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“This is *the Authority*. This Planet is Under Our Protection” – An Exegesis of Superheroes’ Interrogations of Law

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Abstract

This paper examines concepts of authority, law, and justice in the genre of superhero comics. Despite the common view that comic book superheroes do not warrant (and have not received) significant academic attention except as art form (rather than social/legal commentary), they do, in fact, present a *locus* in which visions of law and its relationship with society are played out with a degree of intellectual and jurisprudential sophistication. This is because superheroes reflect perceptions of failed or deficient law. They are therefore another vehicle for thinking discursively about law because of what they can say about society and its perceptions of the effectiveness of law, in the context of their manifesting a pre-modern, sacralised, view of embodied justice as opposed to modern constructs of law. Using a typology of pre-modern, modern, and postmodern justice, the paper briefly explores the characteristics of justice found in superhero comics. The post-modern superhero is characterized in terms of a relation to rationality (they exist in opposition to it); in relation to law (they supplement its failures); and in terms of action (they are proactive). Finally some ways of relating these accounts of justice are exemplified in the superhero figure of Matt Murdock and Daredevil.

“You know what I wish? I wish all the scum of the Earth had one throat and I had my hands about it.” – Rorschach¹.

“There had to be someone left to save the world. And someone left to change it” – Jenny Sparks².

I. Introduction

Almost seventy years ago the first superhero, Superman, debuted in *Action Comics*³. As Les Daniels notes, Superman started his career as a social reformer: in 1939 *Superman 1* featured the hero rescuing a prisoner from a lynch mob and taking on a wife beater and a corrupt senator; other tales from this formative period included Superman confronting “crooked labor unions, drunk drivers, and gamblers attempting to influence college sports”⁴. From the beginning then, the superhero was a way of addressing societal problems. Implicit in *Superman 1* was a condemnation of capital punishment (the prisoner had been unjustly sentenced to die in the electric chair), domestic violence and political corruption. While Superman acknowledges a need for the legal system (in confronting the lynch mob he states “This prisoner’s fate will be decided by a court of justice”) there is already the sense of Superman taking matters into his own hands and, in the political corruption story, a healthy distrust of institutions.

To date superheroes have largely been excluded from academic study. With some notable exceptions⁵, most studies that do exist are more concerned with the comic book as an art form⁶ than as social commentary. Primarily superheroes are viewed as a kind of wish fulfillment, the perfect revenge/control fantasy in that they offer us a view of power without the constraint of law. But this doesn’t mean that they should be dismissed out of hand. Because they are wish fulfillment a study of

superheroes is therefore also a study of the perceived deficiencies in society that are addressed by the need for that hero – and more particularly, the deficiencies in that society’s legal system. 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 fulfilment of a pent-up passion for the heroic solution.”⁷ Poniewozik expands on this by calling Superman “a kind of populist statement . . . offer[ing] justice for the little guy at the tail end of the Depression and upend[ing] the Nazi concept of the *Übermensch*.”⁸ Millar similarly sees present-day comics as

“(leading) the way in terms of the cultural shift that took place after the devastation of September 11th... Radicalised by events a new generation of writers and artists are tackling themes and subject matter nobody else could even afford to contemplate. In my own work, I’ve enlisted Captain America and a squadron of Marvel Comic’s most famous household names into George W. Bush’s homeland security initiative and used them to comment on the erosion of American civil liberties [in Marvel’s *The Ultimates*]... reaching right back to our roots as political cartoonists...”⁹

Furthermore, popular culture’s taking up of the superhero (in films ranging from *The Matrix* to the *Spiderman* franchises, television series like *Buffy* and *Alias* and arguably even novels like *Harry Potter*) means that superheroes’ thinking about law and justice is now familiar to a much wider audience than just comic-book readers.

It is this paper’s contention that a consideration of the superhero becomes a consideration of the relationship between law and justice – another way of thinking discursively about law, because 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.

