved by fetishizing institutional and state-driven structures. This collection of essays attempts to contribute to the emancipation of legal scholarship from the burden of these two – to paraphrase John Quiggins (2010) – *theoretical zombies*: 'dead ideas that still walk among us'.

Comics have much to offer to our understanding of law, not only as

a source of narratives on issues of legality, order and justice, but also as an alternative legal discourse that enables complex interactions between various epistemological standpoints. These standpoints include text and image, argumentation and aesthetics, the rational and the visual. However, our goal is not to simply place comics ‘next’ to statutes, court cases or legal theory, so as to teach us about the ethical values or social facts that ‘real’ law should take into account. Our interdisciplinary commitment goes beyond simple comparativism: we assert that comics are a *locus* of emergence of legal meaning that effectively *constitutes* and *shapes* law. In other words, comics are operating as relevant cultural sources of law’s authority and legitimacy. As Desmond Manderson puts it, ‘because law is synonymous with the symbolic order, it is produced in the dialogue and discourse all about us: in all the things that we read and say, in the music we listen to, and in the art we grow up with’ (2003: 93). Thus, comics *are* common law – *comi’law*, we would say<sup>15</sup> – in the primary semantic meaning of the word ‘common’: a law that is not the exclusive patrimony of jurists, lawyers and legal officers, but rather emerges from and belongs equally to each and every member of the community at large.

In order to provide a context for the essays included in this special issue of *Law Text Culture*, in part 1 we will delineate the intense cultural struggles which shaped the aesthetics and development of the comic medium. Part 2 will position comics as a source of legal meaning within the framework of the contemporary school of legal pluralism, categorizing its aesthetic field both as a privileged medium for conveying vernacular theories concerned with law and justice, and as a site of representation of legal ideologies. To close this section, we will categorize this volume’s essays by their aspect to the *comi’law*: a vernacular, jurisprudential methodology which reads comics as legal theory, as legal ideologies, and as legal critique. Finally, a brief epilogue will envision in comics the horizons of a neglected yet yearned for legal utopia.

## 1 The Sight of (Cultural) Damnation, or, Comics as a Contested Medium

In the never ending debate over the ambiguous and shifting boundaries between high-brow and low-brow culture, the suspicion of tastelessness and frivolity has plagued visual media. Literacy has always been a sign of *distinction* in the sense that Pierre Bourdieu (1979) uses the term – a mechanism of cultural consecration of certain objects, persons and situations that fulfils, consciously or not, the social function of legitimating social differences.<sup>16</sup> As a visual medium, comics have persistently been under the attack of cultural aristocracies which consider it a sub-literary and juvenile diversion. Classist concerns about the cultural provenance of comics have usually been reinforced by assumptions about essential ‘differences’ between communication by text and communication by images (Hatfield 2005: 32).

In this regard, Thierry Groensteen (2000: 35) has compellingly categorized the qualities that have prejudiced comics to ‘artistic insignificance’ via a ‘four-fold symbolic handicap’: First, comics are ‘a hybrid, the result of crossbreeding between text and image’; Second, comics’ ‘storytelling ambitions seem to remain on the level of a subliterature’; Third, comics are connected to ‘a common and inferior branch of visual art, that of caricature’; and fourth, comics propose ‘nothing other than a return to childhood’, even when they are intended for adults. Along with these aesthetic objections, comics have also suffered the moral and socio-political accusation of being a corruptor of youth and uneducated classes, a charge which stems from its aesthetics and has shaped its historical development.

Most criticism against comics can be boiled down to an aesthetic assertion of the supposed cultural primacy of text over image. Comics have been fiercely contested for placing obscene, childish, commercial, or vulgar images on an equal footing with texts, thus privileging entertainment over education; from William Wordsworth’s condemnation of the ‘vile abuse of pictured image’ (1889: 793) in illustrated books and newspapers, which he believed was the prelude to humanity’s descent towards ‘a lower stage’; to George Orwell’s

indictment against boy's two-penny weeklies that 'pumped' into juvenile minds 'the conviction ... that there is nothing wrong with *laissez-faire* capitalism ... and that the British Empire is a sort of charity-concern that will last forever' (1940: 482); from Richard Hoggart's characterization of comics reading by adolescents as 'a passive visual taking-on of bad mass-art geared to a very low mental age' (1957: 167); to Irwin Howe's anxiety about comics erasing 'the distinctions between adulthood and childhood' by allowing adults 'to sink ... into the uncomplicated ways of childhood' and pushing children 'into premature adulthood' by means of 'schematized abstractions of violence and sadism' (1948: 122). Perhaps this vision of comics was most forcefully articulated by Fredric Wertham, who famously campaigned against the seduction of youngsters by comics, partly because of the ease of what he calls 'picture reading', that is, an evasion of 'real' reading that supposedly draws uneducated minds to 'particularly violent or sexually intriguing' (1954: 139-140) drawings.

