

# The Aesthetics of Supervillainy

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## Introduction

When they first appeared during the ‘Golden Age of Comics’ (1938 to 1954), ‘supervillains’ were little more than eccentric gangsters. Criminals with clear motives, they were distinguished from the norm by their use of technological gimmicks or weird costumes rather than special powers. Genuinely ‘monstrous’ supervillains such as the Joker, Two-Face and the undead Solomon Grundy were in the minority. As Mark Edward DiPaolo says, the ‘Golden Age’ Joker was a ‘sane, Moriarty figure’ (DiPaolo 2009: 205). However, the self-regulation of the American comics industry from 1954, under the auspices of the Comics Code Authority (CCA), created conditions that caused characters such as these to evolve into motiveless psychopaths, often mutated or deformed.

The portrayal of the Joker as a homicidal nihilist in the 2008 film *The Dark Knight* is the logical end result of the CCA’s restrictions on the depiction of crime. In other appearances (in comics, games and cartoons) the Joker may appear to have a straightforward motive (usually revenge or the acquisition of money), but this does not make his personality any more intelligible to the viewer; he is first and foremost a monster. As Alan Moore explains, this aspect can also be frustrating for the comic-book author:

[*The Killing Joke* was about] a couple of psychopaths, and unlikely psychopaths at that because, yeah, there are plenty of psychopaths in the real world but we don't have any that dress up as a circus clown or a bat. So, like I said, you're not going to encounter these people on your next trip to the 7-11 or whatever, and knowing that their psychoses are a mirror image of each other is not really going to improve your life any. So that was what was wrong with *The Killing Joke* from my point of view (Khoury 2003:123).

Despite this valid criticism, *The Killing Joke* is still regarded as a classic story within the Batman canon. It may not be immediately relevant to the real world, but superhero stories do not necessarily have to be. It is a common (and perhaps over-generalised) observation that the heroes and villains of these works are archetypes. However, I will argue that they represent more than merely 'good' and 'evil.' I believe that the disfigured villains of comics have something profound to say about criminality, justice and political legitimacy, especially when compared to similarly 'deformed' heroes, such as Marvel's X-Men.

In part 1, I will run through the provisions of the CCA code, highlighting the restrictions it placed upon the artistic depiction of criminality. I will follow this in part 2 with an overview of theories of punishment through history. My intent is to argue that our aesthetic expectations of criminality have been shaped by a conception of justice based primarily upon vengeance, and by the remnants of a political philosophy that regarded crime not as the infringement of a social contract, but as a personal affront to the sovereign, who reaffirmed his legitimacy by avenging himself upon the criminal. In part 3, I will discuss the parallels between the superhero and the mediaeval nobleman. These parallels will be used to illustrate the important role played by the deranged, deformed supervillain. In so doing I will demonstrate that the CCA code, though reviled by many comic enthusiasts and historians, was ultimately a force for the good by encouraging this evolution of the fictional evildoer.

Before proceeding with the discussion, I must first admit that not all comic-book villains are mutated or mutilated; in particular, the majority of female evildoers are deformed in other ways. However, those

villains who *are* disfigured bear scars reminiscent of mediaeval punitive mutilations, which simultaneously advertised an individual's essential criminality, and the nature of his wrongdoing. At this juncture I must also point out that the following arguments about honour, vengeance, punishment and justice are specific to the Western articulations of these concepts. This article will focus on the American superhero genre in particular; no attempt at cross-cultural comparison has been made here, though I would hope this essay might in some way contribute to such a study in the future.

### 1 The Code

One of the most significant years in the history of the American comics industry was 1954. In that year, psychiatrist Fredric Wertham's *Seduction of the Innocent* was published. Wertham's book linked comic books juvenile delinquency, and was the first ever publication to present a homosexual reading of the Batman/Robin relationship. Also in 1954, the US Senate subcommittee on juvenile delinquency convened hearings on the possible negative influence of crime and horror comics on children. At the time, William Gaines was the head of EC Publishing which was responsible for such series as *Tales From the Crypt*. Gaines voluntarily attended the April 1954 subcommittee hearing, only to discover that no consideration was going to be given to genre or context; Gaines was presented with the cover of that month's issue of *Crime SuspensStories*, which depicted a man holding a woman's severed head in one hand and a bloody axe in the other, and asked if he believed the image was 'in good taste'. In what Scott McCloud describes as 'a public relations disaster for comics' (2001: 86), Gaines allegedly responded, 'Yes, sir, I do ... for the cover of a horror comic.'