In the first section I will argue that comics advance a *premodern* idea of law, based around the notion of crime control enacted by an avatar of justice (the superhero), while simultaneously sidelining the modern legal system of law. In the second section I will explore the ways in which superheroes are involved in a postmodern interrogation of law. I conclude with a case-study of the superheroic lawyer Daredevil who offers the possibility of reconciling (to some extent) the premodern and modern ideas of law.

II. The Premodern Idea of Law

Despite the fact that the first comic-book with original material (as opposed to simply reprinting newspaper strips) was about crime-fighting¹⁰ legal issues themselves rarely form the basis of comic book storylines. As in the genre of the police procedural, justice occurs at the point of the villain’s capture and it is here that most comic stories end. We rarely see what happens to the villain after being strung up in Spider-Man’s web or dropped off to the authorities by Superman.

Ironically, even though the police and the state are profoundly modern institutions, I argue that the police procedural constructs a *premodern* idea of law through its “direct line” to the truth and lack of accountability, as seen in texts as diverse as television’s *NYPD Blue*¹¹ and film’s *Dirty Harry*¹². This premodern or sacred ideal of law is even more powerfully advanced in the figure of the superhero who clearly

embodies the notion of transcendent justice (through superpower) above equality and emotion (their physicality accentuated by their form-fitting capes and costumes) over rationality, while still maintaining a sense of progress by “bringing villains to justice” and “cleaning up the streets”, i.e. making society better, safer and therefore more efficient. In these texts the defeat of the villain replaces the delivery of the verdict as the moment of catharsis, providing both resolution and a sense of justice, superheroes often congratulating themselves or being congratulated afterwards for getting “results”. In comic books then it is the final battle between superhero and supervillain, the rooftop struggle of Batman and the Joker, the waterfront combat of Spider-Man and Doctor Octopus, that provides narrative closure, bypassing the court system with a batarang, a web shooter and the promise of more excitement in the next issue.

This idea of a shared ideology between the police and superhero communities has been touched on in the comic books themselves. The presence of the Bat-Signal in *Batman*, for example, is interesting in its suggestion of an inclusiveness on the part of Commissioner Gordon and the Gotham City Police Force, the introduction of the Signal at the end of the film *Batman*¹³ making this clear when Commissioner Gordon (Pat Hingle) says “And when we need him. He’s given us a signal.” Indeed, the 1960’s television Batman had an even closer relationship to the Commissioner, with a hotline straight to the Commissioner’s office and the rank of “deputised police officer.”

Where the modern system of law does appear in superhero comic books, with its attendant interest in protecting individual rights, rational argumentation and due process ensuring fairness and equality, it becomes at best a backdrop and at worst an impediment.¹⁴ Examples of legal issues that have formed the backdrop for stories include the classic Steve Englehart and Marshall Rogers run of *Detective Comics* 469–476 which explored both the idea of corrupt councilman Rupert Thorne using city policy to outlaw the Batman (in “The Malay Penguin” 473) and the Joker trying to copyright fish infected with his grin-inducing Joker gas (in “The Laughing Fish” 475, and “Sign of the Joker!” 476)¹⁵; the passage of the Mutant Registration Bill in *The Uncanny X-Men* (a particularly insidious piece of legislation under which all mutants would have to register their abilities so the Government could “monitor” their activities) which subsequently became the basis for the film *X-Men*¹⁶ and numerous murder trials, including *The Flash* 340–350 and *Peter Parker, Spectacular Spider-Man* 83. These trial scenes are all linked by their profound inability to find the truth in each case, emphasizing that while the law is more concerned with resolution (finding someone guilty) it is the hero (or the friends of the hero working on the outside to get them free) who is interested in justice and the truth. Until recently, few of these texts have explicitly focused on the relationship between superheroes and lawyers. However, worthy of particular mention here is the Batman villain Two-Face. When district attorney Harvey Dent (originally *Kent*) is splashed with acid during a trial by “Boss” Moroni, the left side of his face is hideously scarred (originally green, later purple) resulting in the already schizophrenic Dent developing a complete secondary personality, the sociopathic Two-Face. Taking Moroni’s lucky two-sided silver dollar, Two-Face marks one side with an X and bases the rest of his life on the flip of that coin – scarred side up he’s evil, clean side he’s good. Two-Face’s crimes revolve around “two’s” – twins, doubles, the second act of a show – and his death traps frequently involve mock trials where Two-Face himself is judge and jury.¹⁷

