'Sakaarson the World Breaker': Violence and *différance* in the political and legal theory of Marvel's sovereign

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Introduction

> The thinking of the political has always been a thinking of différance and the thinking of différance always a thinking *of* the political (Derrida 2005: 39).

The graphic novels *Planet Hulk* and *World War Hulk* feature the green goliath of the Marvel Universe, The Incredible Hulk (Hulk, or the Hulk, hereafter) as the protagonist in two tales both which deal with gladiatorial violence and sovereignty. The novels feature classic archetypal comic narratives such as violence leading to retribution, law leading to justice and sovereignty leading to rule. However the novels feature pervasive critiques which imbue these homogenous narratives, leading to their subversion. These normalising narratives of *le politique* are thus warped into alternate manifestations, wherein violence breeds total annihilation, law succumbs to mutation and sovereignty implodes to nothing. Consequently the novels feature an unusual yet poignant subversion of the traditional metaphysics of political and legal theory.

This paper seeks to illuminate the pervasive critiques within the novels through the thought of Jacques Derrida. In applying Derrida's

ideas to the topology of the texts the following argument will be made: that the storylines of the novels do not unfold as they do merely (or only) because of artistic license, but rather because deconstruction '*happens*'.[2] Expanded somewhat, it will be argued that such narratives are subverted because:

> Deconstruction is neither a theory nor a philosophy. It is neither a school nor a method. It is not even a discourse, nor an act, nor a practice. It is what happens, what is happening today in what they call society, politics, diplomacy, economic, historical reality, and so on and so forth (Derrida 1990: 85).

Following Derrida's explication of the *happening* of deconstruction – its 'soliciting the value of presence' (Derrida 1982: 16)[3] – such a *happening* will be argued to be the causal action for the metaphysical alterations which befall the novels' political and legal frameworks.

Specifically the argument of this article is two-fold: firstly it will be argued that deconstruction's metaphysical solicitation impacts upon both the Hobbesian political theory which drives the novels' narratives, and the *arkhē*-originary violence residing at its core (Hobbes 1996). Here Thomas Hobbes' work will be read through the thought of the Italian biopolitical philosopher Roberto Esposito. For Esposito's work convincingly argues that an *arkhē*-originary violence serves as the catalyst for all conceptions of community and immunity and consequently, all political theory (Esposito 2008: 45-77, 2010: 20-40).[4] However, an imposition of *différance* (Derrida 1982) will be unearthed within the dialectics of Esposito's work, causing the self-immunization of immune sovereignty.

Here Derrida's neologism, *différance*, illustrates the 'differing and deferring' inherently present in any metaphysical entity, as the means by which any metaphysical entity refers to entities beyond itself; and so exists (Derrida 1982: 23). Whilst allowing for the very 'possibility of conceptuality' (1982: 11), *différance* simultaneously critiques the sovereignty of metaphysical entities, due to the relationship of '*spacing*' which they share (1982: 13). *Différance* thus 'instigates the subversion of every kingdom', for every '*what*', every '*who*' and every '*subject* ...

eventually would come to defer or differ' (1982: 22, 15). Through the enactions of *différance*, deconstruction's workings will show how sovereignty becomes subject to the revolutionary turns of the *rota* (Derrida 2005). Such revolutionary turns will be expressed through the Hulk's violent acquisition of sovereignty in the texts, followed by his equally violent loss of sovereignty thereafter.

The argument's second aspect then considers law. Therein the 'mythic violence' which founds law will be illustrated to be contaminated by 'divine violence', which has the potential to annihilate such a violently imposed law (Benjamin 1978, Derrida 2002a). Such an execution of divine violence will elucidate the dwelling of a messianic potential within deconstructed metaphysical constructs. This specific focus serves to illustrate law's constitution of *différance*, whereby law's 'origin of *différance*' is revealed through deconstruction's workings (Derrida 1992a: 205). Relating to the texts, Hulk's prophetic actions as the 'Sakaarson' will illustrate the potentiality of Walter Benjamin's 'divine violence' through law's iterability; a bloodless and 'law-destroying' violence which is 'lethal without spilling blood' (1978: 297).

1 Hulk's wrath

Before illustrating the deconstructive *happenings* within the political and legal frameworks of Hulk's universe, it is firstly necessary to introduce the character and the novels which house him. Hulk is the central character of *Planet Hulk* and *World War Hulk*, and takes on a specific portrayal therein. For a character who has undergone numerous alterations in his 50 year history, this particular instantiation is noteworthy. For this version of the Hulk is immeasurably strong, violent and rage-filled. He is 'World Breaker Hulk' (Pak et al 2007: 246, 2008: 211, 2010: 55); 'The Hulk who defeated The Avengers, The Fantastic Four, Doctor Strange, Black Bolt, and The Sentry himself. The strongest Hulk there's ever been' (Pak et al 2010: 55). With the ability to shatter coastlines with mere footsteps (Pak et al 2008: 230) the Marvel Universe fears his apocalyptic potential, as does Hulk himself: 'You can't stop me. Don't even try. Just protect the innocents'

(Pak et al 2010: 55). Although ferocious beyond measure, this Hulk is articulate, calculating and intelligent, therefore distinct from the beast-like, brutish and dim-witted 'classic Hulk'. 'World Breaker Hulk' thus finds an accord with the pivotal subject considered in Derrida's *The Beast and the Sovereign Vol 1*. For examined there is 'not THE beast and THE sovereign' but rather a single subject which combines both aspects (Derrida 2009: 76). Derrida describes this subject as 'one becoming the other', where 'the beast *is* [*est*] the sovereign' (2009: 32). From the first moments of the novels' narratives an illustration of *différance* is thus apparent through the '*subject*' of the Hulk. For not only is the Hulk a 'becoming-beast of the sovereign' and a 'becoming-sovereign of the beast' (2009: 32) but he is also Dr. Bruce Banner, the mild-mannered scientist. Hulk is therefore a subject of *différance*: a '*subject*' who 'come[s] to defer or to differ' (Derrida 1982: 15). Following Derrida's account further we find that: 'It is never said of the beast that it is *bête* [stupid] or *bestial*' (2009: 68). This again accords with the Hulk of these novels who is far from stupid. Rather, the Hulk of these narratives plots, plans and schemes. He is thus an 'onto-zoo-anthropo-theologico-political copulation: the beast becomes the sovereign who becomes the beast' (2009: 18).