Comics are undermined by the perception that pictures have a direct and uncomplicated meaning that requires no cultured competences, thus rendering 'picture reading' inferior to verbal literacy (Varnum and Gibbons 2001a: xi). The belief in the 'transparency' of images can be traced back to Plato's *Cratylus*, where he differentiates between images that resemble the objects they represent (in the dialogues of *Cratylus* and *Socrates*), and words that represent objects only by virtue of custom or convention (through the arguments of *Hermogenes*). In a similar vein, Aristotle considered images as a central element of human cognitive processes. He writes in *De Anima*: 'To the thinking soul images serve as sense-perceptions ... Hence the soul never thinks without an image' (431a). The connection between images and thought established by Aristotle has persisted in modern languages – at least, in English, French, German, Italian and Spanish. The term *idea*, that with slight phonetic variants (*idée*, *idee*) is common to all of them, arose from the Greek word *idéa*, which in turn stems from the verb *idéiv*, that is, 'to see'.

As such, the visual character of comics has often been construed

as a threat to textual literacy. The first wave of comic book research – beginning at least in the mid-1930s – fixated upon the challenge comics posed to school curricula and to traditional notions of both literature and literacy. Later, by the 1940s, critics were excoriating the artistic, aesthetic and literary qualities of comics, accusing them of lowering the cultural standards of society and keeping young readers away from significant literary works (see Lent 1999). Critics were generally resistant to the mixture of images and words in comics – except as a stepping-stone to introduce reluctant readers into literacy. These criticism, levelled by clinicians, sociologists, and educators alike, neglected comics' heterogeneous form, ignoring the co-presence and interaction of various communication codes in its narratives (Hatfield 2005: 33-36). The pretended 'easiness' of comics reading is illusory. In fact, 'picture reading' demands great sophistication on the part of the 'reader', as images are animated by rhetorical devices that convey multi-layered messages (Barthes 1964, Eco 1968: 105-164). Even so, this sort of criticism continues to resonate culturally, and champions of comics must continually strive for acknowledgement of the medium's artistic and cultural legitimacy (Groensteen 2000: 29).

Comics are not mere images, but a combination of words and images, a foundational dialectic weave integral to its unique form. Nowadays, although some of the most authoritative theories on comics define them by underlining their use of sequential images (Kunzle 1973: 2, McCloud 1994: 9, Eisner 2008: xi-xii), the tension between the word and image has emerged as a defining feature of the medium. Such tension is evident even in the theories advanced by those authors who define comics as a sequential art (Varnum and Gibbons 2001: xiv, Hatfield 2005: 37). Scott McCloud, for example, defines comics as 'juxtaposed pictorial and other images in deliberate sequence, intended to convey information and/or produce an aesthetic response in the viewer' (1994: 9). In this definition, McCloud excludes the combination of words and images as inherent in the comics form, contending that comics operate as 'a language all its own' (17). McCloud contradicts himself, however, when he also states that in comics 'words and pictures are like partners in a dance and each one takes turn leading' (156). The

metaphor suggests *two* dancers, respectively retaining their *individual* character, who move *together*. The contradiction is evident: comics are a language of aesthetic synergy between words and images that, while combining these two elements, keep them separated. The incoherence in McCloud's larger argument illustrates the difficulties of theorizing the complex communication conducted by comics, whose aesthetic structure breaks down the boundaries between words and images but simultaneously requires them to operate as a whole (Giddens 2012: 89).

While comics certainly allow the telling of a story through imagery without resort to text, they also allow the text to both extend and transform the imagery (Eisner 2008:10-21, 2-5). The aesthetic flexibility of comics provides a unique insight into word-image relationships that deepens as well as destabilizes meaning. Thomas Giddens (2012: 93) calls our attention to a particular example from the Batman canon which illustrates how the rich interrelations of the visual and verbal aspects of comics probe into our most intimate perceptions of language and thought processes. In Grant Morrison's and David McKean's *Arkham Asylum: A Serious House on Serious Earth* (2004), the insanity of Joker, Batman's arch-enemy, is materialized through the acrimonious and bleeding lettering that represent his speech. The narrative itself further plays upon word-image relationships. After taking over Arkham Asylum and holding its staff hostage, Joker declares his desire to subject Batman to the torment of psychotherapy by showing him 'what it's like to have sticky fingers pick through the dirty corners of mind' (Morrison and McKean 2004: np). When Dr. Ruth Adams, Arkham's therapist, attempts to refuse the Joker's demand that Batman be examined through a word association test, Batman interjects: 'Go ahead, Dr. Adams. I'm not afraid. It's just words' (Morrison and McKean 2004: np). The comic's depiction of the ensuing psychological game undermines Batman's naïve assumption, as the series of words uttered by Dr. Adams – mother, handle, gun, father – bring to surface deep, painful images of his parents' murder. Joker thus shows Batman that words are never 'only words' because they are always entangled with emotions, symbols and sensations.