Two-Face is interesting because he really serves as a physical embodiment of the modern legal system in comics, a system that is hopelessly divided and arbitrary. As Dent tells Batman, shortly after becoming Two-Face: “Again. And Again. The Courts will send them back to prison or Arkham [Gotham City’s asylum]. They will escape.

And we have the same problem. Again. And again . . . You know the system doesn't work. Justice can be decided like the flip of a coin."¹⁸ In a world where criminals are forever escaping asylums and prisons, Two-Face serves as a reminder of the failure of the legal system and the need for superheroes. The fact that Harvey Dent was a former close friend of Bruce Wayne (Batman) and Commissioner Gordon only makes it all the worse. "No matter what else has happened," Batman begs him in Jeph Loeb and Tim Sale's *The Long Halloween* (a film noir retelling of Two-Face's origin), "You always believe in the law. Come back to it. And it will come back to you." But of course, Two-Face never does. Two-Face only exists because the legal system has failed Harvey Dent, as practitioner, as witness and as perpetrator – and Two-Face's continued existence confirms the need for Batman's brand of premodern law.

III. The Postmodern Interrogation of Law

But while the legal system is rarely mentioned, implicitly law is dealt with in almost every superhero comic through the notion of justice. Often there is a certain ambivalence around superheroes where they have to learn to work within some kind of moral system, discover some "objective" social system of justice and hence "invent" an idea of natural law for themselves. The dramatic board meeting in *Justice League of America 66*¹⁹ is a good example, where Green Arrow (the social conscience/voice of liberalism) clashes with Superman (the more conservative icon) over the role of the League. "Look", says Arrow, "We're sworn to battle injustice – all injustice." "But there are degrees of injustice!", responds Superman, "We can only concern ourselves with major breaches of the law."

Invoking the idea of justice in the absence of law is hardly surprising as it ties back into most mythologies' notion of justice being *embodied*, from the blindfolded figure of Justice herself to Greek ideas of the Furies and Nemesis.²⁰ Whereas law often remains nebulous and abstract, justice is more capable of personification and it is at the centre of the premodern idea of law. The use of justice rather than law also helps maintain this division between the two terms, again suggesting that justice may be something quite apart from law, something that exists *outside* the legal system.

The idea of the superhero as a locus for justice crystallizes in Superman's famous catch-phrase "fighting for truth, justice and the American way" and it is worth noting that two thirds of that phrase are the proposed aims of most modern legal systems. Later superhero organizations like The Justice Society and the afore-mentioned Justice League of America (originally operating out of their Hall of Justice) maintain this connection between the superhero and justice.²¹ The idea that justice may be better achieved by a superhuman individual – or team of individuals – rather than a legal system is again suggestive that justice is something that can exist quite *apart from* the legal system. Indeed, the legal system – as already demonstrated where the superhero team were the puppets of a dystopian totalitarian world called Georwell, under the control of the corrupt Prosecutor Zarren. Here the integration of "justice" with law and government lead to its own corruption, again suggestive of how justice must remain independent of institutional control. in the trial examples – can itself be an impediment to justice (being more concerned, as it is, with resolution rather than justice).