Locating Hulk geographically within these novels, *Planet Hulk* finds him banished to a planet far from Earth, in the hope that humanity is spared his terrible wrath. His banishment comes at the hands of the Illuminati, a group comprised of Marvel's elite intellectuals including: Black Bolt; Iron Man; Dr. Strange; Mr. Fantastic and Professor Xavier. After a particularly violent rampage of the Hulk's (which left 26 people dead), the Illuminati deemed him too dangerous to remain on Earth.[5] For Hulk's immunity to injury, death or containment, as well as his limitless strength, makes him the single most prominent threat to Earth.

With no choice but to comply, Hulk then finds himself exiled to the planet Sakaar. Despite often roaring, 'Hulk just wants to be left alone!' (David et al 2008: 145), on this planet Hulk is anything but alone. And so to escape the ever-present violence inflicted on him,

by all who come across him, Hulk challenges Sakaar's rudimentary gladiatorial system. Yet at the apex of Hulk's violent challenge to the gladiatorial system, when his force becomes law and he is crowned as sovereign, Hulk's acquired sovereignty falls away to nothing. The violence he embodies becomes unbearable and leads to the obliteration of all which he was sovereign over. A million lives are lost, including Hulk's new wife and unborn child (Pak et al 2007: 307-316). At losing them, Hulk is enraged: inconsolably so.

Hulk's reaction is wrath unparalleled and uncompromising towards those responsible for his initial banishment from Earth: the Illuminati. *World War Hulk* then follows the story of Hulk's bloody revenge, as his wrath comes close to destroying Earth through his sovereign command of law which decrees unending retaliation. However an apocalyptic *telos* is avoided and the *différance* within Hulk, Dr. Bruce Banner, is revealed.

The novels' narratives can be seen to clearly adhere to a classic model of political theory. The violence of community is quelled and consumed in order to ensure rule. Such violence is then injected back into the community to enforce the rule now imposed upon the community. Although such a brutal process of 'subjectivization' is far removed from Michel Foucault's nuanced account (Foucault 1979: 135-145, 1991: 195-228, 2004: 239-263, Esposito 2008: 24-44, 2012: 25)[6] this cruder account is nevertheless hardly controversial in terms of political theory (Hobbes 1996, Esposito 2008: 57-63). Nonetheless as expressed above, such a metaphysical construction of political theory, such an 'argumentative Hobbesian machine' (Esposito 2008: 58), cannot be without the presence of an intervening *différance*; as Derrida has argued, 'Deconstruction, I have insisted, is not *neutral*. It *intervenes*' (Derrida 2002c: 76). In what follows, deconstruction's workings will be used to present viable critiques to the violence-driven formulations of political theory. Examined first however is Hulk's gladiatorial struggle in the quest for sovereignty.

2 An *arkhē* of violence

Hulk's banishment, while ridding Earth of his terrible wrath,[7] turns that same wrath upon Sakaar, where the gladiatorial system only engages Hulk in more violence. At his first chance, Hulk challenges the Emperor of Sakaar, 'The Red King', to a battle. This initial battle is significant not because of the outcome (Hulk is defeated) but because Hulk strikes the Emperor, proving his mortality to the stunned crowd.

The Emperor's sovereign command is requested following this controversial occurrence: 'He bled you, My Lord. In front of the crowd. Is it wise to let him live?' (Pak et al 2007: 20). In reply the Emperor quips: 'Who said anything about letting him live? He's going straight to the Maw' (Pak et al 2007: 20).[8] The 'Maw', the reader then learns, is 'the Empire's most lethal gladiatorial training school' (Pak et al 2007: 27).

Figure 1: Incredible Hulk # 105
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It is while being subjected to its violence that the Hulk learns that freedom from his gladiatorial chains can be won via exerting, wielding and accumulating violence; violence thus becomes recognised as a political currency. It is also while training at the 'Maw' that Hulk becomes aware of a prophecy which foretells of a gladiator hero who will rise to reign over Sakaar as sovereign. This 'Son of Sakaar' or 'Sakaarson' is revealed to be none other than the Hulk himself.

However, an accompanying, intertwined, prophecy also foretells of a 'World Breaker' who will bring cataclysmic and unimaginable destruction:

> With signs upon signs pointing the way, how can we help but believe? These are the days of the Sakaarson, who will save us, or the World Breaker, who will destroy us (Pak et al 2007: 148).

Hulk realises he occupies both figures, for his violence will both emancipate and annihilate: 'The people said I was the Sakaarson. Come to save them and unite them. But I was the World Breaker all along' (Pak et al 2007: 315).

Violence (and its accumulation) then appears consistently as the catalyst of the political framework on Sakaar. It is the *arkhē* of *le politique* in that it 'names at once the *commencement* and the *commandment*' of the political (Derrida 1998: 1); it is simultaneously the origin and force of the political. In grounding the political and propelling it thereafter, violence adheres to the role designated to it in perhaps the most detailed treatise on violence as the construction of the political: Thomas Hobbes' *Leviathan*. The following section will now utilise Esposito's work to expand upon Hobbes' thought of *arkhē*-violence, in order to show the formation of community and immunity and thus accordingly, all political theory.

Hobbes' *Leviathan* presents the now famous account of man's fundamental existence:

> ... during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war, as is of every man, against every man. ... Whatsoever therefore is consequent to a time of war, where every man is enemy to every man

... [there is] continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short (1996: 84).
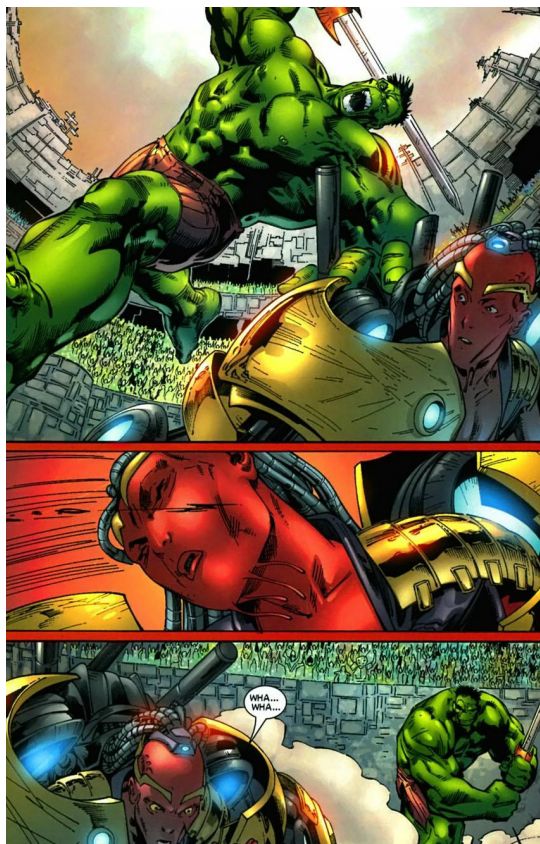

Figure 2: Incredible Hulk # 92
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Hobbes finds the basis for his political philosophy in this passage, for it highlights the fear of death which drives men's actions. They seek to avoid 'that miserable condition of war, which is necessarily consequent to the natural passions of men, when there is no visible power to keep them in awe' (Hobbes 1996: 111). This conditionality is used to construct

the mighty Leviathan which reigns over man to 'defend them from the invasion of foreigners, and the injuries of one another' (1996: 114).

