Spider-Man, The Question and the Meta-Zone: Exception, Objectivism and the Comics of Steve Ditko

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Introduction[1]

The idea of the superhero as justice figure has been well rehearsed in the literature around the intersections between superheroes and the law. This relationship has also informed superhero comics themselves – going all the way back to Superman's debut in *Action Comics* 1 (June 1938). As DC President Paul Levitz says of the development of the superhero: 'There was an enormous desire to see social justice, a rectifying of corruption. Superman was a fulfillment of a pent-up passion for the heroic solution' (quoted in Poniewozik 2002: 57). The superhero is particularly well suited to exploring the relationship between law and justice because, as I have argued previously:

> Superheroes alone can personify the tension between a modern adherence to the rule of law and pre- (or even post-) modern explorations of Derrida's *aporia* in different personae: the modern secret identity on the one hand (eg. Bruce Wayne) and the premodern superhero on the other (eg. Batman) (with a postmodern exploration coming from an oscillation between the two). The superhero should therefore be treated as a separate category demanding of academic attention because they alone can personify the inherent tensions in

> law in a way that other crimefighters, be they Harry Potter or Harry Callaghan, cannot (Bainbridge 2007: 457).

By 'law', here I am referring to law understood in a positivist sense, laws duly enacted by a sovereign authority.

While many mainstream superhero comics regularly reflect on this relationship between law and justice, the notion of *alegality* remains relatively underrepresented. I define *alegality* as an unambiguously wrong act, committed deliberately, often as a result of amoral/immoral reasoning for which no specific law exists to make that act expressly illegal. The idea of *super powered* individuals (both heroes and villains) creates the very lacunae in law that requires superheroes to exist; they represent *power* beyond the scope of legal functioning and resolution; they therefore simultaneously create a problem (opening up a space outside the reach of the law) and offer its solution (operating as justice figures).

Certainly as the superhero genre has developed, the neat moral binaries between good and evil have largely been eroded, bringing the realm of comic-book justice that much closer to what Giorgio Agamben describes as the 'topological zone of indistinction' or the 'alegal phenomena' of postmodernity, where law does not always apply (Agamben 1995 [1998]: 37). This was not only reflected in superhero storylines – such as Frank Miller's *Batman: The Dark Knight Returns*, Alan Moore and Dave Gibbons' *Watchmen* and the increased popularity of violent, vigilante heroes like Marvel's Wolverine and the Punisher – but also in the changing visual style of the comics themselves. Matthew Costello, for example, notes how the 'clear lines, stark contrasts, and a formal, contained look' of 1960s superhero artwork offered a 'vision of moral certainty' (2009: 68). In contrast, 1980s superhero artwork, with its the breaking down of images, jagged lines and increasing use of splash pages, paralleled the 'more porous moral boundaries between heroes and villains as vigilantism became dominant and the heroes and villains were increasingly equated within those stories' (Costello 2009: 79). Just as moral dichotomies could no longer contain the morality at work here, so too could the comic-book panels no longer contain the

heroes and villains. At both the narrative and artistic level, comics produced in the 1980s and after[2] embody the idea of 'destroying the world in order to save it, or stepping outside the law in order to enforce the law' (Shaviro 1997: 64).

But there was one penciler and plotter who, despite (or perhaps because of) his Objectivist viewpoint, regularly explored this 'zone of indistinction' long before it was fashionable to do so. Objectivism is a philosophy created by philosopher and novelist Ayn Rand, laid out in her novels *The Fountainhead* (1943) and *Atlas Shrugged* (1957) and elaborated on in several later non-fiction books. At its core, objectivism teaches that the proper moral purpose of one's life is the pursuit of one's own happiness (termed 'rational self-interest'); Rand saw 'the concept of man as a heroic being, with his own happiness as the moral purpose of his life, with productive achievement as his noblest activity, and reason as his only absolute' (1992: 1170-1171). One of Objectivism's most devoted followers was Steve Ditko.

Throughout the 1950s, 60s and 70s, Steve Ditko worked through ideas of alegality, objectivism and justice in a body of work that remains highly personal, defiant and above all meditative on the relationship between superheroes and the law. Ditko worked across a number of series for a variety of publishers and in the process co-created some of the most enduring icons of the four-colour world. In this paper I analyse some of his most recognisable characters – Captain Atom, Spider-Man, The Creeper, The Question and Shade the Changing Man – as symbolic embodiments of the struggles between law, justice and alegality or what Jewett and Lawrence would term 'an iconic shorthand' (2003:6). This paper considers Ditko's work through the lens of Giorgio Agamben's idea of a *state of exception*, providing a critical reflection on the necessity of superheroes and an important contribution to how we think about ideas of law and justice. This paper will also draw on a mix of legal philosophy, Ayn Rand's Objectivism and close textual analysis of some of the key examples of Ditko's superhero oeuvre – analysing both words and pictures to provide a compelling interpretation of how these texts might be understood by audiences.

2 Steve Ditko

Born on November 2, 1927 in Johnstown, Pennsylvania, Stephen J. Ditko[3] was the son of first-generation Americans of Czech descent (Bell 2008: 1). It was from his father, Stephen, a master carpenter at a steel mill, that he derived his love of comics, commencing with comic strips like *Prince Valiant* and later the *Batman* comic and *The Spirit* comic-book insert (Bell 2008: 15). While performing military service in postwar Germany he drew comics for his Army newspaper (Bell 2008: 15) and later enrolled at the Cartoonist and Illustrators School in New York under the G.I. Bill. It was there Ditko studied under his idol, *Batman* artist (and creator of the Joker) Jerry Robinson (Bell 2008: 16). Robinson frequently invited artists and editors to speak to the class, including then-editor of Atlas Comics, Stan Lee. Lee would later co-create Spider-Man with Ditko.