This relationship between justice and the legal system can be classified as *postmodern* rather than simply positivist. As Derrida claimed in his keynote speech at a Cardozo Law School symposium on deconstruction and law²², since justice transcends the legal system it can never be wholly imminent. Justice is therefore something inevitable as well as undeconstructible, a position that traces both natural law and positivism but remains neither, remains *postmodern*, because justice is that

moment of *differance*, of *aporia* or undecidability, that forces a choice amongst a range of possibilities, the very oscillation that postmodernity demands. Justice is therefore something which can exist quite apart from legal rights and remedies²³ – allowing for the possibility that justice is something that exceeds or even exists in contradiction to the law²⁴ – but is also, always, the consideration that law needs to make.

Litowitz therefore sees Derrida, both here and in *Specters of Marx*²⁵ as “laying the groundwork for an approach to jurisprudence which insists upon an almost dialectical struggle between law and justice.”²⁶ a struggle, it is submitted, that we can see carried out in dozens of comic books. Litowitz goes on to explain that “justice and law differ *in kind*; just-ice is transcendent or (quasi-transcendent) and is not deconstructible, while law is imminent and deconstructible.”²⁷

As the superhero genre develops and the black and white distinction between heroes and villains is eroded, the genre throws into question ideas of law and justice, differences between morality and law and evil and illegality (where actions can be good but illegal and legal but evil). Here, the superhero is interrogating law on a number of levels while at the same time engaged in a Derridean deconstruction of the neat binaries (hero and villain, good and evil, moral and lawful, legal and illegal) that have underlied the comic book representation of the legal system to this point. This is characteristic of a postmodern shift, so that superheroes are now policing the “alegal phenomena” of postmodernity to which Giorgio Agamben refers, the “topological zone of indistinction” where law does not apply²⁸ and thereby highlighting the gaps or lacunae in law’s operation. Essentially this postmodern interrogation of law is articulated in three ways.

1. Superheroes Exist in Opposition to Rationality

First, the superhero is “created” by a divine act like genetic mutation or scientific accident that places their super nature at odds with the rationality of modernity. Indeed, the name of the “first” superhero, Superman, comes from Nietzsche’s term *ubermensch* in 1883 for an individual whose creativity transcends ordinary human limitations. From the start then, superheroes – whether by reason of their X-Ray vision, ability to fly or great mental acuity – existed in opposition to modernity. This reached its apotheosis in the Silver Age of comics where the superhero comic actively begins challenging the rationality of science.²⁹ Early appearances of *The Flash*, for example, explore faster than light super-speed, time-travel, absolute zero-producing mirages (like extreme heat), elements and alchemy, “camera mirrors” (which hold and project images) and talking gorillas³⁰. Marvel Comics took this further, with a radiated spider bite producing an amazing Spider-Man, a gamma bomb mutating an incredible Hulk, cosmic rays birthing a Fantastic Four and wild genetic experiments creating entire divergent streams of humanity like Mutants, Eternals and Deviants. What began as extrapolations on science became a full-blown assault on the nature of reality - subterranean kingdoms, negative zones and microverses, parallel Earths, alien Gods and, perhaps the ultimate expression of this - Jack Kirby’s Fourth World stories which melded superheroes, mythology and technology in comic art and collage,³¹ paving the way for later more sustained assaults on reality in the form of “The Dreaming” in Neil Gaiman’s *Sandman* (from 1989–1996) and the “Immateria” in Alan Moore’s *Promethea* (from 1999–2005).

But superheroes take more than the “super” prefix from Nietzsche as they challenge, as Nietzsche did, both notions of truth and the status quo, most obviously in

subversive texts like *The Dark Knight Returns* or Alan Moore's *V for Vendetta* (both pitting individual "superheroes" against totalitarian governments) but also more subtly in the way the superhero challenges the rationality of modernity by presenting a world founded on irrationality, be it the capabilities of the title character (i.e. a man that can fly) or the locations they visit (i.e. a subterranean world existing beneath the Earth's crust). In so doing the superhero presents an alternative or corollary to modernity, a process of estrangement by which to highlight the inadequacies in the present system in the same way a test case might highlight the inadequacies in the law.