Figure 3: Incredible Hulk # 95
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But as is clear from the quote above, the 'motor scheme' which is of primary concern here is violence.[9] This violence functions in two ways; it produces men's 'foresight of their own preservation' as well as

adding the 'fear of punishment to the performance of their covenants' (1996: 111). Due to violence's imposition of 'fear', 'terror' and 'panic', it is 'the political passion par excellence, the mainspring of politics' (Derrida 2009: 39). Indeed, Hulk himself illustrates this situation *par excellence*. For on Sakaar, man is quite literally 'in the state and posture of gladiators, having their weapons pointing, and their eyes fixed on one another' (Hobbes 1996: 85) in duels to the death.

Esposito's readings of Hobbes form an extensive commentary on this originary fear of violence. For Esposito, like Foucault (1979: 135), sees Hobbes' work to be fundamental when considering bio-politics as well as general 'modern' political formations.[10] Talking of Hobbes' use of violence, Esposito states: 'fear doesn't only have a destructive charge but also a constructive one. It doesn't only cause flight and isolation, but it also causes relation and union' (2010: 23). Esposito is here recalling Hobbes' thesis in its entirety: from its origins in man's nasty, brutish and short existence, to its imposition of the Leviathan in order to quell the relational violence between men. But Esposito then details that this quelling of violence merely reinstates an alternate violence:

> ... to escape an initial and indeterminate fear, men accept an amount of fear and indeed institute a second and certain fear with a covenant ... the modern state not only does not eliminate fear from which it is originally generated but is founded precisely on fear so as to make it the motor and the guarantee of the state's proper functioning ... (2010: 24-25).

Esposito here reaffirms violence as the *arkhē* of the political order on Sakaar; it commences and commands the order. Through Hobbesian theory this is seen because death's violence acts as the founding moment ('initial and indeterminate fear') and as the persuasion thereafter ('the motor and guarantee of the state's proper functioning'). Said differently, Esposito terms the Leviathan the '*modern archaic*': 'By this I mean the permanence of the origin in the moment of its leaving' (2010: 25). Turning to Hulk's narrative, such a paradigm is clear. Whilst on Sakaar Hulk learns that the Emperor views his sovereign hold over the population to be merely a natural imposition of his title as 'The Red

King'. His violence is his 'duty': 'What do you want from me? Tears? For these slaves? These monsters? Yes I killed them. As is my right. As is my duty' (Pak et al 2007: 240).

Figure 4: Incredible Hulk # 102
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The Emperor's testimony has an affinity to both the '*modern archaic*' and to Foucault's understanding of the sovereign's status prior to bio-politics:

... if someone dared to rise up against him and transgress his laws, then he could exercise a direct power over the offender's life: as punishment, the latter would be put to death. ... The sovereign exercised his right of life only by exercising his right to kill ... the right to *take* life or *let* live' (1979: 135-136).

Through Hulk's engagements on Sakaar we see further Foucaultdian and Hobbesian instances of the Emperor as Leviathan. Specifically, as per Foucault, the Emperor attempts to 'exercis[e] his right to kill' when challenged by Hulk:

All right, Green Scar.[11] One last chance. Kneel down before me. Tear the hair from your head, lick the dirt at my feet, and beg eight times to stay my royal wrath. Or I'll burn every soul you have ever tried to save' (Pak et al 2007: 244).

Esposito's work here also illustrates another classic instantiation of a Hobbesian Leviathan, where death is the guarantor of obedience; 'the fear of death; fear of no longer being what we are: alive' (2010: 21). Derrida too asserts this of Hobbes: 'The political subject is primarily subjected to fear ... [a]nd fear is primarily fear for the body ... i.e. for life. Life lives in fear' (2009: 41). Thereafter the Emperor again portrays his Hobbesian state by his self-proclamation as 'the Hero Protector. The Crown Prince, The Red King, The Emperor of Sakaar! I am GOD in flesh and blood!' (Pak et al 2007: 250). We recall Hobbes' mirroring description of the Leviathan as 'the multitude so united in one person ... that *Mortal God*' (Hobbes 1996: 114, Fitzpatrick 2001: 106).

Esposito's work clearly elucidates the intrinsic *arkhē*-originary violence at the core of Hobbes' political theory. Such violence becomes the horizon of Hobbes' theory, shifting to a level of domestication at the origin of the 'modern' (2010: 28). Yet lurking beneath Esposito's work on Hobbes is a crucial etymological formulation which justifies his political theory.[12] It is this formulation which serves as Esposito's own 'motor scheme' and so it is this which is turned to now.

3 *Munus*: the dialectic of *immunitas* and *communitas*

Expanding on the *arkhē*-originary violence unearthed within Hobbes' political theory, is now an examination of Esposito's methodology for positing political sovereignty as representative of all political theory. Following this Derrida's deconstructive solicitation will be examined against Esposito's methodology and political theory.

