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Graphic Justice

Intersections of Comics and Law

Edited by
Thomas Giddens

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Graphic Justice

The intersections of law and contemporary culture are vital for comprehending the meaning and significance of law in today's world. Far from being unsophisticated mass entertainment, comics and graphic fiction both imbue our contemporary culture, and are themselves imbued, with the concerns of law and justice. Accordingly, and spanning a wide variety of approaches and topics from an international array of contributors, *Graphic Justice* draws comics and graphic fiction into the range of critical resources available to the academic study of law. The first book to do this, *Graphic Justice* broadens our understanding of law and justice as part of our human world—a world that is inhabited not simply by legal concepts and institutions alone, but also by narratives, stories, fantasies, images, and other cultural articulations of human meaning. Engaging with key legal issues (including copyright, education, legal ethics, biomedical regulation, and legal personhood) and exploring critical issues in criminal justice and perspectives on international rights, law and justice—all through engagement with comics and graphic fiction—the collection showcases the vast breadth of potential that the medium holds. *Graphic Justice* will be of interest to academics and postgraduate students in: cultural legal studies; law and the image; law, narrative and literature; law and popular culture; cultural criminology; as well as cultural and comics studies more generally.

Thomas Giddens (St Mary's University) is a Lecturer in Law and Co-Director of St Mary's Centre for Law and Culture. Alongside jurisprudence and popular culture, he is interested in the use of comics in law and legal studies, and is founder of the Graphic Justice Research Alliance (graphicjustice.blogspot.com).

For Helen, indubitably

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Introduction

Thomas Giddens

We are surrounded by emanations of graphic storytelling: comics-inspired films fill our cinemas; prose narratives become adapted and transported into graphic novels; graphic novels become computer games and television series; superhero merchandise fills the shelves of supermarkets and clothing stores. Feeding from this wide cultural significance, this collection of essays examines the multi-faceted intersections of comics and law. Although there has been increased engagement with literature, film, popular culture, and even 'the visual' in general¹ within legal studies, despite the medium's recent surge in cultural capital, the significance of graphic fiction to law remains conspicuously under researched.² At its most basic level, the significance of comics to law can be couched in these terms: comics are an overt and widespread part of contemporary society and culture, and law is in part an attempt to regulate that society and culture and in part a reflection of its values; therefore, an understanding of the intersections of comics with law is important in making sense of law and its place in today's world. But this very general observation is just the beginning.

- 1 Examples are numerous, but here is a brief indicative selection: C Douzinas and L Nead (eds), *Law and the Image: The Authority of Art and the Aesthetics of Law* (University of Chicago Press 1999); S Greenfield, G Osborn and P Robson, *Film and the Law: The Cinema of Justice* (2nd edn, Hart 2010); WP MacNeil, *Lex Populi: The Jurisprudence of Popular Culture* (Stanford University Press 2007); M Williams, *Empty Justice: One Hundred Years of Law, Literature and Philosophy* (Cavendish 2002).
- 2 Notwithstanding a few disparate forays, notably the 2012 special issue on 'Justice Framed: Law in Comics and Graphic Novels' in volume 16 of *Law Text Culture*. See the issue's introduction: L Gómez Romero and I Dahlman, 'Introduction - Justice Framed: Law in Comics and Graphic Novels' (2012) 16 *Law Text Culture* 3. Other, more sporadic examples include J Bainbridge, 'This is *the Authority*. This Planet is Under Our Protection' - An Exegesis of Superheroes' Interrogations of Law' (2007) 3 *Law, Culture and the Humanities* 455; T Giddens, 'Comics, Law, and Aesthetics: Towards the Use of Graphic Fiction in Legal Studies' (2012) 6 *Law and Humanities* 85.

Even glancing at the mainstream surface of comics, diverse issues of justice and social order are instantly apparent. *Batman*, *Daredevil*, *Spider-Man* and *The Justice League of America* – all these narrative worlds navigate issues of right and wrong, of morality, of retribution and vengeance, of methodologies of control. Theirs are worlds populated with good and evil, with power and responsibility, with duty and moral choice. But this, too, is only a start. Even lightly scratching at this mainstream surface, one finds a raft of non-superhero narratives. Some of these, like stories in other media, are stories directly about law and justice (crime narratives, legal dramas); others are about making difficult moral choices. Others tap into deep metaphysical questions about the nature of self and what it means to be human in the first place. Like other narrative forms – literature, film, theatre – comics and graphic fiction try to explore and express the multiple and complex dimensions of human life.³

Are we there yet? No, far from it. The content and themes of graphic fiction may be richly vast and diverse, but there is more to comics than their content. Narratives can be told in many different ways, using many different tools and devices. A simple oral tale has a certain quality, and related limitations. A huge cinematic production similarly has its own set of capacities. This is not to suggest that these forms are static and unchanging – innovative creators can challenge the way a form is used, or expose previously untapped dimensions. But the form of a narrative shapes its meanings; the way a story is told is *part of* that story. Meaning derives from form as well as content.⁴ Graphic fiction is a particular form of narration, and one that (like many things in this world) is not easy to define.⁵ But the complexities inherent in the comics' form itself can provide avenues for conceptualising and engaging with issues in legal theory, notably around the relationships between words and images, and the limits of textual representation. Indeed, as the opening chapter, 'Lex comica: on comics and legal theory', demonstrates, comics can even be used as a direct vehicle for legal theory.⁶