Ditko's professional career commenced in early 1953 in science fiction and romance comics. Shortly afterward he found work as a background inker at the studio of Joe Simon and Jack Kirby where he worked with the artist Mort Meskin. It was at this time that he began his long association with Charlton Comics, one he would return to again and again over his career, commencing with the cover for *The Thing* 12 (in February 1954) along with an eight-page story ('Cinderella') in that same issue. It was while working for Charlton Comics that Ditko co-created Captain Atom (with writer Joe Gill) in March 1960.

3 Captain Atom: Operating in the State of Authority

Captain Atom is perhaps the most uncomplicated of Ditko's co-created superheroes. Debuting as an air force career man, Captain Adam, the character was 'reborn' as the atomic-powered Captain Atom following an atomic explosion (Ditko 2004: 13). Throughout his adventures, Captain Atom battles the enemies of the United States which include 'the Reds', unidentified rogue nations, aliens and women from Venus and, later in the run, more conventional super-villains like Doctor

Spectro and the Ghost. In so doing he (almost invariably) acts on either the orders of his commanding officer or the President himself. In this way Captain Atom is essentially uncomplicated in that he embodies Max Weber's idea of the state where, following Weber, the Captain has the 'right' to use violence 'only to the extent to which the state permits it' (1991: 78). Clearly then, Captain Atom operates in *the state of authority* as a legally sanctioned officer of the state.

Alan Moore later problematized this idea in his *Watchmen* series (Moore & Gibbons 1987). This series famously featured analogues of several Charlton heroes which DC had recently acquired and were reluctant to have end up 'dead or dysfunctional' as a result of Moore's proposed story (Moore qtd Khoury 2003: 109). The analogue for Ditko's Captain Atom was Dr Manhattan and, as Tony Spanakos notes, unlike the earlier Captain Atom, Dr Manhattan made clear that 'even where the state "permits" the use of violence by superheroes, their violence hardly seems legitimate' (2009: 39); Dr. Manhattan is depicted vaporising Viet Cong and later his teammate Rorschach to preserve the integrity of 'the state'. Just as Captain Atom was referred to as 'another weapon' (Ditko 2004: 40), Dr. Manhattan is similarly described as a 'goddam walking H-bomb' (Moore and Gibbons, II:8). In both cases the superhero is de-personalised, becoming just another weapon at the disposal of the state; they do not operate without the sanction of the state. Therefore, while they speak to the relationship between law and justice, these characters offer no commentary on alegality.

4 Spider-Man: Operating in the State of Emergency

Throughout the 1950s, Ditko had also drawn stories for Atlas Comics, forerunner to Marvel Comics; thus, Ditko was one of the principal artists present at Marvel's inception. Ditko had taken a hiatus from comics in 1954 when he contracted tuberculosis, recuperating at his parents' home in Johnstown (Bell 2008: 10). Upon his recovery he moved back to New York City in 1955 where he began contributing

what Stan Lee called

> short, five page filler strips. … All I had to do was give Steve a one-line description of the plot and he'd be off and running. He'd take those skeleton outlines I had given him and turn them into classic little works of art that ended up being far cooler than I had any right to expect (Lee 2010: 9).

These short stories appeared in a number of Atlas/Marvel comics including *Strange Tales*, *Tales of Suspense* and perhaps most significantly *Amazing Adventures*, renamed *Amazing Adult Fantasy* with issue 7 (in December 1961). The final issue of *Amazing Fantasy* (released on 15 August 1962) featured the debut of what was to become Marvel's flagship character, Spider-Man.

With the permission of publisher Martin Goodman, Stan Lee set out to create an 'ordinary teen' superhero (Lee & Mair 2002: 130). Lee originally collaborated with Jack Kirby, however, Lee turned to Ditko for the design of the costume as well as pencils and plots when Kirby's take on the character turned out to be 'too heroic' (Theakston 2002: 12). Describing Ditko's contribution to the character whose 'design has never been topped' (Saffel 2007: 286), Steve Saffel notes that 'Ditko was the penciler, inker – and sometimes plotter[4] – of *The Amazing Spider-Man*, and for the first 38 issues (plus two giant-size annuals) his fluid, often noir art style established the series as utterly unique' (Saffel 2007: 22).

The 40 issues of *The Amazing Spider-Man* on which Ditko worked marked three important achievements. First, Spider-Man arguably became the template for all the Marvel superhero stories that followed. As well as basing the action largely in *melodrama*, each story involved different combinations of at least five constitutive elements: moral polarization, overwrought emotion, pathos, non-classical narrative mechanics and sensationalism (Singer 2001: 37). Issues of Spider-Man frequently put Parker through 'unbearable trials' and 'extremes of pain and anguish' none more famously than the Ditko-pencilled *Amazing Spider-Man 33* (February 1966) wherein Spider-Man is trapped in a tunnel under tons of rubble while trying to rescue his Aunt May. For

eight pages Spider-Man strains to lift the rubble while being haunted by what Daniels describes as 'visions of the uncle he failed and the aunt he was sworn to save' (1991: 129).

As drawn by Ditko, 'Spider-Man's villains were as bizarre as they were deadly' (Saffel 2007: 22) and almost invariably, like the titular hero himself (and indeed like Captain Atom before him), were the product of 'weird' comic-book science: affected by the hallmarks of modernity (such as radiation, cybernetic and genetic manipulation) that were to become recurrent features of the Marvel universe. This is why comic scholars like Les Daniels saw the Marvel superheroes as '[challenging] the very concept of the super hero. Spider-Man was neurotic, compulsive and profoundly skeptical about the whole idea of being a costumed saviour' (Daniels 1991: 95), something that provided him with both 'tremendous street cred' (Saffel 2007: 286) and a new approach to what it meant to *be* a superhero. As opposed to the earlier DC heroes who 'impose their ideas of heroism … as if they have a divine right, a conduit to the truth and justness of their role' the Marvel superhero, following Spider-Man, 'must work through their heroism – a heroism which is based in ideas of individual advancement, of enduring trials and emerging, virtue restored, at the other end' (Bainbridge 2009: 70).