Esposito's thought thus grapples with how political theory can be unravelled and understood through the concepts of community and immunity.[13] This focus stems from a post-Foucaultdian concern with bio-politics, where Esposito (along with Antonio Negri and Giorgio Agamben) engages in the question 'what is the nature and meaning of biopolitics?' (2006: 50). In speaking of Negri, Agamben and himself, Esposito provides insight into why their theoretical projects differ, despite having the same origin. For whereas Agamben theorises a totalising negativity in bio-politics, and Negri theorises a productive vitality within it, Esposito claims that his theory sought to read both these polarities together, via an 'interpretive key' capable of accommodating bio-politics' antinomical nature (2006: 50). This insight explains Esposito's methodology and the 'different paradigm' of immunity (2006: 50). His concern then lies with how one can use this 'hermeneutic key' to read bio-politics through immunity's legal, judicial, political, biological, philosophical and linguistic constructs (2006: 50). And so this key also explains his aforementioned etymological foundation at the heart of his work on Hobbes. For specifically, Esposito enquires into immunity through etymology: 'Latin dictionaries tell us that the noun *immunitas*, with its corresponding adjective *immunis*, is a negative or privative term whose meaning derives from what it negates or lacks, namely, the *munus*' (2011: 5). The term *munus* becomes crucial for Esposito due to its locus in both immunity (*im-munus*) and community (*co-munus*) (immunity *lacks munus*, whereas community is *with munus*). In ascribing a meaning to this 'hermeneutic key' Esposito remarks that *munus* 'oscillates in turn among three meanings that aren't at all the same and that seem to make it miss its mark' (2010: 4):

> ... *onus*, *officium*, and *donum*. In truth, for the first two the meaning of duty [*dovere*] is immediately clear: obligation, office, official, position [*impiego*], and post. The third appears, however, to be more problematic. In what sense would a gift [*dono*] be a duty? (2010: 4)

Esposito's enquiry hones in on and questions the problematic *donum*, for it seemingly expresses an obligation ('gift') as a duty. Esposito explains the duty is here one of obligatory exchange, meaning a community (*co-munus*) *is* the reciprocity of a never-ending cycle of exchange, or gift-giving (*with munus*) (2010: 4-12, 2011: 5-6). It is consequently through aligning *munus* to *donum* that Esposito births an account of original being whereby man is indebted to man in their originary-being.[14] An *arkhē*-originary violence therefore exists because of this debt, or lack; 'What men have in common is the capacity to kill and, correspondingly, the possibility of being killed' (2010: 26). Hobbes saw this condition as the state of nature but here it resonates as a state of indebtedness exposing mortality. Man's belonging via *munus* equates as a *co-munus*: a *communitas*. Therein the shared space of belonging is a space of death, where the *munus* creates the possibility of annihilation (Derrida 2009: 39-43). In other words, what is revealed is the following: 'Death is indissociable from community, for it is through death that the community reveals itself – and reciprocally' (Nancy 1991: 14). Sakaar's community of death is exposed through Hulk's gladiatorial existence, where he personifies life as 'nasty, brutish, and short' resulting from the *munus* where 'all [are] capable of being killed' (Esposito 2008: 58).

The texts in question then vividly bring Esposito's concern with immunity to the fore. For the Hulk represents immunity within the political frameworks in question: he cannot be killed. He is exempt from the engulfing reach of the destructive *munus*. As per Esposito, this precise exemption is at the core of Hobbes' theory. 'Modern political philosophy attempts to respond to this unacceptable *munus*. How? Here reappears the category of "immunization" that we saw as constituting the most incisive semantic counterpoint of *communitas*' (2010: 12). Hobbes thus engenders modern politics through the new model of immunization as the 'explicative key of the entire modern paradigm' (2010: 12). The Leviathan quells and accumulates community's violence through immunization: 'the Leviathan-State coincides with the

breaking of every communitarian bond, with the squelching of every social relation that is foreign to the vertical exchange of protection-obedience' (2010: 14). This 'protection-obedience' simultaneously removes the risk of death and establishes the first act of subjectification: 'Sacrificing life to its preservation is the only way of containing the threat that menaces life' (Esposito 2010: 33, see also Derrida 2009: 42).

This relationship of 'protection-obedience' is enforced through the sovereign's right to kill, or said differently, the sovereign's right to reinstate the violence of the *munus* which they alone can quell. Within the novels' narratives, having once been subject to this right, the Hulk as King then appropriates it himself: 'We are all warbound now. Embrace your brothers. Or I'll kill you myself' (Pak et al 2007: 271).

Figure 5: Incredible Hulk # 103
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Hulk maintains and endures his sovereign position of grandeur because he is able to quell the *munus* of the community. And the

implementation of his law thereafter is accompanied by the most vicious and forceful of justifications following from his position. Namely, 'the pressing demands of preserving life' (Esposito 2008: 58, Derrida 2009: 40). However even elevated where 'so much power and strength [is] conferred on him, that by terror thereof' (Hobbes 1996: 114), the sovereign is nonetheless susceptible to fall. As Esposito explains through the thoughts of Friedrich Nietzsche:

> When pushed to a point of excess, every negation is destined to negate itself. After having annihilated everything that it encounters, negation cannot but fight against its own negativity and reverse itself in the affirmative (2008: 102).

With this point of critique, the solicitation of the immune sovereign must be examined. Accordingly, the metaphysical ramifications of deconstruction will now be engaged with through the work of both Nancy and Derrida.

4 The turn of the sovereign: the *rota*

Thus far Esposito's work has been utilised to establish immunity as the new 'interpretive key' within modern political philosophy through its negation of the *munus* of the community. This theory is exemplified both in Hobbes' *Leviathan* as well as in the narratives in question. The Leviathan sovereign emerges from the *arkhē*-originary violence at the heart of existence. Hulk too embraces this construction as his own 'motor scheme' to become the crowned King of Sakaar. Hulk is in fact then informed of the role of violence in his new society: 'to hold the many different people of the world together, only you have the strength and only you have the will' (Pak et al 2007: 254).

Hulk's position as Leviathan can be further elaborated on through a description found in Jean-Luc Nancy's '*Ex Nihilo Summum* (Of Sovereignty)':

> … the sovereign is not only elevated: it is the highest. Its name is a *superlative*: literally what raises itself above from below, and what is no longer comparable or relative. It is no longer in relation, it is *absolutum*.

The sovereign is the highest, it is the extremity of elevation: it is the most high. The Most High is the one whose height is no longer relative, and even not relative to lesser heights. It is Height itself, all height and nothing but height ... (2007: 97).

As King of Sakaar, Hulk exists as absolute. He is, following Nancy, The Most High or Height itself.[15] Indeed, although Esposito's work establishes the immune sovereign through an etymological methodology, this nevertheless executes metaphysical propositions: one being the very sovereignty which Nancy describes. As such there are devastating critiques against this position of The Most High, and in recognition of these critiques, Esposito introduces them through the work of Nietzsche.