Due to the First Amendment to the United States Constitution, censorship of comics was not feasible, but in the face of fierce and widespread criticism, comics publishers agreed to self-regulate. This self-regulation took the form of the CCA Code for Editorial Matter, adopted on October 26, 1954 and was, as Amy Kiste Nyberg notes, "literally thrown together overnight" (Nyberg 1998: 157). General

Standards Part A of the Code mandated that 'Crimes shall never be presented in such a way as to create sympathy for the criminal, to promote distrust of the forces of law and justice, or to inspire others with a desire to imitate crimes'. Thus, no comics were allowed to 'present the unique details and methods' of any crime. Additionally, no 'unique or unusual methods' of concealing weapons could be shown, and depictions of violence such as 'knife and gun play' and 'physical agony' were prohibited. Policemen, judges, government officials and 'respected institutions' were always to be presented in ways that reaffirmed 'established authority'. Scenes of policemen being killed as a result of criminal activity were to be 'discouraged'. The crime of kidnapping merited its own sub-section, never to be portrayed in any detail or to be shown generating any profit for the kidnapper. Crime was always to be presented as 'a sordid and unpleasant activity'. Criminals were never to be presented as glamorous, 'good' was always to triumph over 'evil', and if a comics publisher insisted on using the word 'crime' in the title of a comic, it was never to appear alone on the cover (Sassienie 1994: 60).

General Standards Part B of the code was just as exacting: 'lurid, unsavoury, gruesome illustrations' were to be 'eliminated', along with 'all scenes of horror, excessive bloodshed, gory or gruesome crimes, depravity, lust, sadism [and] masochism'. Also banned were depictions of '[the] walking dead, torture, vampires and vampirism, ghouls, cannibalism and werewolfism'. If 'evil' was to appear in a story, it would only be permitted if the intent was 'to illustrate a moral issue', and it was never to be presented in such a way that would 'injure the sensibilities of the reader'. The section entitled 'Costume' forbade nudity of any kind, and another entitled 'Marriage and Sex' forbade sexual 'abnormalities' and 'perversions', and mandated an emphasis on 'the sanctity of marriage' (Sassienie 1994: 60).<sup>2</sup>

In short, crime was to be unpleasant and nasty, never profitable, objectively 'evil' and totally unattractive, and there would be no logical reason given as to why anyone *should* engage in criminal activity. Crime simply happened because it was what 'bad people' did; 'evil' was the compulsion to engage in crime for its own sake. The CCA code thus

indirectly mandated that ne'er-do-wells be depicted as sub-humans whose criminal nature is overt, visible and therefore containable. Given that the same code prohibited the depiction of vampires, ghouls, the walking dead and werewolves, it is perhaps not unreasonable to suppose that frustrated comics writers and artists would channel their more macabre instincts into the creation of criminal characters. Ironically, as Richard Reynolds asserts, 'it was the excesses of the horror comics which led indirectly to the renaissance of the superhero genre' by adding to the public outcry over violence in comics (Reynolds 1994: 8). There was also the fact that superhero comics were a reliable source of income and an infrequent cause of controversy, which made them attractive to publishers for purely economic reasons (Nyberg 1998: 158-9).

The growing enthusiasm for superhero comics may well have been encouraged by the artistic style that defined the genre. Groensteen lists five characteristics of the 'narrative drawing': 'Anthropocentrism', denoting how narrative drawings privilege 'the agent of the action' in each panel; 'synecdochic [sic] simplification', which describes how the narrative drawing 'evacuates that which is not necessary to the intelligibility of the represented situation', focusing only on those elements 'that have an immediately informative character'; 'typification', or the simplification of characters into recognisable types, veering towards stereotype; 'expressivity', whereby the expressions and body-language of characters combine to convey particular emotions; and 'rhetorical convergence', describing how narrative drawings obey 'an imperative of optimal legibility' (Groensteen 2007:161-2). In other words, everything is geared towards the efficient telling of a story, a paradigm which sometimes requires recognisable visual cues – the comic reader can often read a character's intentions and moral fibre in their very design.

The comic-book villain, as constructed via the stylistic norms outlined above, is much more unnerving than any real-world criminal, because he has no intelligible motive. Thus, the stage was set for the emergence of truly psychotic villains when the constraints were relaxed, almost twenty years after the Code's implementation. The code was

revised numerous times before it was finally abandoned in 2011. There are several reasons for the eventual abandonment of the Code; Reynolds maintains that the growth of comics' adult readership gave publishers the strength to simply bypass the CCA code by the 1980s (Reynolds 1994: 9), whereas Sassienie highlights the importance of issues 96 to 98 of *Amazing Spider-Man* (which were released in 1971 from May to July). These issues contained an anti-drug storyline in which drug use was actually depicted, and consequently had to be distributed without the CCA seal of approval on the cover. After a positive response to the storyline from parents, teachers and news media, the CCA reviewed its policies and the code was altered, allowing for similar stories to be published in the future. The CCA also lifted the ban on the depiction of creatures such as werewolves and zombies, so that 'the following year newsstands were once again full of horror comics' (Sassienie 1994: 96).