Ditko's second achievement was in placing Spider-Man, his supporting cast of villains and friends into a largely realistic urban world of New York streets and skyscrapers. In doing so, Ditko refined his artistic style into a spikey, clean, and finely detailed representation that was able to accommodate both real-world musculature (and an abundance of ordinary, ugly and awkward characters that fitted the realistic tone of the comic) as well as more cartoony villains and psychedelic elements (as demonstrated to a greater extent in his concurrent work on the comic *Strange Tales*). These would become even more important elements of his later work. As Alan Moore described it in the documentary 'In Search of Steve Ditko', in Ditko's artwork there was a:

> tormented elegance to the way that his characters stood, the way that

> they bent their hands… Something even in the nine panel page grids that he used to habitually use that brought a kind of claustrophobia, a kind of paranoia to the work. His characters always looked very highly-strung.They always looked as if they were on the edge of some kind of revelation or breakdown. There was something a bit feverish about Steve Ditko… [He also] made a feature of the urban landscape. … Steve Ditko brought this quality to his cityscapes that had real character. It was a slightly paranoid and shadowy character but that suited very much the kind of introspective, often melancholy mood of a lot of those early Spider-Man episodes (qtd Ross 2007).

Jonathan Ross similarly notes Ditko's restraint:

> His characters look more like they are dancing, or carrying off an especially difficult gymnastics routine – they have grace and poise and finesse rather than brutal strength and power… [and] Ditko draws expressions better than anyone… once the stories get going, the faces go crazy – eyes bulging, sweat dripping, mouths wide in terror (Ross 2007).

Here then is the key to Ditko's style: unlike the physical bombast of his Marvel contemporary Jack Kirby whose figures burst out of the page, Ditko concentrated on *faces* to emphasise mood and anxiety. In this way his art continually highlighted the very real traumas – both physical *and* mental – involved in being a superhero. Rather than simply depicting the physical display of power, Ditko's artwork drew attention to the intellectual struggle superheroes face when trying to operate within the law while serving justice.

Ditko's third achievement is evident as he moved Spider-Man beyond conventional melodrama (Hyslop 1992: 66) by coupling moral pronouncements with more modern interrogations of what it took to be a hero. On the one hand, Spider-Man continued to present a world where 'our liberty is more likely to be protected by heroes, who are above and beyond the state, than by the bureaucrats who comprise it' (Spanakos 2009: 27). This is what Spanakos sees as a 'fundamental tension' within the superhero genre over legitimacy of authority between the state and the 'coercive capacity of superheroes' (2009: 34-35). Power and an existence free from the law that such *super power* brings means

that the superhero is simultaneously an asset and a liability to the state (Hughes 2005: 547). Occasionally, the power that the superhero exerts is blessed by the state which 'authorises [the superhero] to act on its behalf' (Spanakos 2008: 56); this is demonstrated by Captain Atom and more regularly seen in the co-operation between authorities and earlier superheroes such as Batman and Superman.

In contrast, Spider-Man is forced to operate outside the law, spending almost as much time avoiding the authorities as he does the supervillains. In so doing, Spider-Man reveals that the superhero often has to exist *outside* the society he defends; indeed, Spider-Man can only engage with society through his secret identity of reporter Peter Parker. Giorgio Agamben identifies this state, 'to be outside and yet belong… [as] the topological structure of *the state of emergency*' (2003, emphasis added) and goes on to define that

> what is specific for the state of emergency is not so much the confusion of powers as it is the isolation of the force of law from the law itself. The state of emergency defines a regime of the law within which the norm is valid but cannot be applied (since it has no force), and where acts that do not have the value of law acquire the force of law (2003).

The superhero is constantly in this *state of emergency*, using (often superhuman) force to fight against one of innumerable 'crises' of personal or cosmic importance such as natural disasters or a supervillain placing others in peril. This constant state of emergency is represented in the constant fluidity of the comic book superhero. The hero is often depicted in movement, in action, surrounded by onomatopoeic sound effects and thought bubbles offering ongoing interior monologues. The hero also exists in a series of adventures that, as part of a serial narrative, will never end. It is precisely the never-ending nature of the heroes' struggles that suggests the major problem here: for, following Agamben, it is when the state of emergency is prolonged that it may become *the state of exception* (Agamben 2005).

For Mervi Miettenien it is the superhero's super power, (in this instance, Spider-Man's spiderlike abilities) which makes the superhero in some way superior to others. In so doing, these powers also create this

'state of exception' and enable the superhero to '[take] on the executive power of the law without the legislative power; in other words he has no legitimacy of authority behind his actions' (2011: 271). Furthermore,

> the superhero, by his nature, exists in the terrain between law and politics, in a state of emergency, breaking the law in order to uphold it. The superhero executes acts of power, but at the same time, has no legislative power … has no legal position as an agent of the law, yet acts like one (2011: 280).

The superhero is therefore *alegal*, operating in an area where no specific laws exist to make their acts expressly illegal, combatting others whose abilities also place them outside society and beyond the reach of the law. This is similar to Agamben's notion of *homo sacer*: a 'life that does not deserve to live' (1998: 136) or someone expunged from society. Indeed, Miettinen opens her treatment of the state of exception (in relation to the *Watchmen* series) with a quote from Frank Miller's *Batman: The Dark Knight Returns* wherein Batman says 'We've always been criminals. We have to be criminals' (Miller 1986: 135). This quote underlines her central point that 'in order to protect society, the superhero must inevitably become a criminal, a vigilante who breaks the law in order to save it when the more traditional state powers fail to do so' (2011: 269).