Critiquing the immunitary paradigm established above, Nietzsche's thought argues that such a paradigm robs life of its own vital inertia. Immunity stifles life's own 'self-generating potential' (Esposito 2008: 105). Esposito explains Nietzsche's thought as follows: 'As soon as the immunitary rejection, what Nietzsche calls "reaction," becomes intense enough to attack the same antibodies that provoked the rejection, the break with the old form becomes inevitable' (2008: 102).[16] Such a critique relates to the Hulk as sovereign. For his violent negation of the *munus*, once strong enough, will in turn negate the distance between himself and the fatal violence of the *munus*. Accordingly the Hulk will face the violence which he had once consumed. Such a *telos* is in fact realised, for Hulk's sovereignty ends as viciously as it started: flowing from a culmination of the overwhelming violence which the Hulk is ultimately unable to immunise himself from, a bomb is detonated in the centre of the capital city of Sakaar annihilating a million lives, including that of the Hulk's new wife and unborn child. In this moment the *munus* once expelled from the community returns and the population is bathed in obliterating violence.

Figure 6: Incredible Hulk # 105
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Beyond a dialectical immunitary understanding of this fall of sovereignty, a deconstructive metaphysical critique can also be identified. Returning to Nancy, we find the sovereign (The Most High) presented as a metaphysical impossibility or a fallacy in itself:

> The Most High is the one or that toward which the head itself cannot turn without toppling immediately off the axis that attaches it to the body. It ceases then to be the head. Either it loses itself in the height or it falls back into the equivalence of the body with itself (2007: 97).[17]

Portrayed here is the impossibility of sovereignty in itself. Sovereignty is impossible, for the head of The Most High will fall in its very existence as the sovereign's head (see also Derrida 2009: 138). As with Franz Kafka's 'bridge' which turns to face he who walks on its back and in doing so unhinges itself from the gorge over which it is suspended, a fall from the highest position is inevitable (Kafka 2002: 46). Nancy's critique subsequently then resonates with Georges Bataille's phrase whereby '"Sovereignty is NOTHING"' (Nancy 1991: 18, 2000: 36). It also further resonates with Nancy's own thoughts on the Heideggerian premise of *Mitsein* (Being-with) being ontologically prior and necessary for the premise of *Dasein* (Being-there) (2000: 26).[18] As such, singularity is ontologically grounded on plurality: 'Presence is impossible except as copresence' (Nancy 2000: 62).

Expanded further, Nancy's critique relates inextricably to his association with Derrida's deconstructive thinking. For despite these contemporaries' different oeuvres, one would be incorrect in stating that Nancy either disagrees with or diverges from Derrida's assertion that deconstruction *happens*. Support for this is found in Nancy's 1988 interview with Derrida, '"Eating Well," or the Calculation of the Subject'. There Nancy presses Derrida on the construction of the subject, probing the question 'Who comes after the subject?' (1995a: 255). Within Nancy's forceful and precise questions it is clear that he endorses and adheres to Derrida's metaphysical critique. Nancy readily accepts that deconstruction *happens*:

> 'To deconstruct', here, comes down to showing this distance at the very heart of presence, and, in so doing, prevents us from simply separating an outdated 'metaphysics of the subject' from another thinking that would be, suddenly, elsewhere. However, *something has happened*, there is a *history* both of the thinking of the subject and of its deconstruction (Derrida 1995a: 264).

Nancy's acknowledgement of deconstruction's *happening* is also shown via his engagement with Derrida's neologism *différance*, in the essay 'Sense, World, Matter.' Nancy expresses there, in no uncertain terms, that matter and materiality are themselves constitutionally dependent upon deconstruction's *différance*:

> Matter means here: the reality of the difference – and différ*a*nce – that is necessary in order for *there to be something and some things* and not merely the identity of a pure inherence ... If one can put it like this: the ideality of difference/*différance* is indissociable (if not indiscernible) from its materiality (Nancy 1997: 57-58).[19]

Nancy here aligns with Derrida, in asserting the *différance* in matter. As such, their works exude devastating critiques against metaphysical sovereignty because the *différance* constituently inherent in all materiality renders phenomena subject to differing and deferring. In short, as Derrida's later work would profess, sovereignty is undermined from within.

Derrida's later work aligns deconstruction's effects to the concept of the *rota*, the Latin word describing a 'rotation or rolling ... some automobilic and autonomic turn or, rather, return to self, toward the self and upon the self' (2005: 10). Such solicitation occurs to concepts such as 'sovereign self-determination ... the one-self that gives itself its own law' (2005: 10). Derrida describes elsewhere the sovereign as precisely 'self-thesis ... [he] who posits or posits himself as *ipse*, *the (self-) same*, *oneself*' (2009: 67). He then illustrates sovereignty to be hindered by its own inherent vulnerability; for '[t]his sovereignty is a circularity, indeed a sphericity. Sovereignty is round; it is a rounding off' (2005: 13). Developed further (referring to Esposito's immune sovereign) it is highlighted that *no* sovereignty can maintain the supposed immunity it would purport to exert:

> To confer sense or meaning on sovereignty, to justify it, to find a reason for it, is already to compromise its deciding exceptionality, to subject it to rules, to a code of law, to some general law, to concepts. It is thus to divide it ... to compromise its immunity ... But since this happens all the time, pure sovereignty does not exist; it is always in the process of

positing itself by refuting itself, by disavowing or denying itself; it is always in the process of autoimmunizing itself ...(2005: 101).

Thus, sovereignty, even in immunising against the *munus*, cannot withstand the solicitation of *différance* as alluded to by Esposito through Nietzsche, and as theorized by Nancy and Derrida. *Différance* critiques entities seeking to exist as sovereign and materially devoid of the *munus* in question, opening them to undoing. As Geoffrey Bennington affirms, 'the very attempt the sovereign makes to establish itself as the self-same and thereby immune from the other entails opening itself up to usurpation and eventual destruction' (Bennington 2009: 100). Accordingly, Hobbes' initial *arkhē*-originary returns via the solicitation of *différance* and the deconstructive movement which *happens*. This movement inflicts upon Hulk a wrath reciprocal to that which negated the violence of the *munus*; the head of The Most High falls by the same movement of its elevation. The deconstructed narrative portrays Hulk as the messiah sovereign and 'the World Breaker all along'.

5 Law's violence; the mythic and the divine

Progressing from the effects of *différance* in immunitary political theory, the legal theory in the novels will now be considered. Again, Derrida's deconstructive thought will underpin the engagement with the mythic and divine violence of law. In considering the legal theory of the novels, violence is once again the 'motor scheme'. This follows from Hulk's presence within the political frameworks of both Sakaar and Earth, where his incontestable violence is the catalyst for all new political enactions. Once again Esposito's 'protection-obedience' relationship emerges. For Hulk acts out his catastrophic revenge *qua* law, by his royal decree of '[n]ever stop making them pay' (Pak et al 2008: 142).