As the code weakened, darker works aimed specifically at adults started to appear, and provided an impetus for some more disturbing takes on familiar characters, such as writer Dennis O'Neill's and artist Neal Adams' celebrated *Batman* run, which re-established the Joker as a dangerous killer, and redeemed him from the 'silly rather than evil' prankster characterisation of the 1960s (Klock 2002: 35). In so doing, he became far more chaotic a character than he had been previously, an evolution DiPaolo links to 'the emergence of celebrity serial killers such as Charles Manson and the Zodiac Killer, or the sickening pointlessness of the Cleveland Elementary School murders' (DiPaolo 2009: 206). This increased malice and cruelty was to become a trend for supervillains across the board, along with physical appearances every bit as abhorrent as their personalities.

Strictly speaking, there is no comparison to be made between mutilated supervillains and 'deformed' superheroes. Marvel has produced many more 'freakish' heroes than most other comics publishers, and has frequently presented these characters as members of a persecuted minority – for example, Spider-Man is libelled in the New York City tabloid press, the Incredible Hulk spent much of his life on the run from the US military before joining forces with them

as a member of the Avengers, and *X-Men's* mutants have always had to contend with government harassment and persecution. The Marvel universe is populated almost exclusively by 'freaks', although some characters also have access to 'normal' lives: The Hulk spends at least half of his time as the handsome and intelligent Bruce Banner, while Spider-Man is thoroughly average in behaviour and appearance when not in costume.

The X-Men, meanwhile, are not allowed such a reprieve. Instead, they are constantly castigated by politicians, the press and the armed forces. However, the cause of this persecution is an array of outlandish genetic adaptations granting exotic abilities such as flight, telekinesis, invisibility, and a myriad other glamorous superpowers. A much more convincing portrayal of a downtrodden mutant underclass can be found in Dan Mishkin and Tom Mandrake's four-issue miniseries *Creeps* (which ran from 2001-2002). In this series, most of the heroes appear to be homeless, and their powers are all either repulsive or debilitating – such as putty-like flab, full-body mucus production, and a physical form made up of insects.

While there are some deformed heroes, by and large the most severe deformities and injuries are reserved for villains, a fact which changes the reader's question from a sympathetic 'What happened to you?' to a fearful and accusatory 'What did you do to deserve *that?*'. This trend becomes more interesting when one examines the roots of the popularity of superheroes, and the theory of justice as reciprocity.

## 2 The right to punish

Revenge, honour and violence have formed the basis of the dominant Western conception of justice for centuries. Thinkers like Montesquieu and John Rawls, who advocate proportionate and dispassionate approaches to punishment, are exceptions to a violent norm. Most philosophers who have considered the question of justice have concluded that our ideas of what constitutes fair punishment are based primarily upon our need for vengeance, to hurt the ones who have hurt

us. Therefore, I would argue that the link between mutilation and criminality – the aesthetic of villainy – arises from an understanding of punishment as a form of violence. The presumed link is a causal one, with the mutilation or deformity occurring as a punishment for some misdemeanour, or as the manifestation of a villainous nature.

In what follows, I will suggest an origin and history for this cultural tendency, that ancient and mediaeval cultures of honour codified the right to punish into a mark of nobility. Political legitimacy was equated with the authority to mutilate, a link which has, to a large extent, persisted to the present day. I believe this accounts for the popularity of superhero narratives.

Stigmatisation has been a feature of criminal codes throughout Western history. As Nigel Walker summarises:

Some measures – ‘peines infamantes’ – were deliberately designed to advertise the fact that a person had been found guilty of a crime. An example is branding and other visible mutilations, although in England the practice was eventually reduced to a not very visible burn-mark on the thumb which enabled courts to distinguish ‘first offenders’ from already convicted felons. The pillory, too, was essentially stigmatising, although it also exposed the offender to other dangers (Walker 1980:144).

State-sanctioned punitive mutilation stigmatised the criminal by advertising his wrongdoing. In other words, it made his criminal nature physically manifest, in effect rendering him into something identifiably non-human. This urge to stigmatise can be explained by European conceptions of honour and legitimacy.

Up to the early modern period, European nobility had defined themselves as ‘members of a warrior elite’ (Smuts 1999: 8). During the 16<sup>th</sup> century, however, the increased use of mercenaries and infantry meant that fewer and fewer noblemen participated in warfare. Despite this, violence ‘remained an essential part of a nobleman’s life at this period’, and the existence of a culture of honour more or less guaranteed that violence was endemic at all levels of society (Asch 2003: 70-71). Thus, the transition from a culture of honour to a culture of law was



not a sudden societal shift, but an extended process of compromise, exchange and equivocation, whereby much of the old chivalric values were able to survive into the modern world (Smuts 1999: 12).

By the late 16th century, feuds (and related crimes, such as assassination) were on the decline, but other kinds of interpersonal violence, such as duelling, increased. The increased popularity of duelling was due to the increasing influence of 'courtly ideals and values' on the nobility, combining 'polished manners' with a hyper-acute awareness of one's place in the social hierarchy (Asch 2003: 73). Vengeance was considered a virtue, the only appropriate response to a transgression.