This link between superheroes and *homo sacer* has been made by a number of commentators both inside and outside the academy – though generally in relation to the movie adaptations of superheroes rather than the comics themselves. As Gray and Kaklamanidou note:

> *Hulk*, *The Incredible Hulk*, *Iron Man* and *Iron Man 2*, and *Avatar* warn that as long as the U.S. military industrial complex shapes patriotism and U.S. encounters with the other, the USA will continue to 'misrecognize' too many people as *homines sacri*, stripping them of their rights and the completeness of being human, reducing them to 'bare life' (Gray & Kaklamanidou 2011: 28).

Similarly Pramod K. Nayar (2006) notes the only reason Batman's violence is tolerated and 'keeps him out of prison – or possibly a mental asylum … is that he kills people who are beyond the pale: *homo sacer*,

a man so outside the pale that his killing does not constitute murder (Agamben 1998)' (Nayar 2006: 116). However, it must be noted that Nayar's analysis is somewhat inaccurate as Batman does not kill.

Defining the villains that superheroes deal with as *homines sacri* or 'an inclusive exclusion' (Agamben 1998: 7) and thereby outside conventional law, means that the power of a superhero such as Spider-Man is ultimately presented as 'totally benign, transmuting lawless vigilantism into a perfect embodiment of law enforcement' (Lawrence & Jewett 2002: 46). Using another Marvel hero as their template, Jewett and Lawrence term this the 'Captain America complex' where nondemocratic means are employed to achieve democratic ends (2003: 28). As such, the actions of the superhero ultimately undermine the democratic ideals they actually seek to protect. Furthermore, in the best melodramatic protagonist tradition, superheroes like Spider-Man are most often presented as essentially passive characters in that they do not have to act unless the status quo is threatened by a villain (Reynolds 1992: 50-51). For Reynolds it is 'the villains [that] are concerned with change and the heroes with the maintenance of the status quo' (1992: 51). Fighting the villain therefore becomes a way of asserting the sovereignty of the superhero, a justification of their own existence by reframing the struggle as between 'the good and the bad, the just and the unjust' (Agamben 1998: 8) rather than one alegal individual simply fighting another.

5 The Question and Mr. A: Operating as an Objectivist

For undisclosed reasons, Ditko abruptly left Marvel in 1966. Various suggestions have been offered over the years including a disagreement with Stan Lee over the identity of the Green Goblin (a theory which has been largely discounted, see Ross 2007); a general breakdown of communication between Lee and Ditko; particular ideological differences between the politics of Lee (liberal) and Ditko (conservative); or Ditko's adherence to Objectivisim and its requirement

that art should mirror one's own personal beliefs. Whatever the case, Ditko tellingly moved back to Charlton Comics who paid less per page but gave their creators greater control. On his return to Charlton, Ditko became a key architect of a second line of comic characters, Charlton's Action Heroes, who were characters with:

> costumes and special abilities or equipment, and they fought crime and injustice without super-powers (with the exception of … Captain Atom). They were heroes who went into action when circumstances demanded it (Giordano 2007: 9).

Ditko's influences on Charlton's Action Heroes were numerous, essentially rebooting his earlier character Captain Atom (in November 1966), helping to bring back Atom's female offsider Nightshade (in March 1967) and creating both a new version of the Blue Beetle character – an amalgam of Batman and Spider-Man (in November 1966) – as well as the Question (in June 1967).[5]

The Question shares many characteristics with Spider-Man; both are principled loners operating against an uncaring collective. Similarly, both characters have alter-egos who work as vigilante-journalists: television journalist Vic Sage transforms into the Question by adopting a faceless mask and using special gas to seal the mask to his face and change the colour of his clothes and hair. However, unlike Spider-Man, the Question doesn't have any traditional super powers. Instead, his super power is simply to know what is right and act accordingly (similar to Ditko's later creation, Mr. A – see below). Even more so than Spider-Man, the Question abolishes what Agamben terms that 'distinction among legislative, executive and judicial powers' (Agamben 2005: 7) by embodying judge, jury and (unlike Spider-Man) executioner (if required). In a memorable appearance (in December 1967) the Question left some criminals to drown in the sewer with the words: 'You're both crazy if you think I'd risk my neck to save the likes of you! As far as I'm concerned, you're just so much sewage! And you deserve to be right where you are!' (Ditko 2007: 276).

Jamie A. Hughes states that making superheroes 'champions of justice and perfection' removes them from ideological concerns with

social and/or political issues (2006: 546-547). For Hughes, superheroes become superheroes through an 'intrinsic responsibility' which is free from ideologies (2006: 548). Hughes' term may be a reference to the famous aphorism from Spider-Man: 'with great power comes great responsibility'. I, however, agree with Miettenin that superheroes most often act *through necessity* (2011: 283) and that 'it is precisely through ideology that the state of exception, with the superheroic vigilante actions and violence, is made acceptable and justifiable' (Miettenin 2011: 275). I would therefore argue that the Spider-Man aphorism above could be read in full as: 'with great power comes great responsibility *to act in the best interests of society*'. This again fits with Agamben's argument that necessity depends on subjective judgment and that 'the only circumstances that are necessary and objective are those that are declared so' (2005: 29-30). It also seems to reflect Ditko's take on the aphorism; his (post Spider-Man) superheroes increasingly become more brutal in seeking out wrongdoers and punishing them accordingly, driven by a necessity to correct what they view as wrong in society.

Here Ditko problematizes what is *alegal* by making what would often be an unambiguously wrong act (the taking of another life) abundantly *necessary*. This 'recourse to necessity entails a moral or political (or, in any case, extrajuridicial) evaluation, by which the juridicial order is judged and is held to be worthy of preservation or strengthening even at the price of its possible violation' (Balladore-Pallieri 1970: 168, quoted in Agamben 2005: 30). Ditko's recourse was to the tenets of Objectivism – providing a foundation of reasoning that was presented as moral (rather than amoral or immoral) by virtue of the fact that it was *rational* rather than *emotional*. As such the Question still operated in an alegal space, but objectivism presented him with an unambiguous rational platform from which to act in this way.