Paradoxically this revenge is encouraged by those who directly felt the effects of the Illuminati and so turn to the Hulk for protection: 'They talk about *law*. But their laws only seem to apply to people like you and me. I'm ready for the *Hulk's* law' (Pak et al 2008: 175). Hulk's law resonates from his sovereign violence for it is he who can contain

the violence of man's natural existence ('protection-obedience'). As Hulk accordingly represents (and enacts) the violence of law he finds affinity with both the theoretical work of Benjamin and Derrida. In turning now to these thinkers, deconstruction's *happening* will once again be illustrated.

Figure 7: World War Hulk # 5
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Turning to Benjamin (and his hugely influential work on Derrida's legal theory) we find his 1921 essay 'Zur Kritik der Gewalt', (translated as 'Critique of Violence') undertaking a critical analysis of the relationship between law and violence. There Benjamin argues that law is posited, maintained and framed by violence. Benjamin asserts

(in an echo of Hobbes) that 'if violence ... is the origin of law, then it may be readily supposed that where the highest violence, that over life and death, occurs in the legal system, the origins of law jut manifestly and fearsomely into existence' (1978: 286). Reaffirmed here is the double-movement of violence from *munus* to *im-munus*. Found here, at law's origin, Leviathan exists as a truly fearsome origin of law, born of death to reassert violence anew. Violence thus posits and maintains the law: 'All violence as a means is either lawmaking or law-preserving' (Benjamin 1978: 287, Düttmann 1996: 169, Derrida 2002a: 282). Hulk's law illustrates this, for his law is instigated resulting from his ability to wield law-making violence: 'Never stop making them pay' (Pak et al 2008: 142). However, as Alexander Düttmann explains, such violence is decisively split in two, existing as mediated mystical violence and as unmediated pure violence:

> ... while the "mythical manifestation of unmediated violence" is identical to the manifestation of legal power and thus is far from "inaugurating a purer sphere" (a sphere in which positing and counterpositing no longer reciprocally condition one another), the divine manifestation of unmediated violence is the manifestation of a pure violence, which is defined by the "absence of every positing of law" and by the task of an "annihilation" of legal and therefore of state power (1996: 169-170).

Düttmann conveys law to be posited by violence but also eradicated by a pure and divine violence. Benjamin expresses this as follows: 'If mythical violence is lawmaking, divine violence is law-destroying; if the former sets boundaries, the latter boundlessly destroys them' (1978: 297). Such distinctions will become crucial in Derrida's reading of Benjamin. For in reasserting Benjamin's thesis Derrida illustrates how the law as posited and mythic, nonetheless has the ability to iterate as non-posited and divine. Crucially, *différance* exposes this interior violence of law.

In Derrida's work one finds much of Benjamin's thesis on violence and law repeated. As an example, Derrida affirms that '[f]or a critique of violence ... to be possible, one must first recognize meaning in

a violence that is not an accident arriving from outside the law' (2002a: 268-269). Hence Derrida asserts violence to reside at the heart of law, as both its *arkhē* and its necessary ontological basis: 'The violence that founds law is not alien to law, Derrida notes, following Benjamin' (De Ville 2011: 156). Derrida exemplifies this by recalling law's founding moments which could be termed as 'revolutionary', as such acts are necessarily violent in their creativity (2002a: 269). This reaffirms Benjamin's accounts of law *qua* violence and law existing as a 'manifestation of violence' (1978: 295). Derrida then further reaffirms Benjamin's thinking that all formulations of political authority, especially 'constitutional' establishments (Benjamin 1978: 295, Derrida 2002b: 46-54, De Ville 2011: 43-73), are violent to the point of being 'uninterpretable or undecipherable' (Derrida 2002a: 269). Derrida hones this point further through another reading of Benjamin: 'This is what I am calling the "mystical." As Benjamin presents it, this violence is certainly legible, even intelligible since it is not alien to law' (2002a: 269). Violence thus resides in law's foundation and in its inertia thereafter, as its 'mystical' formulation (Benjamin 1978: 296).

Benjamin's metaphysical framework thus posits that it is 'violence, which alone can guarantee law' (1978: 296). However (and accordingly) law's mystical form can therefore be abolished by another form of violence. Divine violence, as aforementioned, can eradicate mystical violence by expiating a pure and unmediated violence over it, annihilating the posited law which existed prior to it (De Ville 2011: 157). It purifies the guilt of the violent prior law and instigates a new epoch beyond state power and institutional violence. It exists as a (quasi) transcendental performative force which 'furnishes the proof that revolutionary violence, the highest manifestation of unalloyed violence by man, is possible' (Benjamin 1978: 300). It is this violence which Hulk, as the foretold Sakaarson, promises through the divine 'hope' he gives to the people of Sakaar (Pak et al 2007: 147): through his strength he is the emancipator. Such a violence accords with the revolutionary Jewish messianism in Benjamin's thought, a strand of thought which Derrida aligns with to a point, but then departs from (Derrida 1999: 249-251). Nevertheless, the possibility of divine violence

is crucial in considering Derrida's legal theory.

Derrida's thoughts on divine violence convey it to already exist within law. It exists as the element of internal *différance* which resides in all conditional matter. This inherent potential means that '[t]he state is afraid of *founding* violence – that is, violence able to justify, to legitimate (*begründen*), or transform the relations of law (*Rechtsverhältnisse*), and so to present itself as having a right to right and to law [*comme ayant un droit au droit*]' (2002a: 268). Hence the state fears the revolutionary violence *in* law because '[v]iolence is not exterior to the order of law. It threatens law from within law' (2002a: 268). Such threatening violence can erase the present law and found law anew because '[t]his violence thus belongs in advance to the order of a law that remains to be transformed or founded' (2002a: 268). Expressed differently by Derrida:

> ... it is, in law, what suspends law. It interrupts the established law to found another. This moment of suspense, this *epokhē*, this founding or revolutionary moment of law is, in law, an instance of nonlaw [*dans le droit une instance de nondroit*]. But it is also the whole history of law (2002a: 269).