Such an interrogation of modernity suggests two things. First, it suggests that modernity is limited, it is only one of what Lyotard would term "the grand narratives" or ways of seeing the world open to us.³² Secondly, it represents an attack on the notion of absolutes - be it truth, law or justice. Where is truth in a universe subject to the whims of the mad god Thanos of Titan? Or a multiverse of Earth-Ones and Earth Twos? The superhero therefore becomes another way of suggesting that law's rationality is stifling - and limiting. The existence of microverses and mutants and terrifying regimes like Darkseid's Apokolips suggest there are other possible forms of law open to us, postmodern and premodern and that rationality may actually delimit law and the choices for how law can operate.

2. Superheroes Operate Outside the Law

Second, as noted earlier, superheroes are based around crime control rather than due process, often being forced to work outside the "constraints" of the law because the law is simply ill-equipped to deal with the menaces these superheroes are involved with. The tag-line from a 1941 edition of Will Eisner's *The Spirit* serves as a good example of this. Former policeman Denny Colt fakes his own death and operates (in a blue suit with a blue domino mask) out of a graveyard as the Spirit "feared by the underworld, respected by the police. This fearless adventurer holds high the spirit of justice in a world of evil as he battles crimes beyond the reach of the law . . ."³³

Again, then, the superhero displays ambivalence to due process and follows the Nietzschean model of being "beyond good and evil," beyond both the legal system and its definitions of legality³⁴. In the absence of law, in the zone of indeterminacy, the superhero is forced to become the law. Furthermore, just as the legal system finds it difficult to keep up with change, superheroes point to the way the legal system finds it difficult to keep up with technology (through the technologically advanced or superpowered villain) and social relations (through aliens and other dignitaries). For example, in *Daredevil* 7⁶⁵, Namor, the Sub-Mariner and Lord of Atlantis, sets out to regain the surface world for Atlantis once more, but rather than resort to force Namor decides "I shall adopt the methods of the surface dwellers! I shall press my claim legally! But, I am unfamiliar with surface customs - I know nothing of humans' law! So, I shall engage the services of an attorney!"

Namor comes to the offices of attorney Matt Murdock (secret identity of the superhero Daredevil) stating his desire to "sue the entire human race for depriving us of our birthright!" Murdock, modestly described as "possibly the most brilliant trial lawyer of his generation" tactfully responds that that would be "impossible! There is no legal precedent for it! Also, there is no one nation which represents the human race!" Discouraged to find that the legal system cannot accommodate him (and does not recognize his status as an Atlantean) Namor goes on a rampage instead, to "force them to take me to court" and, sure enough, is arrested and ends up in court represented by Matt Murdock:

Matt Murdock: Your honor, before this trial begins my client wishes to file a counter charge against the entire human race! Judge: You're out of order counselor! The bench will entertain no such motions until this trial has ended! The District Attorney may begin his opening argument! District Attorney: If it please the court, the state shall prove the defendant to be guilty of outrageous assault, attempting to overthrow the government by force, alien sedition, wilful destruction of property, and a host of other attendant crimes! Namor: Weigh your words carefully counselor ! You speak of the Prince of Atlantis! District Attorney: Your honor, I request that you order the defendant to remain silent, or else have him gagged while I speak! Namor (being restrained by a security officer): You insolent clod—! Matt Murdock: Your honor, a case like this calls for special understanding! My client is the supreme monarch of his people! His word is spoken law! We cannot expect him to consent to being treated like a common criminal! Judge: Your point is well taken, Mr. Murdock! I shall order a recess while I deliberate about this matter! CAPTION: BUT, AT THAT MOMENT, ALL EYES TURN TO THE REAR, AS A DRAMATIC FEMALE FIGURE ENTERS THE COURTROOM... (a blue-skinned woman in a cape and deep-sea breathing apparatus) District Attorney: We're going to need a whole new set of law books before this case is finished!