Objectivism is an intellectual response to Romanticism in that it foregrounds the intellectual over the emotional, holding that truths are objective rather than subjective. It is derived from three axioms: existence, identity and consciousness. Objectivism rejects anything

that transcends existence and, being founded on the principle that 'consciousness is identification', similarly rejects the Kantian dichotomy between 'things as we perceive them' and 'things as they are in themselves' (Rand 1961: 124). For objectivists, the object of perception is therefore reality; there is no nuance, no competing worldview, there is simply the world *as it is*.

Rand therefore defined morality as 'a code of values to guide man's choices and actions – the choices and actions that determine the purpose and the course of his life' (Rand 1964: 13). Human beings must choose their values with both egoism (this idea of 'rational self-interest') and a rejection of altruism as necessary corollaries. Individual rights become paramount for, according to Rand, 'man's mind will not function at the point of a gun' (Rand 1967: 141), reason should be everything. As such, initiations of physical force against the will of another are deemed immoral (Rand 1964: 36), but the use of defensive or retaliatory force is considered appropriate (Rand 1964: 126).

For Objectivists, a 'right' is defined as 'a moral principle defining and sanctioning a man's freedom of action in a social context' (Rand 1964: 110). This right to action then creates obligations that are necessarily negative in nature, i.e. not to violate the rights of another. For Rand, this system of rights is best supported by 'full, pure, uncontrolled, unregulated laissez-faire capitalism' (Rand 1964: 37), a system that encourages individual freedom and dynamism, and a system of limited government that 'has no rights except the rights *delegated* to it by the citizens' (Rand 1964: 129). The proper functions of government as laid out by Objectivists are to place 'the retaliatory use of physical force under objective control – i.e. under objectively defined laws' (Peikoff 1991: 364) by several mechanisms, including: '*the police*, to protect men from criminals – *the armed services*, to protect men from foreign invaders – *the law courts*, to settle disputes among men according to objectively defined laws' (Rand 1964: 131).

Clearly the superhero steps in where the rational and good fail to defend themselves from the irrational and evil, where the law is otherwise vague or not based on essential principles. In a perverse

way then, objectivism can actually legitimate the state of exception, providing a rational foundation for acting alegally because 'man's right to his own life' is the one fundamental right to be pursued. Indeed, objectivism would have been a particularly attractive philosophy to Ditko based on its definition of art (later defined by Peikoff) as a 'selective re-creation of reality according to an artist's metaphysical judgments' – a way of preserving, communicating and thinking about abstract ideas in an easily grasped, perceptual form (Peikoff 1991: 417, 422). This, I would argue, is a feature of most of the works in Ditko's oeuvre: working through abstract ideas of law, justice and alegality in the easily grasped, perceptual form of superhero comics.

As the superhero the Question, Vic Sage could enact Objectivist philosophy. As TV reporter Vic Sage, the Question could make Objectivist monologues in the form of proselytizing speeches. This increasing didacticism in Ditko's comics reached their peak in 1967 in Ditko's most personal character, the white-suited, brutal and uncompromising Randian hero Mr. A,[6] also known as Rex Graine, another newspaper reporter turned vigilante. If the Question raised questions around how an objectivist hero might operate in the state of exception, Mr. A provided the answer. The lack of any ambiguity is represented in the following quotes from the cover:

'Your only choice …either Good or Evil'

'When is a man to be judged evil?'

'… right to kill!'

This absolutism was also repeated inside the comic, specifically in the caption on the splash page of Mr. A:

> A is A, a thing is what it is. No man can have it both ways. Only though black and white principles can man distinguish between good and evil. The principles guide man's basic choice of actions. Men can attempt to choose contradictions, grey principles, like men can choose to be dishonest, corrupt, but that choice only leads to evil – to self-destruction! (as presented in Ross 2007).

Similarly, this theme was expressed by a target of Mr. A's justice as he begged for forgiveness: 'Mr. A. Oh No!! I'm on the good side. I never crossed over to the evil! I only made little "human" mistakes'. Indeed, Ditko felt so strongly about the concepts he was presenting in Mr. A that the only known recording of him was spent outlining the rationale behind Mr. A.:

> Mr A's black and white card symbolizes the law of identity. It identifies the two moral potentials possible, the good and the evil and by one's chosen action the best or the worst potential can be actualized. The card is also a symbol of justice. For Ayn Rand justice is objectively identifying a thing for what it is and treating it accordingly. No one gets the unearned. The innocent is not penalized. The guilty is not rewarded (qtd Ross 2007).[7]

In Mr. A's worldview the number of *homines sacri* are dramatically increased because Mr. A has complete confidence in his ability to dispense due justice, including the death penalty when required; his first appearance ended with him allowing one juvenile delinquent ('Angel') to fall from a building to his death. Mr. A was everything the Comics Code Authority[8] prevented the Question from being and yet like the Question he was a superhero operating in a state of exception legitimated by Objectivism.

The Question and Mr. A were eventually reconciled as one character in Alan Moore's *Watchmen* analogue, Rorschach. As Moore explained: '[Rorschach's] ferocious moral drive and integrity… that was kind of my take on Steve Ditko' (Ross 2007). Apparently Ditko was familiar with Rorschach too – Moore has quoted Ditko as saying: 'Oh yes Rorschach he's like Mr. A … except he's insane' (qtd Ross 2007).

6 The Creeper: Operating in the State of Exception

In the late 1960s, Ditko moved across to DC Comics. During his brief time at DC, he created the Creeper with scripter Don Segall (debuting in *Showcase* 73 April 1968 and going on to six issues of his own series

Beware the Creeper). Ditko also co-created the team of Hawk and Dove with writer Steve Skeates (debuting in *Showcase* 75 June 1968, but only lasting two issues of their own series). As with Marvel, Ditko left DC for undisclosed reasons, but his contributions once again reflect his ethical concerns around law, justice and the role of the superhero as well as the renovation of ideas (and style) his pursuit of Objectivism offered him.