Accordingly law's founding violence also plants the seeds of law's un-founding; moments of nonlaw in law; moments which '*always takes place and never takes place in a presence*' (2002a: 269-270); moments of (non)presence *qua différance*. Recalling from Derrida, *différance* '(is) that which not only could never be appropriated in the *as such* of its name or its appearing, but also that which threatens the authority of the *as such* in general, of the presence of the thing itself in its essence' (1982: 25-26). Through the *happening* of *différance* 'threaten[ing] the authority of the *as such* in general', law's posited existence, as it is, is also threatened (De Ville 2011: 145-146, 153-162). This is Derrida's potent critique to posited law. For Derrida asserts that originary violence need not '[be] immediately present' in law (if it ever was not to be), for its absence nonetheless can be replaced for presence 'by the supplement of a substitute': 'The forgetting of originary violence produces itself, lodges and extends itself in this *différance*, in the moment that replaces presence ... in this *differantial* representativity' (2002a: 282). This

'*differantial* representativity' in law can produce violence in the place of non-violence and violence against already present violence (De Ville 2011: 160).[20] Furthermore, contextualising these differing types of violence, we are told that Benjamin's divine violence 'annihilates ... law, the foundation of law, and so on, but it never attacks – for the purpose of destroying it – the soul of the living' (Derrida 2002a: 288). This crucial description of law's ontological violence closely relates to the narratives of the novels in question, for the reasons now detailed.

Figure 8: World War Hulk # 5
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As the Sakaarson, Hulk fulfils a dual role as both the messiah sovereign and the destroyer of worlds. His Janus-like existence is therefore fuelled by the *différance* of deconstruction which *happens* to all subjectivity, as was detailed above regarding Hulk's existence being torn between two polarities: 'the beast *is* [*est*] the sovereign' (Derrida

2009: 32). Hulk himself is aware of his paradoxical subjectivity, as are other Marvel Universe characters such as Hiroim.[21] It is Hiroim who recognises the *différance* in Hulk when he is eventually stopped short of his apocalyptic revenge on Earth, leaving only the timid Dr. Bruce Banner in his wake: [in answering the question '*Where's the Hulk?*', Hiroim replies] 'You look upon him. Within each of us live The World Breaker who destroys all ... and the Sakaarson who redeems the world' (Pak et al 2008: 221).

Hulk's transformative violence, executed as his sovereign law, points towards Benjamin's divine violence. Ultimately however, Hulk's actions fall short of the pure expiation which would be the 'sacred execution' of Benjamin's revolutionary violence and once again mythic law is reinstated. The pure expiation resulting from the Hulk's violence, 'without bloodshed', does not come to pass (Benjamin 1978: 297, Derrida 2002a: 288) and instead a 'bastardized' account of law is implemented (Benjamin 1978: 300). It is again through the pivotal concept of *différance* which is inherent in Hulk's law that violence is recognised as the crucial 'motor scheme' for this outcome. *Différance* thus allows for a creative violence of another law *within* law (Derrida 2002a: 276). From a different context, Derrida portrays the law's essence to be this irrepressible violence of *différance*:

> What *must not* and cannot be approached is the origin of *différance*: it must not be presented or represented and above all not penetrated. That is the law of the law, the process of a law of whose subject we can never say, "There it is," it is here or there (1992a: 205).

As a result of law's un-presentable, un-representable and un-placeable subject (matter), creative violent potential always exists in law:[22] 'There is some law, some law which *is not there but which exists*' (1992a: 205). Said differently, being as law is always deconstructible it can never be contained by violence, nor in fact limited by it: the *différance* in law cannot allow for such metaphysical confines. This then allows for law's iterability 'to do anything, if not everything', in order to secure itself as functioning law (Fitzpatrick 2001: 71). In the deconstructed narratives under consideration here, this ultimately occurs. For at every

turn Hulk's wrath pushes against the law's metaphysical boundaries and calls for response and malleability. Law consequently is forced to respond accordingly, firstly to Hulk's wrath and sovereign law-making but then to his cataclysmic loss of sovereignty thereafter. What is shown is that law is 'operatively attached to existent situations' (Fitzpatrick 2001: 104). Law's own internal metaphysical violence, encapsulated by *différance*, is seen as the very 'motor scheme' of the law itself.

6 The law of *différance* permeates

This paper has sought to illustrate the *happening* of deconstruction within the novels concerned, through their narratives and through the character of the Hulk. Through a close textual analysis of both the political and legal frameworks in the narratives, such *happenings* were unveiled through deconstruction's metaphysics. Firstly, the work of Hobbes and Esposito was examined to unearth the *arkhē*-originary violence underpinning the political theory so conceived in *Leviathan*. This was then critiqued via the work of Nancy and Derrida, in the name of a deconstruction which occurs as the 'rhythm of what is happening in the world. This deconstruction is what is happening … what is happening today in the world' (Derrida 2009: 76). The thesis then conveyed deconstruction's *différance* to effect not only the formulations of political theory, but legal theory too. This was illustrated through Derrida's reading of Benjamin's thoughts on legal violence and the Hulk's role in such violence. Moving beyond these points now, this piece seeks to close by considering the question of deconstruction's relation to 'written' texts, comics and graphic novels, literature and law.

In speaking of the 'written' in the context of deconstruction, one must refer to 'writing' as described by Derrida in the opening pages of his text, *Of Grammatology*; 'And thus we say 'writing' for all that gives rise to an inscription in general' (1976: 9). Derrida's insistence on the 'written' relates to the points made at the opening of this paper. Namely that deconstruction *happens* and does so where metaphysical concepts are constructed. Derrida posited this *happening* to occur within 'cinematography, choreography, of course, but also pictorial,

musical, [and] sculptural "writing"' (1976: 9). From this, there is no doubt that comics books and graphic novels could reside in this list, for their inscriptions still execute the time-bridging '*spacing*' which is focal to Derrida's thoughts:

> Spacing as writing is the becoming-absent and the becoming-unconscious of the subject. By the movement of its drift/derivation [*dérive*] the emancipation of the sign constitutes in return the desire of presence ... All graphemes are of a testamentary essence (1976: 69).

Consequently, with comics and graphic novels both containing the 'testamentary essence' of inscriptions and fulfilling 'the desire of presence', they remain of the 'general textuality' effected by *différance* (even if one would not term comics and graphic novels as 'literary') (Derrida 1992b: 71). Hence deconstruction's solicitation can surely be said to encompass a medium based around the *grapheme*: 'It is the domination of beings that *différance* everywhere comes to solicit, in the sense that *sollicitaire*, in old Latin, means to shake as a whole, to make tremble in entirety' (Derrida 1982: 21).