From what has been said so far, it is apparent that the significance of comics to law is not simple or unitary, but is complex and multi-faceted. Accordingly, the aim of this collection is to demonstrate (albeit in a necessarily preliminary way) some key examples of the ways in which law and

3 For a more detailed overview of the variety of comics publishing, see Giddens (n 2) 85–87.

4 See RK Sherwin, *When Law Goes Pop: The Vanishing Line between Law and Popular Culture* (University of Chicago Press 2000) 27.

5 For an overview of the definition debate, see R Varum and CT Gibbons, 'Introduction' in R Varum and CT Gibbons (eds), *The Language of Comics: Word and Image* (University Press of Mississippi 2001). See also Giddens (n 2) 89–95.

6 See Chapter 1. See also Giddens (n 2).

comics interact. On, through, between, and within the pages of this collection a picture will emerge of the vast and varied potential of comics and graphic fiction for critical reflection on the concerns of law and justice.

Part I gives a brief collection of examples of how comics can contribute to legal debate in a number of areas, from doctrinal copyright law, to legal ethics, education, public discourse, and legal philosophy. Beyond form and content, even beyond broad cultural significance, Kim Barker examines the comics form from a very legal perspective. Unpicking the complex intellectual property rights in a work of comics is not simple, and through her analysis of this complexity Barker demonstrates that understandings of comics in copyright law, particularly around online user-generated content and the copyright that can rest in specific characters (including, absurdly, the Batmobile) can lead to a blurring of fundamental copyright principles such as the distinction between ideas and expressions that have shaped intellectual property law for over a century.⁷

Continuing the focus on the traditionally legal sphere, Graham Ferris and Cleo Lunt look at issues of legal representation in comics. Representation, for Ferris and Lunt, is a dual problem: it is about both the way graphic fiction portrays lawyers and their work to the public (and, importantly, to potential future lawyers), and the ethics of advocating for (that is, 'representing') guilty clients. As they argue, the fictional world of heroic comics may have important significance in their portrayal of the world of the legal profession, but works such as *Daredevil* need to develop a more sophisticated depiction of the ethical difficulties involved in representing the guilty.⁸

Another mainstream legal issue is taken up by Richard Glancey. He is concerned with the education of the students on his undergraduate Constitutional Law module, specifically with the difficulty that is often present when it comes to comprehending the theoretical complexities of core concepts. But comics may also have unique benefits to legal education – in steps *Judge Dredd*, adding a significant experiential dimension, bringing to life ideas such as the rule of law and the separation of powers that can springboard students into deeper understandings of these important concepts.⁹

Continuing the theme of using comics to communicate legal issues and ideas, Shawn HE Harmon shows how futuristic science fiction can be specifically developed and deployed to increase both public understanding and engagement with bioethical issues. Telling the story of his own involvement in a project to do just that, his chapter demonstrates

7 See Chapter 2.

8 See Chapter 3.

9 See Chapter 4.

the potential for graphic fiction to both articulate and participate in legal discourse.¹⁰

Futuristic science fiction has additional critical importance, as Thomas Giddens shows through his philosophical reflection on the uncertain boundary between human and machine in Shirow Masamune's *The Ghost in the Shell*. This issue is important for law, because law is both created and applied by humans as well as being reliant upon knowing what a human is for the construction of key legal doctrines (such as murder, or the difference between person and property). But, as Giddens argues, the human is fluid and not easily pinned down.¹¹

Part II moves to specifically consider one of the most prominent themes apparent in graphic fiction: crime and criminal justice. Looking to the cultural dimensions of crime and how it is mediated through fiction, specifically the communal and social experience of being part of mainstream US comics' readership, Nickie D Phillips and Staci Strobl examine the concept of deathworthiness through the retributive lens of *Cry for Justice* and *Red Team*. Drawing rich links between the notions of justice and desert that these two series articulate and the popular discourse around the real-world killing spree of Christopher Dorner, Phillips and Strobl ultimately show how the narratives of comics are a deeply significant way in which many people process and make sense of complex questions of morality.¹²

Angus Nurse blurs the seemingly clear division between retributive and restorative justice through his analysis of *100 Bullets*. In a world of inequality, where the powerful and those who 'have' make the rules in their own interests, and justice remains elusive for those who 'have not', taking the quintessentially restorative move of giving the victim the ability seek his or her own personal justice becomes a meaningful alternative to official pathways. Through Nurse's analysis, he builds up a picture of an extreme restorative justice, which often spills over into retributive violence and unsettles the boundary between the two.¹³

Turning away from the notion of retribution, James Petty examines a classic of the comics' form: Alan Moore's and Dave Gibbons's *Watchmen*. In his rich conceptual analysis of this work, inspired by cultural and visual criminology, Petty demonstrates how the superhero genre, when deployed with the skill of auteurs such as Moore, can effect a radical critique of western ideologies of justice and violence, and deeply question whether the existence of these spandex-clad guardians of justice would actually make the world a better place.¹⁴

¹⁰ See Chapter 5.