*Arkham Asylum* exemplifies how comics' aesthetic conventions can complicate its political, ethical and legal narratives; words can be visually inflected when aesthetically rendered and juxtaposed with pictures, while pictures can become as abstract and symbolic as words. The written text can function like images, and images like written text (Hatfield 2005: 37). This is precisely how the comic medium operates differently from any other media. In comics, images provide contexts and subtexts for words, thereby problematizing textual messages. Words, conversely, shape how we perceive and interpret images. These combinations allow for communicative innovations such as using fragmented or abstract imagery, textual shifts in temporality, or pictures conveying emotions and mental processes that could not be easily understood through plain textual statements.

Giddens suggests that the formal and narrative structures of comics 'tap into the interacting and multiple ways in which we are able to "make sense" of the world and the people, including ourselves, who inhabit it' (2012: 104). Let us recall, for example, the treatment of memory in two well-known comics: *Maus: A Survivor's Tale* (Spiegelman 1993) and *Watchmen* (Moore, Gibbons and Higgins 2005). Though very different in style and subject matter, both comics are concerned with the way in which we perceive past events in our lives. The temporalities caught within the frames of *Maus* and *Watchmen* are, paraphrasing Hillary Chute (2010: 5-6), disjointed, momentary and fragmented *boxes of time*, yet entwined in a subjective coherent unity which is perceived in the *present*.<sup>17</sup> The discontinuities in the narratives of both comics – created by the fragmentary aesthetics of comics itself, which is threaded with the white spaces of what is called 'the gutter' – simulate and test our experience of memory in ways that cannot be accomplished through other media.

The production and distribution of comics depend on the mechanical processes and commercial cultural artifacts that constitute what we know today as the 'culture industry' (Adorno and Horkheimer 1998b, Benjamin 1991a). While some theorists and historians trace the origin of comics to Mayan codices, the Bayeux tapestry, Trajan's column, or

even ancient Egyptian paintings,<sup>18</sup> these historical theses seem to be driven by a desire to establish a connection with a 'respected' artistic tradition in order to reinforce the medium's perpetually challenged legitimacy. This myopic desire for validation comes at the price of recognizing comics' specific political economy and cultural roots. From a sociocultural perspective, comics cannot be conceived without capitalism, the bourgeois public sphere and mass media.<sup>19</sup> David Kunzle accurately identifies the conditions for the emergence of the medium when he writes that comics 'is, and can only be, the product of printing press' (1973: 3).

Furthermore, the first syndicated strips that were published in American newspapers – such as *The Yellow Kid*, *Katzenjammer Kids*, *Happy Hooligan* or *Mutt and Jeff* – used a vaudeville mode to satirize the diverse aspects of everyday life in capitalist urban environments. Because of their humorous attributes, they became known as comic strips or 'funnies' (Wright 2001: 2). The name of the medium has endured, however inappropriate we may find it today.<sup>20</sup> Thus, as Ian Gordon notes, the historical rise of comics can be understood either as 'an outcome of the process of modernization' or as a 'humor-based response to the problems of representation faced by a society in transition'. In any case, those primal comics strips were 'representations through which an increasingly commodified society saw and constituted itself' (1998: 6).

Comics – as any other art – is a code of social recognition that can either reinforce or transfigure existing conventions and social discourses. From a jurisprudential viewpoint, the importance of comics can be therefore summarized in two aspects: firstly, comics are an aesthetic medium for questioning and subverting the primacy of language in the comprehension of our experiences and values; secondly, comics are a cultural site of reproduction, reflection and resistance of the ideological anxieties and predicaments typical of advanced capitalism. Only timeworn and groundless prejudices prevent comics from attaining a significant status in jurisprudential and legal studies. Such prejudices, however, are not limited to the aesthetic or cultural

legitimacy of comics, but also involve the conception of law as a textual endeavour of institution-building, one whose fabrication is reserved to the State and whose interpretation is a privilege of those who have been initiated in its distinctive language and methods of enquiry.

## **2 *Comi*'Law or, The Province of Jurisprudence Framed**

Although a deluge of ink has been poured over the inadequacy of the traditional conception of law, in the domains of legal practice – education, administration, legislation and adjudication – law is still principally conceived of as an assemblage of specific forms, processes and institutions of normative ordering that find their origins and legitimacy in the political State. Likewise, contemporary jurisprudential inquiries usually proceed from the premise that only the essential features of law can distinguish it from other normative social institutions. Practitioners of contemporary jurisprudence have therefore been largely preoccupied with searching for such essential (or necessary) features, making law a hermetic system bound to nothing but its own logic.