To conclude a final point will now be made regarding the significance which may be afforded to this deconstructive analysis of the political and legal theory within the fictional Marvel Universe. The point to be made here is the (perhaps) greater than expected affinity between the fictional political or legal text, and the one deemed to be true; of 'non-fiction'. Whereas the work here has argued that deconstruction *happens* within the texts of 'fiction' in question, perhaps the more nuanced thesis of such a deconstructive analysis is that the text of 'non-fiction' is often *of* 'fiction' itself. Recalling Derrida's account of Montaigne's 'lawfull fictions' (2002a: 240), whereby law itself is premised upon fictions, and Nancy's account of the 'juris-fictions', in which 'juridical discourse shows itself to be the true discourse of fiction' (2003: 157, 156, Fitzpatrick 2004), it seems that true texts of law are simultaneously texts of fiction. And so it is that the political and legal narratives in mediums of fiction (comics books or graphic novels included) may in fact not be so far removed from 'true' texts of law. Indeed, perhaps this can be recognised as a final instance of

différance's 'differing and deferring'.

Notes

1   The author wishes to thank Marvel for their permissions, Brady Webb at Panini for his assistance, Carolina Olarte Olarte and Richard Bailey for their encouragement and discussions on comics, the participants of the Writer in Residence Programme 2012 held at Birkbeck Law School and Professor Catherine Malabou for all their engagements on biopolitics, the two anonymous reviewers of this piece for their insightful comments, and all the editorial team who helped in the preparation of this paper; especially JP for her diligent copyediting.

2   Derrida clarifies this in stating 'deconstruction ... is ... at bottom *what happens or comes to pass* [ce qui arrive]' (1995b: 17).

3   'Soliciting' here follows the meaning accorded to it in Alan Bass' translators note (Derrida 1982: 16, note 18).

4   Note that this work does not seek to engage with the 'alternate' theories on Hobbes, such as James Martel's (2007) or Michel Foucault's, where 'for Hobbes, it does not all begin with war' (2004: 93). The author is grateful to Patrick McLane for the discussion on this point.

5   (Bendis BM and Maleev A 2006). However, the Hulk has been known to kill up to 815 people in one rampage (Lindelof and Yu 2009: 25-26).

6   Note the nuanced account of subjectivization in Foucault's work which illustrates that the effects of disciplinary power (as opposed to sheer violence) form the subject (1991: 200-228). Also that Foucault would recognise the 'desubjectification' which the subject executes (1996: 386, Golder and Fitzpatrick 2009: 69).

7   The novel opens with this message left for the Hulk inside this space-capsule, from the Illuminati: 'Time and time again, your anger and power have threatened the entire planet. So when we learned that [Nick] Fury sent you into space, we had to seize the opportunity' (Pak et al 2007: 1).

8   See Foucault's observation of the sovereign's 'ancient right to *take* life or *let* live' (1979: 138).

9   The term's use here evokes Catherine Malabou's usage, whereby it illustrates an 'energy sensor and rhythmic source of a new era' (2010: 15).

10 However, as explored shortly, prior to 'the modern', Esposito sees all concepts of political theory based on Hobbes' logic (2006: 51).

11 'Green Scar' is a name conferred upon Hulk.

12 Esposito's theoretical account is fundamentally based in etymology (2010: 3-12, 2011: 5-6) but it then develops an ontological construction (2010: 86-102). This point is developed below regarding Derrida's critique of ontology.

13 Accompanying Esposito's three monographs being translated into English, see *Diacritics* (2006 36/2) and *Law, Culture and the Humanities* (2012 8/1) for special collected editions on his work.

14 Note Laurent Dubreuil's critique of Esposito's seemingly arbitrary alignment of *munus* to *donum* and the reliance upon imposed thereafter (2006: 92): '[i]ndicating several times a skepticism of the grand ruptures à la Foucault (or à la Agamben), Esposito qualifies the "genesis" of biopolitics as "specifically modern" (2008: xiii) but declares "one of its roots" to be meanwhile "recognizable also in earlier eras" (2008: xiii). ... In the very body of philosophy wherein it desires a place, *Bios* is led back to the constitutive deficiency of the rational exposition of the concept. The system is literally overshot by the infinite it aims to contain. ... Esposito stumbles anew on the signification of the historical thickness in the vast body of texts he convokes. The same word can mean something else in iteration, as different terms may intersect by dint of the alterity that enunciation confers. Texts, constituted in turn by phrases and words, are possibly bound by the same phenomenon. ... In the reiteration of forms, themes, words, schemas or statements, alterations may arise. Any history of discourse that would deprive itself of the teleological purport of the concept would take seriously the nature of its "object." Everything is always the same but can be different'.

15 Recall here the etymology of 'sovereign' pointing to the old French word 'soverain', based on Latin super, 'above'. See 'sovereign *noun*' in Stevenson (2010).

16 Esposito's text references Nietzsche's *Human, All Too Human* (1986: 107-108): 'Degenerate natures are of the highest significance wherever progress is to be effected'.

17 Here Nancy is implicitly referring to his prior arguments on this topic (1991: 16-26, 2000: 5-41).

18 Reference here is being made to the following text by Nancy: 'Heidegger clearly states that being-with (*Mitsein, Miteinandersein*, and *Mitdasein*) is essential to the constitution of *Dasein* itself. Given this, it needs to be made absolutely clear that *Dasein*, far from being either "man" or "subject," is not even an isolated and unique "one," but is instead always the one, each one, with one another [*l'un-avec-l'autre*]' (2000: 26).

From Martin Heidegger's own text: 'The world of Dasein is a *with-world* [*Mitwelt*]. Being-in is *Being-with* Others. Their Being-in-themselves within-the-world is *Dasein-with* [*Mit-dasein*] [...]'.

'Dasein in itself is essentially Being-with. The phenomenological assertion that "Dasein is essentially Being with" has an existential-ontological meaning' (1962: 155, 156).

19 Further evidence of Nancy's affirmation of deconstruction (and *différance*) can be found in his essay '*Différance*' (1997: 34-36) and further in the statement: ' … *the différance being is*. Différance *extrapolates* the ontico-ontological difference: it makes it exist' (1997: 27).

20 Specifically de Ville states that: 'The concept of law must therefore be understood as being 'double', because if it consisted only in force and authority, it would not have been possible for it to *lose* its force and authority' (2011: 160). De Ville also quotes Derrida's term '*differantial* relation'.

21 See (Pak et al 2007: 207-208).

22 Perhaps best illustrated by Derrida's claim that: 'Positing is already iterability, a call for self-preserving repetition. Thus there can be no rigorous opposition between positing and preserving, only what I will call (and Benjamin does not name it) a *differential contamination* between the two, with all the paradoxes this may lead to' (2002a: 272).

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