The scene aptly demonstrates the inadequacy of the legal system to deal with superpowered individuals like Namor, let alone recognise the sovereign rights of Atlantis. Tiring of "your surface world justice! It is too slow for Namor!" Namor goes on another rampage, ending in a fight with Daredevil and Namor's return to Atlantis, promising to come back to the surface world "when mankind least expects it."

Again then the superhero suggests that the law has limits, most significantly in its inability to keep up social and technological change - and its often inadequate remedies. But the desire of many heroes to work in tandem with that System (an idea pursued below) reinforces the need to use law to gain a voice. Namor recognises the importance of law to the surface world, it is law that gives us voice, even if that voice is often fragmented and incomplete.

3. Superheroes can be Proactive Rather than Merely Reactive

Finally, and most importantly, the superhero can be proactive rather than merely reactive, putting into question whether the law itself can ever be proactive. In the 1980's there is a distinct shift in several superhero and superhero teams, a trend that carries on through the nineties and into the present, (gaining momentum following September 11) wherein superheroes move from being purely reactive (Joker robs the bank, Batman stops him) to proactive.

To an extent, superheroes have always been more proactive than legal institutions because they were not (for the most part) limited by jurisdictional or geographical

boundaries³⁶. Law needs jurisdiction to function. If a court is found not to have jurisdiction then the law will not apply. In contrast, superheroes view jurisdiction as limiting. While Superman will claim province over Metropolis and Batman province over Gotham, neither would limit themselves to these adopted cities. Wally Wood's *T.H.U.N.D.E.R. Agents* (1965–69) operated out of the United Nations and Marvel's *The Avengers* similarly acquired global status through the United Nations during the "World Trust" storyline. And Superman and Batman, as part of DC's *Justice League of America*, maintained a global presence through an orbiting satellite in the early eighties, international embassies in the late eighties and, as the *JLA*, established a watchtower on the moon from which to watch over the entire Earth.

The dissatisfaction with institutions, almost routinely implied in most comics, reached its zenith in the eighties when superheroes moved to take control of their own destinies. The trend begins in 1985 when Mark Gruenwald's *Squadron Supreme* (Marvel's thinly veiled version of DC's Justice League) take over their (parallel) Earth implementing a benign dictatorship to usher in their 'Utopia Project' to solve Earth's problems (after which they will step down). Part of this is the use of mind-altering devices to rehabilitate criminals, a decision that splits the team between those who side with Hyperion (read Superman) in favour of the Project and those who side with Nighthawk (read Batman) against it³⁷. As Ralph Macchio, editor of the series, notes: "We wanted to explore the theme of absolute power corrupting absolutely. The Squadron had become the rulers of their world. Their word was law. And even though they had the people's best interests at heart, weren't they truly despots in colorful costumes - benevolent or otherwise?"³⁸ Ultimately, the system collapses and a number of heroes die in the Squadron's ensuing civil war.

Alan Moore's *Miracleman*, commencing in 1985, similarly features a godlike superhuman who takes control of reality, leading to a "Golden Age" (i.e. another benign dictatorship) explored by Neil Gaiman in subsequent issues of the series³⁹. Moore's subsequent series *Watchmen* (commencing in 1986) takes these ideas of intervention a step further, part of the complex storyline involving superhuman Adrian Veidt (Ozymandias) unilaterally murdering half of New York City to simulate an alien attack so as to trick the rest of the planet to unite against the perceived threat of invasion, "a plot to put an end to war . . . an end to fighting."⁴⁰ Ozymandias' audacious plan succeeds as he pre-empts the civil war of *Squadron Supreme* by getting the other superheroes (Nite-Owl, Dr Manhattan and Silk Spectre) to collude with him and executing those who won't (including the Comedian and Rorschach).