For example, in a recent book on the metaphysical foundations of law, Scott Shapiro (2011: 13-14) states that the conceptual inquiries that engage analytic jurisprudence are basically interested in the gathering of truisms – that is, self-evident statements – about law. However, Shapiro shows a bewildering blindness towards the processes of social and cultural integration of the law when he declares in an early endnote that:

Social science cannot tell us what the law is because it studies human society. Its deliverances have no relevance for the legal philosopher because it is a truism that nonhumans could have law. Science fiction, for example, is replete with stories involving alien civilizations with some form of legal system. These examples show that it is part of our concept of law that groups have legal systems provided that they are more or less rational agents and have the ability to follow rules. Social scientific theories are limited in this respect, being able to study only human groups, and hence cannot provide an account about all possible instances of law (406-407).

What is ultimately relevant in Shapiro's argument is not the bizarre self-conception of legal philosophers as proficient analysts of alien legal civilizations (who are we to stop them in this task?), but the possessiveness in law which it reveals. Shapiro vindicates law as an exclusive patrimony of jurisprudence, in which neither social scientists, nor citizens (or even aliens!) have a word. What he takes as a jurisprudential truism – 'nonhumans could have law' – is, at best, nothing but an anthropocentric bias and, at worst, a hazardous denial of the intimate connection of law with other forms of social and cultural interaction. Failure to study the specific, the local or even the merely human amounts to a systematic impoverishment of the capacities of law to attain justice: we can fairly say that devising a law for nonhumans is the first step towards a nonhuman law. Whenever law is explained solely by reference to law, drawing legal reasoning into a closed circle of self-legitimation, the legal system collapses. Lacking a social and cultural anchor outside of itself, law becomes a self-referential maze of regulations without higher purpose, reducing lawyers to the role of technocrats who work within a structured but meaningless framework (Trubek 1986).

The school of legal pluralism has done much in the last few decades to emphasize that law is not a tidy vacuum whose ultimate nature can only be understood when abstracted from its human roots, but rather a (very human!) *system of thought* by which certain forms of relations come to seem natural and taken for granted (Merry 1988: 889). Such (legal) modes of thought are inscribed in institutions that exercise some coercion in support of their categories, theories and function. Clifford Geertz appropriately seizes the central thesis of legal pluralism from an anthropological standpoint when he states that 'law is not a bounded set of norms, rules, principles, values, or whatever from which jural responses to distilled events can be drawn, but a distinctive manner of imagining the real' (2000: 173). This means that law is a way of being in society and a form of experiencing the cultural processes of life in community. In sum, law is the expression of a specific *sensibility* consisting in 'stories about events cast in imagery about principles' that configure 'complex characterizations and imaginings' around what is

socially allowed and socially forbidden (Geertz 2000: 215).

As Adam Geary observes, images ‘are as much part of law’s institutionalization as the more obvious manifestations of its power in the courts, the police force and authoritative texts’ (2001: 31). Images are integral to law because we cannot help but experience the world – law included – with our bodily senses, or aesthetically. Drawing on the Greek etymology of the term (αἰσθητικός, that is, ‘perceptible’ or ‘sensible’, as opposed to νοητά, those things ‘thinkable’ or ‘immaterial’), we can broadly define aesthetics as a way of apprehending knowledge by sensuous means that runs through distinctive cultural and personal contexts.<sup>21</sup> While aesthetics cannot give us objective truth, because the perception of beauty is too contingent on context and subjectivity, it still prescribes everything we experience, including our building of ‘rational’ legal structures and theory. ‘Nothing remains untouched by the aesthetic temperament’, claims Desmond Manderson in this regard, ‘not even that most ostensibly rational of human endeavours, the law’ (2000: 24).

Manderson (27-28) argues that, as the aesthetic experience is crucial to our social functioning, its relationship to law is twofold. First, the values that structure our communities – those given symbolic form within the legal system – are aesthetically permeated. The legal system, however, is not simply a passive aesthetic worldview. Law nurses a particular gaze; it is an approach to social problems informed by form, metaphor and imagery of legal institutions. In *La Nausée*, Jean Paul Sartre (2012: 130-131) illustrates this two-way relationship between law and aesthetics, epitomized in the passage where Antoine Roquentin fixes his penetrating gaze over the portrait of a lawyer, Jean Parrotin:

His [Parrotin’s] look was extraordinary: abstracted yet shining with pure law. His dazzling eyes devoured his whole face... This man has the simplicity of a single idea. Nothing more was left in him but bones, dead flesh and Pure Law. A real case of possession, I thought. Once Law has taken hold of a man, exorcism cannot drive it out; Jean Parrotin had consecrated his entire life to think about his Right: nothing else. Instead of the slight headache I feel... he would have felt the painful right to have his temples cared for... But suddenly his

look burned out, the picture faded. What was left? Blind eyes, the thin mouth of a dead snake, and cheeks. The pale, round cheeks of a child: they spread over the canvas. The employees never suspected it... they came up against that terrible look like a wall. From behind it, the cheeks were in shelter, white and flabby... defenseless, bloated, slobbering, and vaguely obscene.