This was the historical and psychological context for the medieval and early-modern conception of the nature of legal punishment, as described by Michel Foucault in *Discipline and Punish*: 'Besides its immediate victim, the crime attacks the sovereign', both personally (in the sense that crime defies his will) and physically (in the sense that because the law constitutes 'the force of the prince', crime constitutes an opposed force that does violence to his royal agency) (Foucault 1991: 47). As befitted a rigid social hierarchy that thought of itself in martial terms, the right of the sovereign to punish a transgressor is an extension of his right to make war on his enemies, the punishment of crime corresponding to the avenging of an insult against his status (48). Thus, the ceremony of punishment is 'an exercise in terror': 'to make everyone aware, through the body of the criminal, of the unrestrained presence of the sovereign' (49). The obvious manner in which this is done is torture, which is bound by three principles: it must produce a certain, quantifiable amount of pain, it must mark the body 'to brand the victim with infamy', and it must be 'spectacular', witnessed by all as the 'triumph' of the law (33-4). Here, the vengeance of the sovereign, while methodical, is the foundation of the law and the mark of political legitimacy.

As Foucault points out, petitions for changes to the manner in which justice was served arose in force during the eighteenth century, particularly in the context of protests against public executions (73). This

re-thinking of the principles of criminal justice was coincident with a widespread re-examination and analysis of the principles of government itself. Notable among these was Montesquieu, who enumerated three kinds of government, distinguished from one another by their basic philosophical principles. For republics, the defining principle is virtue (Montesquieu 1977: 117-8), in a monarchy, the principle is honour (121), and the final category, despotism, has no real need of laws (144), because its guiding principle is fear (123). It is as illegitimate for despotic rule to be guided by virtue or honour as it is for a republic or a monarchy to govern through fear, and the practice of punitive mutilation – since its operating principle is intimidation – is thus clearly not a function of justice or honour.

Fifty years after Montesquieu, Jeremy Bentham outlined ‘the principle of utility’. Bentham argued that the fundamental truths of human existence are pleasure and pain, and therefore actions, legislatures and people are moral that seek ‘the greatest good’ or “the greatest happiness’ (Bentham 1961: 1-4). Bentham lists several parameters for the proportionality of punishment, foremost among which that it should be severe enough to exceed any profit that the criminal might have gained by his actions (and in Bentham’s formulation, ‘profit’ also encompasses nonmaterial benefits, such as emotional gratification) (1961: 179-81). Bentham also advocated that punishments should have a preventative as well as a retributive function: therefore, the harshness of punishments should increase with the severity of the offence, the gradations of severity should be fixed and well-known, and in every case, every additional charge should be prosecuted – this would provide incentives to potential criminals to refrain from committing a crime, to commit only a minor offence if given the choice, or at least to do no more harm than necessary for his ends (1961: 181).

Bentham also categorises the principle of ‘sympathy and antipathy’, which can be summarised in the phrase ‘punish as you hate’ (1961: 17), among those that are antithetical to utilitarianism, but the fact remains that to repay a criminal act with anything less than the full equivalent

of suffering that act engendered is to be considered ‘Cruelty to the public, that is cruelty to the innocent’ (1961: 181). Vengeance is no longer a virtue, but Bentham recognises it as an operational paradigm of the human conception of justice – thus, reciprocal punishments are a necessary evil, and they have a positive, ‘instructive’ value proportional to their unpleasantness. Bentham’s utilitarianism does have some problems: most infamously, it appears to excuse almost anything so long as it brings about a ‘greater good.’ In other respects it changes nothing – the ‘instructive’ or ‘preventative’ qualities of utilitarian justice are essentially the same as governance by fear, as denounced by Montesquieu.

The main problem, as John Stuart Mill saw it, was that arguments about proportionality, individual rights and impartiality were most often articulated in favour of expediency, rather than justice (Mill 1972: 40-41). This conflation of the concepts of fairness and pragmatism is perhaps not surprising, since we ‘are always predisposed to believe that any subjective feeling, not otherwise accounted for, is a revelation of some objective reality.’ Therefore, because we have an almost instinctual awareness of justice, we presume that justice must be objectively real (Mill 1972: 38-9). Mill argues the contrary, affirming that our ideals of justice are in fact social constructions. Justice has two ‘essential ingredients’: a desire to punish a person who has done harm, and the knowledge or belief that there is some definite individual or individuals to whom harm has been done. The former desire arises from two sentiments: ‘the impulse of self-defence, and the feeling of sympathy.’ Mill argues that humans differ from other animals in that our intelligence gives our sentiments an enlarged scope. Combined with sympathy, it gives rise to the psychological concepts of tribe, nation or species. This in turn gives rise to the urge to punish wrongdoing, which is in fact a desire for vengeance upon one who has hurt us, ‘through, or in common with, society at large’. Thus, the idea of justice presupposes two things – a rule of conduct, and a sentiment which sanctions that rule (1972: 47-49). That sanctioning sentiment is *anger*, as it was in the Middle Ages – again, little has changed.