While arguably one of the least successful of Ditko's co-creations, Hawk and Dove pointed to the evolution of Ditko's thinking at this point. Essentially the series was an attempt to embody both sides of the Vietnam War debate in two brothers, Hank and Don Hall. These two brothers were also superheroes – the proactive Hawk and the pacifist Dove. The names given to these characters are fitting as hawks and doves were then-popular terms to describe people on either side of the Vitenam debate. The characters mapped across a set of dichotomies: the populist reactionary Hawk and the socialist activist Dove, the Apollonian rational and individual Hawk, and the Dionysian emotional and assimilationist Dove (see Young 2007). These differences could also be read as the division between many of the characters Ditko had previously worked on (proactive 'hawks' like Mr A and the Question) and how he viewed some of his contemporaries (pacifist 'doves'). Ditko was hardly subtle in the view he favoured; images of Hawk dominated the covers. Alan Moore notes that throughout their adventures (at least as penciled by Ditko), Hawk is presented as a 'non-intellectual, bit headstrong, rugged can-do action hero' while Dove is 'simpering and effete… [a person who] just stands around and agonises about the need for violence' (qtd Ross 2007).

Most interesting of all was the third side to this triangle, standing in judgment of the two boys, their father Judge Irwin Hall. He is a judge very much in the Objectivist mode: he advocates 'the only way to solve problems is through logic', 'a society must be governed by objective laws – and man by objective principles' and 'courts exist for the protection of the innocent'. Judge Hall also has 'a reputation for giving hardened criminals just what they deserve' (Ditko 2011b: 16).

Hall cannot condone Hawk and Dove's 'vigilante actions' and thus speaks directly to the tension between superheroes and the law, the state of exception in which superheroes have come to operate. Judge Hall represents Objectivism as theoretical tool, teasing and questioning how the justice offered by the superhero could be reconciled with the operation of law. These same ideas informed Ditko's less philosophical but more successful character for DC – the Creeper.

The Creeper is the green-haired, yellow-skinned, bounding and cackling alter-ego of outspoken TV presenter Jack Ryder, the latest in Ditko's long line of vigilante journalists. Part Spider-Man (in that he too operates outside of the law) and part wish fulfillment (in that it meant Ryder could not just comment on law breakers but actually go out and stop them himself), at first the Creeper's 'major superpower … [seemed to be] he could laugh at will' while his main ability appeared to be his 'freakishness' (Alan Moore qtd Ross 2007). While this was later refined to include additional strength and agility, the Creeper's actual super powers always seemed less important than the bizarre look of the character.

Agamben argues that the hero exists in a 'zone of indifference, where the inside and outside do not exclude each other but rather blur with each other' (Agamben 2005: 23) and this was literalised in the Creeper. Ryder does not put on the costume of the Creeper so much as (literally) *becomes* the costume: Professor Yatz's device that 'would rearrange the molecular structure of matter' (Ditko 2010: 16) enabling Jack Ryder to become the Creeper and back again is actually placed inside him via an open wound.

As such the Creeper also represented an evolution in Ditko's artwork. Here, the difference between realistic musculature and 'cartoony' style (that had always been part of Ditko's repertoire at least since Spider-Man) becomes far more pronounced. The shift into a cartoonish style represents the movement into alegality – the state of exception in which the superhero operates. The earlier feverish, paranoid nature of Ditko's work in Spider-Man is now full-blown technicolour madness, breaking out of the panels and spilling across

the page. As such, I read the madness of the Creeper as indicative of Ditko's own inability to reconcile his Objectivist take on law and justice with the demands of the industry – perhaps marked extratextually as well by Ditko abandoning his creation partway through his sixth issue. If Spider-Man featured characters on the edge of a breakdown, the Creeper depicts the breakdown itself, the collapse of law and justice into a laughing tangle of green and yellow.

7 Shade the Changing Man: Liquidation

Ditko continued working for Charlton, as well as Atlas/Seaboard, before returning to DC in 1975. While at DC, Ditko worked on a number of heroes including Man-Bat, the Demon, and the Prince Gavyn version of Starman. Most importantly for this article, Ditko also created Shade the Changing Man. This comic was not only short-lived (lasting only from 1977-1978 due to DC's cancellation of almost thirty titles in 1978), but also represented Ditko's last, great, mainstream work on law, justice and the superhero.

All of the elements of Ditko's previous works were present in Shade's debut (in June-July 1977). Rac Shade was a former officer of the law from the Meta-Zone (an extra-dimensional world adjacent to our own), exiled on earth and forced to work outside the law since being framed for attempted murder and treason. As both an outsider in the Meta-Zone and an otherworldly outsider on Earth he continues the trope of the principled outsider common in Ditko's work. While not extreme as either the Question or Mr. A, Shade clearly embraced the Objectivist ideal of personal fulfillment through a rational code of morality, working in that state of exception to clear his name and keep the Earth safe from criminals from the Meta-Zone.

The Meta-Zone itself seems to exist in a state of exception too: rife with corruption and confusion between powers, the very confusion between powers that Agamben states is indicative of the existence of a state of exception (2005: 38). Here the madness of the Creeper (coupled with the psychedelic nature of Doctor Strange) is transposed

from individual madness to regional madness - an entire dimension, the Area of Madness, that serves as a buffer between (our) Earth-Zone and the Meta-Zone. Here too the cartoony exaggeration that marked the shift into the state of exception in the Creeper is present in Shade's 'M Vest' that permits him to distort and change the perception others have of him – literally changing him from realistic musculature into a cartoon. The Meta-Zone villains are increasingly abstract shapes and ideas, swirls, dots and dashes, multi-coloured outlines called Form, the Cloak and Khaos (Ditko 2011a: 2). In contrast, Ditko's Earth criminals look like gangsters from the 1930s. This is perhaps indicative of his desire to present Objectivist ideas of good and evil, black and white, stripping evil back to the simplest of representations so that it can be clearly understood and cleanly stopped.