Roquentin's thoughts reflect the theoretical potential inscribed in legal imagery. His gaze over Jean Parrotin's portrait summarizes the limits of legal formalism, lays bare its hidden interests, and denounces its moral miseries. The passage exemplifies how visual aesthetics are cognitive constructions of law.

Comics are a vehicle of vernacular theories focused on law and justice. Our understanding of the theoretical richness inscribed in comics is guided here by Houston Baker's (1984) and Thomas McLaughlin's (1996) take on the word 'vernacular', which they characterize as (legal) 'street smarts'. That is, the non-professional theories that raise important questions about the premises that guide normative (moral, political or legal) practices without engaging in the language spoken by academic elites. The problem with vernacular theories, however, is that they can suffer from hegemonic blindness. In this sense, comics have served to celebrate and legitimize dominant values and institutions in society, as well as to critique and subvert the *statu quo* (McAllister, Sewell and Gordon 2001b: 2). Moreover, comics not only reflect the ideological anxieties and struggles of the historical contexts in which they are produced, but also act frequently as an active cultural agent promoting or challenging those very anxieties and struggles (Dorfman and Mattelart 2010). The conditions in which these three different cognitive dimensions – vernacular theory, ideology and critique – interact in comics can be illustrated, for example, in the following excerpt from Marjane Satrapi's *Persepolis*:

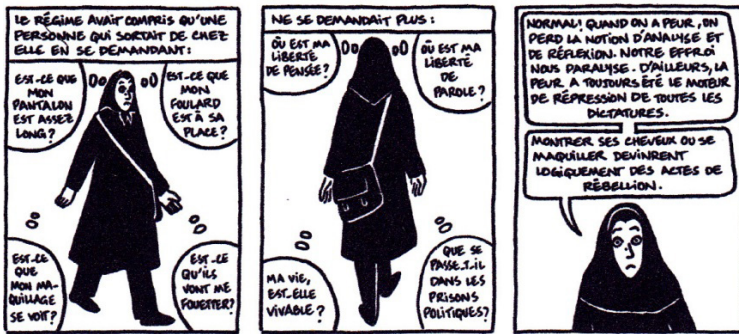


Figure 2: Satrapi 2007: np

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[The regime had understood that one person leaving her house while asking herself: 'Are my trousers long enough?' 'Is my veil in place?' 'Is my makeup visible?' 'Are they going to beat me?'

No longer asks herself: 'Where is my freedom of thought?' 'Where is my freedom of speech?' 'My life is worth living?' 'What happens at political prisons?'

It's natural! When we're afraid, we lose all sense of analysis and reflection. Our fear paralyzes us. Besides, fear has always been the driving force behind all dictators' repression. Showing your hair or putting on makeup logically became acts of rebellion.]

These panels successfully condense through visual narrative a political and jurisprudential theory, in the philosophical tradition of Giorgio Agamben (1995), about the mechanisms of dictatorial sovereignty and their effects on the habits of the body in the reproduction of power. Satrapi's minimalist self-portrait – her loneliness within the frames, the strained expression in her face – situates the resonance of a particularly poignant testimony, because, as Hillary Chute lucidly notices, 'in the context of the legal situation in Iran, ... a woman's power of witness has less legal authority than a man's' (2010:

165-166). This way, Satrapi's sober, black-and-white images debunk the alienating normalization of patriarchal violence in Iran while, at the same time, actively commit themselves to the liberal feminist vindication of equal rights for men and women.

A jurisprudential reading of comics thus translates the medium into *comi'law*, that is, a jurisprudence whose general accessibility is not a function of the prejudiced categorization of comics as unsophisticated, diversionary picture-reading,<sup>22</sup> but rather a result of the democratizing role comics play in the debate of the juridico-political issues of our times. *Comi'law* is nothing but an authentic expression of what William P. Macneil (2007) and Jacques Derrida (1990b) respectively name *lex populi* and *the right to jurisprudence (droit à la philosophie du droit)*: the liberation of contested juristic problems from the closed 'interpretive community' of legal professionals and their consequent dissemination throughout the community at large.