The Batman of Frank Miller's *Batman: The Dark Knight Returns* (and *Batman: The Dark Knight Strikes Back*, 2002) is similarly proactive⁴¹. Here, Miller recasts Batman as, in Miller's own words, "essentially a terrorist who just fights the right enemy."⁴² In a confrontation with one villain Batman openly acknowledges the law as an impediment to justice, neatly setting out the premodern ideal of law (with its emphases on crime control, emotion and physicality) in one paragraph:

"You've got rights. Lots of rights. Sometimes I count them just to make myself feel crazy. But right now you've got a piece of glass shoved into a major artery in your arm. Right now you're bleeding to death. Right now I'm the only one in the world who can get you to a hospital on time."⁴³

Warren Ellis' *Authority* (commencing in 1999 as *Stormwatch*) takes the final step along the continuum of the proactive superhero. Monitoring Earth

from the multiversal “bleed” the Authority brutally crush those that stand in their way, taking out nations and parallel worlds as they see fit. So even as they respond to attack, they are taking proactive measures to ensure their safety in the future. As writer Grant Morrison describes it in his introduction to the collected edition:

“Traditional superhero teams always put the flag back on top of the White House, don’t they? They always dust down the statues and repair the highways and everything ends up just the way it was before... But what “IF”? What if the superheroes really decided to make a few changes according to a “higher moral authority”? What if they started to act the way WE might act faced with impossible problems? What if every problem was a solution in disguise? What if WE began to think like superhumans, on a scale we never imagined before?”⁴⁴

So “The Circle”⁴⁵ opens with an image of the Earth in orbit with the caption: “They think there’s no one left to save the world,” the image of the globe neatly defining the Authority’s jurisdiction as global. Introduced to the threat of Kaizen Gamorra (a modern twist on the familiar ‘Yellow Peril’ villain) Jenny Sparks (leader of the Authority and spirit of the twentieth century) promises her former Stormwatch colleagues she will deal with him . . . which she does by obliterating Kaizen himself and most of his island. In “Shiftships” (5-) in response to an attack from Sliding Albion (an alternate earth) the Authority kill the Regime in charge of the invasion and destroy Italy, the Regime’s stronghold by (magically) holding “as much of the country in place as I [the Doctor] could – And let the world turn on in its orbit without it. By now, everyone on that piece of land is exploded and frozen, unprotected in space . . .” Jenny issues the following ultimatum to the planet:

Jenny: “This is Jenny Sparks for the Authority. Albion is free of the Blue [the alien Regime controlling it]. Sicily and the Italian Capital Infrastructure are gone. If need be, we can annihilate the Hanseatic regions within the hour. If we’re asked to, we will go into China and Japan. If we have to, we will personally expunge the royal blood and military rape culture from the face of the planet. We’re here to give you a second chance. Make a world worth living in. We are the Authority. Behave.”
Engineer: “We just did something really frightening. We changed a world. We came in and changed things to the way we thought they should be.”
Jack Hawksmoor: “That’s one way of looking at it. Maybe we saved two worlds” ...
Jenny: “Maybe we just did what we said we would all along. Changing things for the better. One Earth down, one to go.”⁴⁶

The proactive superhero raises an interesting dilemma for the law, as highlighted by recent world events, notably George W. Bush’s “war on terrorism”: can the law be proactive? While criminology tells us law defines criminality, for law to operate there needs to be a transgression so law is necessarily reactive; it requires a transgression before a judge can rule and usually requires a crime to occur before a bill passes in Parliament. Law is therefore involved in a routine symbiosis with crime, it needs crime in order to function. It is arguable then that law does not define but rather responds to criminality,⁴⁷ hence the difficulty in applying a proactive law like America’s *Patriot Act*,⁴⁷ a form of racial profiling that attempts to single out

elements of the Muslim population as part of the United States' continuing war on terrorism. Superheroes like Ozymandias, Hyperion and the Authority demonstrate the dangers and difficulties in proactive lawmaking and again highlight law's limitations and liminal spaces where it may not apply.