Moving into an analysis of the twentieth century, John Rawls argues that compliance with the law is not merely the product of the threat of punishment. As rational beings, people who are allowed their liberty come to understand legal codes ‘as an order of public rules... in order to regulate their cooperation’, and therefore, ‘the principle of liberty leads to the principle of responsibility’, without the threat of punitive sanctions (Rawls 1973: 241). Thus, violence cannot be a determinant of political legitimacy because ‘to each according to his threat advantage is not a principle of justice’ (1973: 141). The concept of justice has now been extricated from its earlier existence as the prerogative of wrathful tyrants, and has become a legitimising social principle, as Montesquieu described. Thus, we can assure ourselves that disproportionate punishments, and the irrational impulses behind them, have been consigned to a barbaric past.

William Ian Miller argues that the notion that ‘revenge systems gave way to compensation systems, which then paved the way for state-delivered justice, amidst general rejoicing at the progress’ is incorrect – revenge co-existed with compensation, because it was a kind of compensation, using blood instead of money. Indeed, it was possible to trade one for the other, and buy off an aggrieved party’s right to claim blood, but those who accepted such a bargain were considered to have lost face (Miller 2006: 25-6). The law of the talion, ‘an eye for an eye, a tooth for a tooth’, implies both an upper and a lower limit for revenge – no more than one life for a life, but no *less* than one life for a life, either (2006: 21). However, the argument that revenge cultures stress moderation in asserting equality of value between one life and another, and that revenge is carried out with deference to dispassionate, almost mathematical codes, is as problematic as the utopian vision of progress from the vendetta to the modern legal sanction.

The excessive nature of legally sanctioned violence is evident in the historical record. Robert Adams notes that in England from the mediaeval to the Elizabethan eras, a person’s hands could be removed as punishment for theft or ‘seditious libel’, legs could be amputated for trespassing, and ears could be removed for non-attendance at church

(Adams 1998: 18). Some examples from Adams' select list of execution methods – from around the world, and from antiquity to the twentieth century – are so horrific that it is difficult to imagine how they could be proportionate to any crime. They include boiling alive, scaphism – that is, covering the condemned in a substance that will attract insects, and leaving them to be eaten alive – crucifixion, drawing and quartering, garrotting, the gibbet, impaling, the *mazzatello* – mallet blows to the skull followed by stabbing – and stoning, to name but a few (1998: 160). By the year 1800, Adams notes there were more than 220 offences punishable by death in Britain alone (1998: 42).

Vengeance is still implicit in our conception of punishment as a form of recompense for a crime, but despite Miller's compelling arguments to the contrary, vengeance always tends to the excessive, especially when it is the prerogative of sovereign power. In Foucault's words, 'In the darkest region of the political field the condemned man represents the symmetrical, inverted figure of the king' (Foucault 1991: 29), if only because everyone understands that it was the king that condemned him. There is a kind of logic to excessive punishment on the part of a sovereign, most clearly articulated by Niccolò Machiavelli – 'it is much safer to be feared than loved' (Machiavelli 2003: 94).

This in itself is not sufficient to explain the cultural tendencies that have contributed to the enduring popularity of superheroes. Alongside it, we must consider Giorgio Agamben's reading of the ancient Roman figure of the *Homo Sacer*. This was a class of citizen (literally, 'sacred man') who could not be sacrificed to the gods, and yet had no legal protection for his existence – any Roman citizen could kill him without technically committing murder or being punished for it, as he existed 'outside both human and divine law' (Agamben 1998: 47-8). Agamben goes on to argue that every society, 'even the most modern – decides who its "sacred men" will be' (1998: 81). Attendant with the existence of *Homo Sacer* is the fear of becoming one.

Slavoj Žižek argues that 'What increasingly emerges as the central human right in late-capitalist society is *the right not to be harassed*', and this assumed right is accompanied by 'an attitude of narcissistic

subjectivity which experiences the self as vulnerable, constantly exposed to a multitude of potential “harassments” (Žižek 2009: 35-6). I would argue that this late-capitalist persecution complex includes a perceived threat of harassment from government via the justice system. This resonates with Gilles Deleuze’s conception of ‘societies of control’, which he argues have taken over from the ‘disciplinary societies’ described by Foucault. The difference between them is that the ‘juridical form’ of disciplinary societies was that of ‘the apparent acquittal’, while that of societies of control is ‘the limitless postponement’, so there is no ‘end’ to anything – once the justice system takes an interest in you, you are never free of it (Deleuze 1992: 5).