*Justice Framed* is divided in three sections which correspond to the three facets of *comi'law*: (vernacular) theory, legal ideology and legal critique. The first section – *Comics as Theory* – opens with a reprint of Karl Llewellyn's overlooked review of George Herriman's *Krazy Kat*, an early acknowledgement in mainstream legal theory of the academic relevance of comics. Ian Dahlman's essay directly takes up Llewellyn's challenge to jurists to study *Krazy Kat* by uniting three streams of research – historical, cultural, and legal – to discover the 'legal surrealism' frame structuring Herriman's work. The relationship between legal theory and comics is expanded by both Benjamin Authers – who examines how the common law and superhero comics continuity are similarly developed through the dynamic of cumulative narratives – and by Karen Crawley and Honni van Rijswijk – whose piece scrutinizes the conflict between justice and the representation of experiences that arise from limit events (such as war or genocide) through the work of Art Spiegelman. Chris Lloyd addresses the problem of the deconstruction of sovereignty, as established by the metaphysical philosophy of Jacques Derrida, through the Marvel Universe's ultimate sovereign, the Incredible Hulk, who mirrors the Leviathan in his subsumption of all



forms of violence in himself. We then close the first section with Anita Lam's questioning of the forensic gaze and the privilege of sight as law's primary sense. Lam does so through an analysis of *Chew* (Layman and Guillory 2011), an award-winning graphic novel about an American Food and Drug Administration agent named Tony Chu, who solves crimes by eating the bodily evidence. This section is united by each article's careful, interdisciplinary attention and approach, necessary to effectively uncover the expression of legal theory in comics.

The second section of this volume – *Comics as Legal Ideologies* – begins with René Provost's comparison of the narratives that underlie Hergé's *TinTin au Congo* with the decisions of the Sierra Leone Special Court. In so doing, Provost illuminates the contradictions in the colonial discourse of modernity revealed by both the comic's and the court's handling of magic in the African societies of its conquest. Next, Jason Bainbridge evaluates the notion of 'alegality' in Steve Ditko's work, situating his oeuvre within the author's commitment to the ideological framework of objectivism. Timothy Peters approaches the particular treatment of the duality between Good and Evil in a post-9/11 environment via M. Night Shyamalan's comic book mythology film *Unbreakable*. Kieran Tranter's article delves into the myth of the noble outlaw who affirms a worthwhile legality developed in the multi-media *Firefly-Serenity* series. Jack Fennell reminds us of the paradoxical effects of prohibition over popular narrative. Fennell contends that contemporary psychotic and deformed supervillains are the reified aesthetic distillation of the comic-book industry's attempt at self-regulation and the ideological legacy of the right to punish. Kent Worcester explores the genesis and development of Marvel's most murderous costumed vigilante, The Punisher, in order to elucidate the political and legal debates that are embedded in the character's one-man campaign against a rising tide of criminality and social disorder. Finally, Cassandra Sharp's article concludes section two by addressing the idea of retribution that occupies the public imagination when confronted with superhero narratives. Each of these articles treats comics as an ideological artifact expressing and probing the circulating ideologies of law and justice at any given instance.

In the third section – *Comics as Legal Critique* – Jane Hanley meditates on the tragic and cruel justice that results from the intrinsic frailty, selfishness and fears of those who are responsible for enacting law, as criticized by the humanoid animals of Juan Díaz Canales’ and Juanjo Guarnido’s *Blacksad* series. Finally, John Hanamy ironically denounces through the comic medium itself the unspoken history of inequality and oppression that has accompanied the consolidation of Western liberal democracies. Through the looking-glass of *comi’law*, the concluding section of *Justice Framed* hence casts a shadow of satirical desperation over law and justice that echoes the mocking verses of ‘V’ in *V for Vendetta*, the much celebrated anarchist superhero who nowadays serves as inspiration for widespread social movements such as ‘Occupy’ and ‘Anonymous’:

I love you, but why must you love the law? ‘Tis plain for all to see that she’s a whore that virtuous persons have no need to woo; that villains screw, then studiously ignore (Moore and Lloyd 2005: 202).

*Justice Framed* thus proceeds through the key dimensions of *comi’law*, providing the reader with countless tools to see the legal theory, ideologies, and critiques at play in comics around the world. However, there is a utopian dimension to the *comi’law* not captured by our volume’s three categories, a vision of hope that might be usefully labeled *Comics as Legal Horizons*.

### **3 Epilogue: Comics as Legal Horizons**

Comics did not emerge as a medium until political cartoons were massively printed in newspapers in the late eighteenth century England (Kunzle 1973: 2-3). Political cartoons were the early ancestors of comics, and they equally reinforced and challenged political, legal, social and cultural ideologies. They also shared two other features with primal comics: impermanence – they both were often referred to as ‘throw-away entertainment’ (Bongco 2000: 23-25, Merino 2003: 9) – and the aesthetic representation of causal connections (Carrier 2000: 11-25). This second attribute constitutes comics and cartoons as vernacular

sites of theoretical reflection, its aesthetic theory connecting seemingly unrelated events, thus allowing us to make sense of unexplained situations.