¹¹ See Chapter 6.

¹² See Chapter 7.

¹³ See Chapter 8.

¹⁴ See Chapter 9.

Perhaps worryingly following *Watchmen*'s unsettling warning, Nic Groombridge gives a provocative discussion of people actually trying and take up the mantle of the costumed vigilante – but rather than bringing justice to the world (whatever *that* might mean, as Boge highlights in Chapter 13) there seems to be something ineffectual about the would-be heroes Groombridge considers. Regardless, focusing on the use of the superhero in UK fathers' rights protests, Groombridge ultimately communicates the cultural resonance of the superhero in individuals' approach to understanding how to achieve justice outside the official system and the need to deepen our understanding of such phenomena.¹⁵

Part III takes on a distinctly international flavour, focusing on questions of international law, global justice, and human rights atrocities. Chris Comerford kicks us off by pointing out the connections between Barak Obama and Batman, specifically in terms of their deployment of Agamben's state of exception. Focusing on Obama's executive assassination of Osama bin Laden and the development of *Batman Incorporated*, both of which rely upon the necessity of exceptional action to justify their extreme measures, Comerford suggests that such exceptional actions (to paraphrase the Dark Knight himself) might be what we need, but not what we deserve.¹⁶

And still levelling critique in Obama's direction, Chris Lloyd examines the US President's controversial drone programme and his killing of US citizens without charge or trial – an examination articulated through the critical and deeply satirical art of *2000AD*'s authoritarian lawgiver, Judge Dredd. Taking his journey with Rancière, Benjamin and Derrida, Lloyd draws out the problematics surrounding Obama's becoming (like Dredd) a terrible conflation of judge, jury and executioner, an authoritarian vision warned against in political philosophy and the critical art of Dredd.¹⁷

Turning from Obama to a more general analysis of international justice, Chris Boge capitalises on the potential for superhero narratives to help us explore the complex problems of that elusive legal concept, 'justice'. Focusing on two *Justice League* series, and deploying insights from post-colonialism, international law, practical ethics and human rights discourse, he highlights the vast complexity exposed even by seemingly 'straight-forward' or 'non-reflexive' visions of superhero justice, pondering on the difficulty in understanding what global justice might look like.¹⁸

Lastly, stepping back from analysis of graphic *fiction*, Jérémie Gilbert and David Keane consider how graphic *fact* (specifically, comics aimed at reporting on real-world human rights atrocities) might be a real force

15 See Chapter 10.

16 See Chapter 11.

17 See Chapter 12.

18 See Chapter 13.

for international justice. Examining issues in human rights reporting and the seminal graphic reportage of Joe Sacco, amongst others, Gilbert and Keane clearly identify both a growing body of journalistic comics and the human enrichment that the medium can bring – particularly to the reporting of events such as the deep trauma of mass rights violations.¹⁹

So ends the collection of chapters in this book. As can be seen, we have come a long way: from the doctrinal view of comics as regulatory objects within intellectual property law, through concerns of representation, education, communication and philosophy, across the complex role of comics in understanding crime and criminal justice and the tensions between reality and fiction, to the value of comics in understanding issues of a truly global significance: exceptional executive violence and international concepts of justice, and ultimately to the use of comics not simply as a tool or object of analysis, but as a meaningful and important participant in the protection of humans against mass harm. The aim of this volume, if it is not already clear, is to demonstrate and showcase the diverse potential for comics and graphic fiction to enrich the various discourses of law, justice and legal studies. But rather than examining the legal potential of comics in the abstract, for the most part the chapters in this book ‘argue by doing’. As can be seen: on, through, between, and within its pages you will find rich seams of analysis engaging many themes important to law and justice – and importantly, these are undertaken with comics and graphic fiction as a not-so-silent analytical companion.

It is hoped that following these analyses, when observing a collection of superheroes or their proliferating merchandise, no longer will it simply be a hoard of dazzling superficiality or childish nostalgia that is seen – but a complex array of conceptual models and critical engagements relating to legal theory and the meaning of justice; no more will the comics’ aesthetic be pushed from your critical radar as a distraction or mere entertainment – but will be sought out as a source of critical inspiration, example, and insight; never again will the combination of words and images simply mean crude, childish escapism – but will signal the complex limits of law’s language and of legitimate knowledge; no more shall legal discourse be constructed only through text – but will be populated by and articulated through engagement with the richly constructed panels and pages of graphic fiction. In short, the combination of diverse texts in this book seeks a unitary aim: that legal studies embrace the medium of comics as a real and significant critical resource and object.

¹⁹ See Chapter 14.