In democratic societies where punitive mutilations are unacceptable, one might ask what exactly a citizen has to fear. Walker lists seven different kinds of ‘labelling’ effects arising out of a criminal conviction, among which are included suspicion, ostracism and increased difficulty in seeking employment, but also three particular behavioural reactions: an ‘anti-label reaction’, in which the convicted person rejects the label as unfair, and behaves as a model citizen to prove it wrong; an ‘anti-labeller reaction’, in which the subject may ‘reject the values of a society which seems to him unfair, or excessively censorious’; or, in some extreme cases, martyrdom, in which the conviction and sentence are seen as immoral, and ‘enlist support for him or for a cause.’ As well as all of these, there is the possibility that the convict will internalise the stigmatisation, ‘and may come to regard himself not merely as someone who has once stolen, or got drunk, behaved violently or destructively, but as someone who is “by nature” likely to do so’ (Walker 1980:142-3). In each case, the convict’s agency has been compromised by the power of a judge, in whom a residue of the political legitimacy of mediaeval monarchs still resides: the judge has the power and authority to *brand* you.

As I have argued before, ‘freakish’ heroes such as the X-Men do not fit into the category of *Homo Sacer*: their ‘deformities’ are rarely debilitating, and though their existence provokes the ire of various anti-mutant hate groups, they are also blessed with godlike powers

that place them beyond the direct reach of the law. The acquisition of superpowers could hardly be described as a ‘frightening’ prospect, in the same way that being labelled a murderer or sex offender would be. Thus, the fear of reprisal-from-above still exists, but rather than physical violence mandated by an omnipresent sovereign, this fear is of *judgement itself*. This dread is neatly encapsulated in Roland Barthes’ observation that ‘the Law is always prepared to lend you a spare brain in order to condemn you without remorse ... it depicts you as you should be, and not as you are’ (Barthes 1974: 44). A central element of this is the judicial homily, a ‘by-product of modern expectation that judges should give reasoned justifications for their sentences’ (Walker 1980: 145), comprised of remarks made by a judge on the nature of the offence and the offender. These can be just as injurious to the defendant as punitive mutilation, especially if they are reproduced in the mass media.

Regardless of the absence of actual violence, however, in Western popular culture there is still an expectation that evil people should ‘look evil’, which in many cases still equates to mutilation – we want our villains to look as though they have been punished in such a manner. This has given rise to a narrative motif whereby villains are often scarred in ways reminiscent of mediaeval criminals, and the art-form in which this is perhaps most evident today is the superhero comic.

### 3 Legitimacy and the Superhero

Richard Reynolds lists seven characteristics which he believes define the superhero. First, ‘The hero is marked out from society. He often reaches maturity without having a relationship with his parents.’ Second, ‘At least some of the superheroes will be like earthbound gods in their level of powers.’ Third, ‘The hero’s devotion to justice overrides even his devotion to the law.’ Fourth and fifth, the extraordinary nature of the hero will be contrasted with both his mundane surroundings and a mundane alter-ego. Sixth, heroes are most often loyal to the state, ‘though not necessarily to the letter of its laws’, and finally, ‘The stories are mythical and use science and magic indiscriminately to create a sense of wonder’. Reynolds then notes that ‘Turning some of these

laws on their heads... would give us a good working definition of the superhero's opponent, the supervillain' (Reynolds 1994:17).

Reynolds' list does indeed accurately describe the superhero type, but the extrapolation of these characteristics does not always have a palatable result. Though Reynolds derived the above list using the steadfast Superman as an archetype, the composite of these characteristics is a near-omnipotent extremist who can hide in plain sight, is immune to prosecution by virtue of his or her scientific/magical powers, and substitutes his or her own rigid morality for the laws of the land. Thus, superheroes do not just pose questions about justice, but about political legitimacy as well. We are all too aware that immoral governments may hold legal authority, and that laws might not always be just, but our interpretations of what makes a government 'immoral' or laws 'unjust' will vary according to individual judgement – a dangerous consideration when the individuals in question are in possession of godlike powers. Even without those powers, the characters can pose a threat; as DiPaolo rightly points out, Batman is 'a feudal prince who happens to live in a democratic society', and thus presents the same kind of danger to that society that a superpowered hero would – luckily for the citizens of Gotham City, 'Batman has the script on his side' (DiPaolo 2009: 204), and thus the righteousness of his actions can never be in doubt.

Geoff Klock highlights three aspects of superhero politics which are particularly problematic: firstly, superheroes 'always rely on physical violence and intimidation to fight crime'; secondly, as described above, the superhero is often a vigilante, and thus is technically a criminal. 'In these two respects', Klock says, 'many masked crime fighters differ from the Ku Klux Klan only in that they are usually afforded socially acceptable status on a large scale'.<sup>3</sup> Thirdly, 'superheroes most often occupy a reactionary role, traditionally emerging only to meet a threat to the status quo. Large-scale social changes are a supervillain signature' (Klock 2002: 39).

Interestingly, Superman was originally conceived of by his creators Jerry Siegel and Joe Shuster 'as a villain who wanted to take over the



world' (Sassienie 1994: 22), and this conception has loomed large over American superhero comics ever since. As Klock puts it:

The implied threat of large-scale fascistic control must necessarily underlie superhero stories because of a fundamental power differential ... The power differences among men are never so great that a few might not band together to stop one. In the world of superhero comics, this is simply not the case (Klock 2002: 41).