While comic books have today gained an enduring quality as collectible objects, political cartoons have generally remained as ephemeral as they were in the eighteenth century. The first decades of the twenty-first century have been a time of transition for journalism, and a time of economic struggle for news media organizations. The rise of new media technologies has paradoxically reinforced the impermanence of political cartoons: whatever is published today – or more precisely, at this very instant – in a newspaper’s website will be buried under literally thousands of similar publications in the next instant. The temporal and physical fragility of political cartoons, however, has not undermined their capacity to challenge the socially produced assumptions about meaning, value, and perception that shape our experiences of the world. An outstanding example of the emancipatory richness that still suffuses political cartoons as well as comics is the work of Andrés Rábago García, who under the pseudonym ‘El Roto’ publishes a daily cartoon in *El País*, one of Spain’s most important newspapers.

We live in an era where dystopian realities have forcefully assaulted the core of Western power. A titanic economic crisis has resulted not only in the collapse of large financial institutions and businesses through interminable downturns in stock markets around the world, but also in massive unemployment and a fatal blow to the residual foundations of the welfare state.<sup>23</sup> In this context, ‘El Roto’ has consistently worked in undermining the cultural and ideological matrix that has made this crisis possible by translating into visual codes its obscene cruelty.

Ideology provides comfort in daily routine. Comfort, however, can be the most corrosive of venoms, clouding the consciousness as to the unfairness inscribed in our codes of behavior and belief. The unique rhetorical and semiotic power derived from the combined forces of image and words in comics – and in its aesthetic and cultural predecessor, the political cartoon – situates the medium in a privileged

critical position to unmask the unjust conventions embedded in our lived system of meanings and values.



**Figure 3:** Rábago 2012a

© Andrés Rábago García 'El Roto'. Reprinted with permission.

[I'm sorry, but I must feed my family]

The absence of present horizons of justice calls for a new justice. Ernst Bloch claimed once that an absolute, general injustice can be neither characterized, measured, nor repaired if no absolute, general justice – no legal utopia – is envisioned instead (1961). Comics may not provide us with a itemized vision of the new justice for which we yearn in these hard times, but it can warn us about the intrinsic shortcomings of our fading ideological hopes and point us towards new horizons. Liberalism, parliamentary democracy and capitalism are increasingly failing in addressing the main challenges the world faces today. The hybrid nature of comics constitutes a poignant communication capable of producing alternative awareness. Comics

demonstrate a radical, enthusiastic imagination which seeks to rise above all relations in which human beings are arbitrarily or unfairly degraded, subjugated, or otherwise disgraced. Their visuo-textual weave is a unique dialectic, and its expressions may well chart a path beyond our exhausted conceptions of justice and the ideological entrapment of our current cultural practices. Now more than ever, the collective work of the *comi'law* is one which men and women of law need to work over not a single time for amusement, but many times, for study. We hope *Justice Framed* will serve as a valuable first step in that endeavour.



**Figure 4:** Rábago 2012b

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[Do you remember when there was a horizon?  
How was it like, daddy?]

## Notes

- 1 This article uses the general term *comics* to address comics strips, comics books and graphic novels. It must be noted that, while plural in form, the term *comics* can be used with singular verbs and adjectives (McCloud 1994: 9).
- 2 See, for example, Douzinas and Nead (1999), Resnik and Curtis (2011), Sherwin (2011) and Young (2005).
- 3 See Bainbridge (2007), Giddens (2012), James (2007), Hilyerd (2009), Lovell (2002) and Phillips and Strobl (2006).
- 4 Numerous articles, notes and comments that were published in legal journals and periodicals following the censorship debate over American comic books in the 1950s endorse this assertion. See, for example, Collins (1956), Duesenberg (1956), Hoskins (1957), Murphy (1955) and Twomey (1955). For a thorough historical analysis of the complex social and political tendencies behind the public outcry that associated comic books with a rise in juvenile delinquency in postwar America, see Nyberg (1998) and Wright (2001: 86-108). Nowadays, besides censorship, copyright and taxation are among the preferred subjects of legal scholarship regarding comics. See, for example, Chun (1994), Greenberg (2012), Scipior (2011), Simmons (2010), and Vashko (1998).
- 5 For discussion regarding the distinction and nexus between the ‘law of art’ and the ‘art of law’, see Douzinas and Nead (1999: 11) and Redhead (1995: 49 ff).
- 6 See Bongco (2000: 194-197) and Wright (2001: 282-285) on the crisis in the comics industry in America during the mid-1990s. For insight into the situation in Europe during the same period, see Beaty (1990: 17-69 and 111-137).
- 7 Just to mention a few films based on English, French and Spanish-language comics: Bryan Singer’s *X-Men* (2000) and *X2* (2003), Terry Zwigoff’s *Ghost World* (2001), Sam Mendes’ *Road to Perdition* (2002), Sam Raimi’s *Spider-Man* trilogy (2002, 2004, 2007), Ang Lee’s *Hulk* (2003), Javier Fesser’s *La Gran Aventura de Mortadelo y Filemón* (2003), Peter Hewitt’s *Garfield: The Movie* (2004), Frank Miller’s and Robert Rodriguez’ *Sin City* (2005), Christopher Nolan’s *Dark Knight* trilogy (2005, 2008, 2012), James McTeigue’s *V for Vendetta* (2006), Vincent Paronnaud’s *Persepolis* (2007), Jack Znyder’s *300* (2007) and *Watchmen* (2009), Miguel Bardem’s *Mortadelo y Filemón: Misión, Salvar la Tierra* (2008), Steven Spielberg’s *The*