A constant theme of Shade is 'liquidation', which represents a fitting final statement by Steve Ditko on law, justice and the superhero. Textually, barriers between worlds are broken down, villains negated and forms changed. Extratextually, the comic itself is liquidated as part of DC's late-1970s implosion. For, as Miettenien makes clear,

> Whereas a temporary and regulated use of full powers (of the hero) is, according to Agamben, compatible with democractic constitutions, 'a systematic and regular exercise of the institution [in my reading, the superhero] necessarily leads to the "liquidation" of democracy' (Agamben 2005: 7) (Miettenien 281, square brackets are her own words).

It therefore seems appropriate that after almost twenty years of exploring the state of exception, Ditko's final mainstream work should take liquidation as its central recurrent image and depict its corrosive effects on both the individual (Rac Shade) and the societal (the Earth and Meta-Zones).

Conclusion

Following Shade, Ditko worked for a variety of publishers, including Eclipse, First and Archie, self-publishing with occasional excursions into licensed comics and colouring books (based on toylines like *Micronauts, ROM* and *Gobots*), Marvel (creating Speedball and Squirrel Girl) and other independent work (including *Missing Man* for Pacific Comics). Ironically Ditko's career path followed that of Ayn Rand's own fictional constructs. Like *The Fountainhead's* Howard Roark he simply walked away from jobs rather than change his designs or viewpoint. Like *Atlas Shrugged's* John Galt 'Ditko hacked out moneymaking work, saving his care for the crabbed Objectivist screeds he published with tiny presses' (Wolk 2008). While Ditko largely retired from mainstream comics in 1998, he continues to produce highly personal, independent comics, including his semi-regular *Ditko Package*, from his office in New York City. Ditko's importance to the comic industry was confirmed when he was inducted into the Jack Kirby Hall of Fame in 1990 and into the Will Eisner Award Hall of Fame in 1994. He refused to formally accept either award.

In total, Ditko's work often reveals that the superhero has to exist outside the society he defends. This is true of Spider-Man, the Question and the Creeper (who can only engage with society via their secret identities), Shade the Changing Man, the *Watchmen* Question/Mr. A analogue Rorschach, and was increasingly true of the reclusive Ditko himself. Famously, Ditko has declined all interviews or public appearances since the 1960s, claiming in an interview in *Marvel Main* 4 in 1969 that: 'When I do a job, it's not my personality that I'm offering the readers but my artwork. It's not what I'm like that counts; it's what I did and how well it was done… Steve Ditko is the brand name' (qtd in Benton 1994).[9]

That may be so, but the Steve Ditko brand name has produced a body of work that works through ideas of law and justice, alegality and objectivism, emergency and exception. These concepts were represented by Ditko's superheros decades before the rest of the industry took them up as their central thematic concerns. Importantly, as a co-creator and

artist, Ditko employed a distinctive visual style to depict these struggles – highlighting the existence of the state of exception in which these superheroes operate by exaggerating his feverish style into a cartoon, distorting reality just as these individuals (increasingly) distort the law. As such, his work operates as both a visual record of his own very personal journey through ideas of alegality and Objectivism and as an important site for thinking through wider questions of law and justice and the figure that operates at the very limits of them both, the superhero.

Notes

1 This paper is dedicated to my father.

2 Some commentators have labelled this period 'The Dark Age' as much for the economics of the industry as its narrative preoccupations.

3 Ditko's surname is of Slavic origin.

4 As with fellow Marvel penciler/plotter Jack Kirby, the exact nature of Ditko's contribution to the plots of the Marvel comics that bear his name remains a point of contention. This is in part a result of "the Marvel Method" pioneered by writer Stan Lee and his artists where Lee would provide a bare outline of the plot, the artists would lay it out and then Lee would provide the dialogue. While detailed examination of how much Ditko actually contributed to the Spider-Man plots remains outside the scope of this paper, there certainly is evidence that Ditko's contributions were significant. By way of example, the title page of *Amazing Spider-Man Annual 2* reads: 'This could be called our "be nice to Steve Ditko" issue! We wanted to feature a really off-beat yarn for Spidey's annual, and Steverino dreamed this one up! (The fact that he also draws Doc Strange may have had something to do with it!) So, ready or not, here we go…!' (qtd Saffel 2007: 25); Paul Gambaccini states that Ditko created Dr. Strange citing a postcard from Stan Lee reading "Twas Steve's idea' (qtd Ross 2007). Stan Lee himself insists on Ditko being credited as Spider-Man's co-creator and refers to him as 'the perfect collaborator. … Steve was so good at story that little by little I had him come up with most of the plots' (qtd Ross 2007).

5 The Question appeared as a back-up strip in *Blue Beetle* (commencing June 1967) and then lead feature in *Mysterious Suspense* (October 1968).

6 Mr A was originally published in Wally Wood's independent *witzend* 3 and later self-published by Ditko.

7 This recording was originally included as part of *The Masters of Comic Book Art* (1987).

8 The Comics Code Authority was a body formed in 1954 to self-regulate the content of comics published in the United States of America. Publishers submitted their comics to the CCA which screened them for adherence to the Comics Code. The Authority ceased operation in 2011.

9 Ditko's only public statements since then have been through a number of essays to Robin Snyder's fanzine *The Comics*. Snyder, Ditko's editor at Charlton, Archie and Renegade Press in the 1980s is also the publisher of much of Ditko's independent later work.

References

Agamben G 1998 *Homo Sacer. Sovereign Power and Bare Life* Translated by D Heller-Roazen Stanford University Press Stanford (first published 1995)

– 2003 'The state of emergency' *Generation Online* retrieved from http://www.generation-online.org/p/fpagambenscmitt.htm

– 2005 *The State of Exception* Translated Kevin Attell The University of Chicago Press Chicago and London

Bainbridge J 2009 '"Worlds Within Worlds" – The Role of Superheroes in the Marvel and DC Universes' in Ndalianis ed 2009: 64-85.