As comics notionally became more 'mature', this implied threat was increasingly acknowledged. In the prologue to *The Man of Steel*, John Byrne and Dick Giordano's 1986 rewriting of Superman's origin story, young Kal-El's parents mitigate their feelings of revulsion at the inhabitants of planet Earth with the hope that their son will come to rule over the 'savages' and 'shape them to proper Kryptonian ways' (Byrne and Giordano 1994: 10-11). Similarly, Alan Moore's renowned *Watchmen* not only presents superheroes for what they are – disturbed, self-righteous vigilantes – but culminates in the destruction of New York City as a utilitarian measure to bring about world peace. Image Comics' 'Wildstorm Universe' is populated by numerous teams of godlike beings who impose their will on the world, most notably The Authority and The Monarchy. Superheroes are no longer treated as politically or ideologically innocent. As such, readers, creators and critics have grown accustomed to asking questions about the implications of the violence of these characters' actions.

In administering this kind of lawgiving violence, superheroes effectively assume the position of mediaeval royalty. They constitute a 'warrior elite': their actions are guided by honour, and the epic brawls between superpowered individuals are essentially duels writ large. Their ability to 'make war' constitutes both a right and an obligation to do so, and this in turn gives them the right to punish transgressors. Thankfully, as noted above, the context of the comic book means that this right to punish is always accompanied by an unerring moral judgement.

It is thus only logical that some comic book villains would be afflicted with punitive mutilations, their scarred bodies indicating

the omnipresence of the hero-as-monarch. In Western culture, the dichotomy between the sovereign and the condemned man means that the existence of a mutilated character is, in itself, evidence of the existence of a sovereign (or at least an indication that there is room for one). Within comics, however, these criminals are often deformed *before* they become criminals, in ways that provide advance warning about the precise kind of villain they are. In these cases, it does not matter whether or not the deformity preceded the criminality; this pre-emptive, almost karmic punishment makes the precise nature of their criminality physically manifest.

Batman villains are notable for this tendency. Two-Face has a bilaterally divided face – one side scarred and disfigured, the other untouched – which reflects his obsession with bilateral games of chance, such as the coin he flips to make decisions. Waylon Jones, otherwise known as ‘Killer Croc’, was born with an extreme form of genetic atavism that gave him a reptilian appearance, and grew up to be an animalistic sociopath. The Joker, also known as the ‘clown prince of crime’, has what appears to be an extreme case of *risus sardonicus*, which has been re-interpreted in the 1989 and 2008 Batman films as either chemical scarring or deliberate mutilation. Mister Freeze, a mutant who must constantly wear a cryogenic suit or expire, is perhaps the most tragic figure of all the *Batman* villains, being a scientist who devoted himself to cryogenic research in a doomed attempt to save his beloved, terminally-ill wife. In the end, though, these characters’ pasts do not matter, only their actions. The motif of punitive or stigmatising mutilation has outlasted the actual practice, and whatever sympathy their tragic histories may garner, the fact remains that their appearances reflect their criminal personalities. The implied logic of the motif is that these characters are innately *deserving* of this kind of punishment. This is not to say that superheroes have the right to mutilate transgressors (very few would even countenance such action), but the deformity of the villain emphasises the hero’s right to punish them.

The motif of punitive mutilation is so well-recognised that some creators foreground it for comic effect. A notable example of this is

Garth Ennis's *Preacher*, in which the villainous arch-conspirator Starr acquires a new disfigurement in every volume in which he appears: beginning with a missing eye (the result of a childhood maiming at the hands of a bully), Starr loses an ear in Volume 2, acquires a long scar over his scalp in Volume 3, then loses his right leg to a family of cannibals in Volume 6, and has his genitalia bitten off by a Rottweiler in Volume 8. When accused of being a 'monster' in Volume 9, he replies, 'You can't say I don't look the part' (Ennis 2001: 161).

The superhero and supervillain, exaggerated forms of the sovereign and the 'condemned man' respectively, represent a world in which our instincts towards revenge can be satisfied logically as well as emotionally. However, the view of punishment as retribution or recompense for a crime has two flaws. Firstly, as previously argued, vengeance always tends to the excessive, especially when it is legitimised as justice. The second flaw is that there are some transgressions for which there can be no truly equal recompense. To take one example, Fritz Haarmann, the 'Butcher of Hanover', killed twenty-seven men and boys, and sold their flesh on the back market; he was executed by guillotine in 1925. The punishment was not equal to the crime in Haarmann's case because he could only be executed *once*, and the swiftness of his death was not commensurate with the cruelty of his actions. Notions of recompense, be they utilitarian or straightforwardly retributive, break down in the case of mass murderers who 'deserve' more than is in our power to give them. This is not true within the confines of the comic book. DiPaolo maintains that 'It is in Batman's nobility – his desire to protect and improve his home city – that he has renewed appeal for modern audiences' (DiPaolo 2009: 215). This is also true of superheroes more generally: the enduring popularity of superheroes arises partly from their similarity to feudal sovereigns, in that they can 'wage war' in punishing a transgressor, and they routinely battle individuals whose crimes are heinous enough to warrant this kind of reaction.