*Adventures of Tintin* (2011), Marjane Satrapi's and Vincent Paronnaud's *Poulet aux Prunes* (2011), Marc Webb's *The Amazing Spider-Man* (2012), Pete Travis' *Dredd* (2012) and Alejandro Lozano's *El Santos contra La Tetona Mendoza* (2012).

- 8 Among the video games based on comics that have been released recently: *300: March to Glory* (2007), *Fantastic Four: Rise of the Silver Surfer* (2007), *The Incredible Hulk* (2008), *Batman: Arkham Asylum* (2009), *Scott Pilgrim vs. The World: The Game* (2010) and *Batman: Arkham City* (2011).
- 9 The show's 'comic book library' can be accessed online at [http://www.nbc.com/heroes/novels/novels\\_library.shtml](http://www.nbc.com/heroes/novels/novels_library.shtml) (retrieved on September 18, 2012).
- 10 The *Buffy the Vampire Slayer* and *Serenity* comics series are published by Dark Horse Comics. The *Angel* series of comics are published by IDW Publishing.
- 11 See Beaty (2007), Gabilliet (2005), Gordon (1998), Kunzle (1973), Nyberg (1998), and Wright (2001).
- 12 See Carrier (2000), Groensteen (1999), Eisner (2008), McCloud (1994), and Zunzunegui (2010: 121-127).
- 13 See DiPaolo (2011), Dorfman and Mattelart (2010), McAllister, Sewell and Gordon (2001a), McRobbie (1991), Merino (2003), and Rubenstein (1998).
- 14 See Dorfman and Mattelart (2010), Dryden and White (2011), Klock (2002), Kunzle (2007), Spiegelman and Chute (2011), Van Ness (2010), White (2009), and White and Arp (2008).
- 15 We should mention here that '*comi'law*' is pronounced with the 'i' reduced to an unvoiced sound and emphasis on the first syllable, making it a fairly acceptable homonym for 'common law'.
- 16 For example, Mario Vargas Llosa – winner of the 2010 Noble Prize in Literature – has recently joined the ranks of the dozens of intellectuals who have bemoaned the displacement of text by images in advanced capitalist democracies, a cultural environment Vargas Llosa calls 'the civilization of spectacle'. According to Vargas Llosa (2012: 46-48), a basic feature of the civilization of spectacle is 'the impoverishment of ideas as the driving force of cultural life' because culture itself has surrendered today to the power of images that, given 'their primary and fleeting nature ... enervate the sensibility and intellect of the audience'. All translations are ours unless noted otherwise.

- 17 The narrative of *Maus* is interwoven between the ‘present’ interviews that Spiegelman holds with Vladek, his father; and the ‘past’ stories that Vladek tells, beginning in the mid-1930s and continuing until the end of the Holocaust in 1945. Two entire chapters of *Watchmen* (the second and fourth issues in the original run) play through the representation of memory with the narrative tensions between history (ἱστορία), myth (μῦθος) and character (ἦθος).
- 18 See Perry and Aldridge (1989: 20-25), McCloud (1994: 10-15), Nielsen and Wichman (2000).
- 19 See Eco (1964: 221-225), Gubern (1974: 13), Merino (2003: 19-43), Zunzunegui (2010: 121)
- 20 Art Spiegelman has remarked that it might be better to spell the name of the medium as *comix* to avoid any confusion ‘by the fact that comics have to be funny, as in comic’. In Spiegelman’s view, this subtle change in spelling will allow us to think the medium as a ‘co-mix of words and pictures’ (qtd Bongco 2000: 51).
- 21 In fact, Alexander Gottlieb Baumgarten (1983: 3) – who has been usually credited for the establishment of aesthetics as an independent branch of philosophical inquiry – defined the term as ‘*scientia cognitionis sensitivae*’ (the science of sensual cognition).
- 22 Unfortunately, the idea of the ‘ease’ of picture reading permeates what is probably the only treatise of legal doctrine that has been published in the comics medium: ‘For some strange reason, none of our intended audiences [lay readers and, particularly, artists] seem eager to read scholarly law review articles’ (Aoki, Boyle and Jenkins 2006: 70)
- 23 For a summary of present worldwide dystopian realities, see World Economic Forum (2012: 16-19).

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