Bainbridge J 2007 '"This is the Authority. This Planet is Under Our Protection" – An Exegesis of Superheroes' Interrogations of Law' *Law, Culture and the Humanities* 3: 455–476

Bell B 2008 *Strange and Stranger: The World of Steve Ditko* Fantagraphics Seattle Washington

Benton M 1994 *Masters of Imagination: The Comic Book Artists Hall of Fame* Taylor Publishing New York

Costello M J 2009 *Secret Identity Crisis: Comics and the Unmasking of Cold War America* Continuum New York and London

Daniels L 1991 *Marvel: Five Fabulous Decades of the World's Greatest Comics* Harry N. Abrams New York

David R C ed 1986 *Contemporary Literary Criticism, Modernism through Postmodernism* Longman New York and London

Ditko S 2004 *The Action Heroes Archives Volume 1* DC Comics New York

– 2007 *The Action Heroes Archives Volume 2* DC Comics New York

– 2010 *The Creeper by Steve Ditko* DC Comics New York

– 2011a *The Steve Ditko Omnibus Volume 1* DC Comics New York

– 2011b *The Steve Ditko Omnibus Volume 2* DC Comics New York

Eco U 1986 'The myth of Superman' in David ed 1986: 330-344 (first published 1972)

Gerth H H and Mills C Wright eds 1991 *Max Weber: Essays in Sociology* Routledge London

Giordano D 2007 'Foreword' in Ditko 2007: 7-10

Gray III R J and Kaklamanidou B eds 2011 *The 21st Century Superhero: Essays on Gender, Genre and Globalization in Film* McFarland New York

– 2011 "Introduction" in Gray III R J and Kaklamanidou B eds 2011: 1-15

Hughes J A 2006 'Who watches the Watchmen? Ideology and "real world" superheroes' *The Journal of Popular Culture* 39/4: 546-557

Hyslop G 1992 'Pixérécourt and the French Melodrama Debate: Instructing Boulevard Theatre Audiences' in Redmond ed 1992: 36-54

Jewett R and Lawrence J S 2003 *Captain America and the Crusade Against Evil: The Dilemmas of Zealous Nationalism* William B Eerdmans Publishing Company Grand Rapids

Khoury G 2003 *The Extraordinary Works of Alan Moore* TwoMorrows Publishing North Carolina

Lawrence J S and Jewett R 2002 *The Myth of the American Superhero* William B Eerdmans Publishing Company Grand Rapids Michigan and Cambridge

Lee S 2010 "Introduction" in Yoe 2010

– and Mair G 2002 *Excelsior! The Amazing Life of Stan Lee* Fireside New York

Miettinen M 2011 'Representing the state of exception: Power, utopia, visuality and narrative in superhero comics' in Stocchetti & Kukkonen 2011: 269-288

Miller F 1986 *Batman: The Dark Knight Returns* DC Comics New York

Moore A and Gibbons D 1987 *Watchmen* DC Comics New York

Nayar P K 2006 *Reading Culture: Theory, Praxis, Politics* Sage New York

Ndalianis A ed 2009 *The Contemporary Comic Book Superhero* Routledge New York

Peikoff L 1991 *Objectivism: The Philosophy of Ayn Rand* Dutton New York

Poniewozik J 2002 'Superhero Nation' *Time* May 20

Rand A 1961 *For the New Intellectual* Random House New York

– *The Virtue of Selfishness* Signet New York

– 1967 *Capitalism: The Unknown Ideal* Signet New York (first published 1966)

– 1992 *Atlas Shrugged* (35th Anniversary Edition) Dutton New York (first published 1957)

Redmond J ed 1992 *Melodrama* Cambridge University Press Cambridge

Reynolds R 1992 *Super Heroes: A Modern Mythology* University of Press of Mississippi Jackson

Robinson J 2010 'Student and Teacher' in Yoe 2010

Ross J 2007 'In Search of Steve Ditko' Hot Sauce BBC 4 September 16

Saffel S 2007 *Spider-Man: The Icon* Titan Books London

Shaviro S 1997 *Doom Patrols: A Theoretical Fiction about Postmodernism* Serpent's Tail New York and London

Shuster J and Seigel J 1938 *Action Comics* 1 June National Allied Publications New York

Singer B 2001 *Melodrama and Modernity: Early Sensational Cinema and its Contexts* Columbia University Press New York

Spanakos T 2008 'Governing Gotham' in White and Arp eds 2008: 33-46

– 2009 'Super-vigilantes and the Keene Act' in White ed 2009: 3-46

Stocchetti M and Kukkonen K eds 2011 *Images in Use: Towards the critical analysis of visual communication* John Benjamins Publishing Company Amsterdam

Theakston G 2002 *The Steve Ditko Reader* Pure Imagination Brooklyn

Weber M 1991 *Max Weber: Essays in Sociology* in Gerth & Wright Mills eds 1991

White M D ed 2009 *Watchmen and Philosophy: A Rorschach Test* John Wiley and Sons New Jersey

White M D and Arp R eds 2008 *Batman and Philosophy: The Dark Knight of the Soul* John Wiley and Sons New Jersey

Wolk D 2008 Sunday Book Review: 'From Spider-Man to Ayn Rand' *The New York Times* August 15 retrieved from http://www.nytimes.com/2008/08/17/books/review/Wolk-t.html

Yoe C ed 2010 *The Art of Ditko* IDW Publishing New York

Young T 2007 'Ditko Shrugged Part 2: Apollonian and Dionysian Conflicts in *The Hawk and the Dove* and *Beware the Creeper*' *Comics Bulletin* September 11-22 retrieved from http://www.silverbulletcomics.com/soapbox/118952109462730.htm