As Scott McCloud explains, the space between the panels of a comic, known as 'the gutter', is a key element in the comic-book reading experience: 'Here in the limbo of the gutter, human imagination takes

two separate images and transforms them into a single idea' (McCloud 1993: 66). Juxtaposing two images – one of a man about to be murdered with an axe, the other a silhouetted city skyline accompanied with a 'screaming' sound effect – McCloud goes on to explain the gutter's role in the reader's response to the text:

I may have drawn an axe being raised... but I'm not the one who let it drop or decided how hard the blow, or who screamed, or why... [Every reader] participated in the murder. You all held the axe and chose your spot. To kill a man between panels is to condemn him to a thousand deaths (68-9).

This example demonstrates that the gutter adds an interactive element to what on the surface appears to be a passive reading activity. As the reader's mind makes the transition from image to image across the gutters and synthesises them into a coherent narrative, he or she vicariously takes part in the administration of justice upon an evildoer. This participation has three effects: first, it 'ennobles' the reader, thus removing the fear of judgement and punishment by placing him or her above the law; secondly, it distances the reader from the category of *Homo Sacer* by allowing him or her to partake in violence against such a person; thirdly, it gives the reader catharsis by presenting a world in which there is no contradiction between 'excessive' and 'proportionate' punishments. Not only can a supervillain endure any kind of horrific real-world torture, but the superhero genre's blurring of science and magic allows for punishments that contravene the known laws of nature.

## **Conclusion**

The appeal behind superhero narratives may be linked to their similarities to feudal lords, but it does not necessarily indicate a wish for feudal or fascist rule. Rather, superheroes serve as avatars who enact the reader's righteous anger. Justice is no longer founded upon the vengeance of a sovereign, but the rage and fear of the de-individualised masses. Because their moral judgement is unerring and they have the means to wage war on those who have transgressed against society,

superheroes administer a form of justice that speaks to the concept's fundamental vengefulness; they are, to paraphrase Bentham, at liberty to 'punish as they hate', much as feudal lords were. Part of our enjoyment of these stories comes from the fact that they make us feel simultaneously powerful and normal, they reaffirm our sense of ourselves as moral beings and they temporarily take away any fears we might have of being judged or punished. This function requires the superhero to have at least one mutilated, deformed or mutated nemesis. It is my opinion that this appeal is intrinsic to the superhero genre, and cannot be affected one way or the other by censorship or self-regulation. The CCA Code primarily impacted villains, rather than heroes (the exception to this is of course Batman, who became just as silly as his opponents during the 1960s).

The code did not exist in a societal vacuum. The very fact that it came about as an industry-wide response to moral criticism indicates that it was pandering to a number of pre-existing moral truisms. The restrictions on the depiction of criminals were ultimately less about the welfare of impressionable youth than they were about reinforcing community standards. Criminals came to be depicted as 'decent people' had always imagined them – ugly, dangerous and evil by nature. The villains depicted according to CCA guidelines are much more frightening than any real-world criminals, because they have no logical motive for their crimes.

For this reason, the much-reviled CCA Code, for all its faults and ridiculous moralising, did achieve one very important thing in that it created a whole new class of *Homines Sacri* by exaggerating that which already existed, and creating hate-figures without any real-world equivalent. The flamboyant, powerful, homicidal supervillain of today is not in the same category as the teenage delinquent, the panhandler, or the desperate drug-addict. Iron Man does not don his armour to hunt down pickpockets, Wonder Woman does not beat up litterbugs, and Batman does not pepper-spray protesting students. Though superheroes are most often patriotic, and most often arise to defend the status quo, they do not bring their rigid morality to bear on dissenters and the

marginalised, for the same reason that they no longer rescue cats from trees on a regular basis: superheroes are 'big-picture' people because they have supervillains to contend with.

The feudal appeal of the superhero, sometimes blurring into fascism, works by involving the reader in the cathartic punishment of an unambiguously evil or non-human villain, a punishment which is always proportionate and moral, despite having no upper limit. Without the supervillain, one shudders to imagine which *Homines Sacri* would find themselves on the receiving end of the hero's, and the reader's, law-giving violence.

## Notes

- 1 I owe a debt of gratitude to My Learned Cousin, Shane Sibbel, for giving me the benefit of his legal knowledge and directing me towards the relevant bodies of theory.
- 2 The CCA did, however, include some valid restrictions on what could be represented in comic books. General Standards Part C of the code expressly forbade the ridicule of 'any religious or racial group', the section on Costume mandated that women be depicted 'without exaggeration of any physical qualities', and the Code for Advertising Manner ruled out advertisements for alcohol and tobacco products.
- 3 Klock notes that this is more accurate for the DC comics universe than Marvel.

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