Furthermore, the proactive superhero introduces an added element of Derridean ambivalence and complicates the generic conventions of the comic book. Whereas Superman's easy epitaph "truth, justice and the American way" seems to suggest that the hero is right regardless of what happens, the proactive superhero raises elements of doubt and moves even further away from the modern ideal of law. A recent issue of *Batman* (617) highlights the changing nature of their world as Batman begins a more serious relationship with on-again, off-again nemesis Catwoman (Selina Kyle), revealing to her that he is Bruce Wayne and allowing her into the Batcave, much to the chagrin of current Robin, Tim Drake:

'If Tim has one character flaw, it's that he still sees the world in blacks and whites. Good and evil wear very different masks in his eyes. He's getting old enough to accept that there are 'grays' in every situation. We may not like them, but it's part of what we do. And my relationship with Catwoman is, at best, gray. So ... when Tim asked the obvious question, 'Do you trust her?' – I gave him the obvious answer. 'I wouldn't have told her I was Bruce Wayne unless I didn't.'⁴⁸

Clearly as the superhero genre has developed, the neat binaries of good and evil, law and justice have been deconstructed, replaced by competing distinctive worldviews, different conceptions of the revenge/control fantasy that comic books are predicated on—ranging from those with a respect for the rule of law, to proactive superhumans who take the law into their own hands. In each case the superhero maps out a different relationship to law and to "being good," usually without judgment from the author. Some books (*Squadron Supreme*, *Kingdom Come*, *Watchmen*) play on this tension; *Watchmen* for example is driven by the contrasting views of its superhero characters: "Rorschach's fiercely moral view of the world . . . the comedian's fiercely cynical view of the world . . . Dr Manhattan's kind of quantum view of the world in which cynicism and morality really don't have a part (and) Ozymandias . . . an enlightened human . . . fiercely intelligent . . . he believes that it's the individual man taking responsibility for his circumstances that can change the world."⁴⁹ As Moore goes on to explain "they're all different worldviews, and there is no central one. The whole point of the book is to say that none of these characters is right or wrong . . . it's up to the reader to formulate their own response to the world - sort of – and not to be told what to do by a super-hero or a political leader or a comic-book writer for that matter."⁵⁰

In this way comic books can be thought of as *transmodern*, a term popular cultural theorist John Hartley uses to describe the similar visual media form of television.⁵¹ This means that comics are capable of simultaneously offering a number of points of view on an issue and therefore also capable of providing a space where the relationship between heroism and law can be articulated, agitated and interrogated.

This idea is pushed to its limit in Mark Waid and Alex Ross' *Kingdom Come* in 1996, depicting a world (twenty something years into the future) where supervillains have either retired or fled and the impending Apocalypse is revisioned as a superhuman war raging between superheroes with competing ideologies⁵². The series sees a clash between the ideologically opposed forces of Magog and his Justice Battalion, premodern avatars who are vigilantes as they ruthlessly kill those who oppose them;

Batman and the more youthful “human” heroes who want to bring these vigilantes to justice and Superman and Wonder Woman, the former having lived in isolation following the world’s acceptance of Magog and his ilk, the latter adopting a more militant stance. Following a monumental battle and decisive action by the United States to eradicate the superhuman “threat,” Superman unites the remaining superheroes with a promise to the rest of the world that “we will no longer impose our power on humanity. We will earn your trust . . .”⁵³

Kingdom Come therefore represents another worldview: that the superhero can reconcile the modern and premodern ideals of law. Here the superheroes abandon their costumed identities to go out into the world to “earn humanity’s trust,” as Ross sees it: “superheroes needed to live among normal folk”⁵⁴ so they become delegates to the U.N., involved in urban development and renewal, etc, demonstrating that it is still possible to be a superhuman and live within the limitations of the modern legal system.

Some writers have also taken Superman as representative of another way of reconciling the superhero with the state - by becoming a tool of the government. Whereas superteams like the Avengers and the Ultimate X-Men struggle with the presence of government authority (as represented by Special Agent Henry Gyrich and Shield Director Nick Fury respectively) Superman is continually recast as a “legitimate” law enforcer through his government affiliation. In Darwyn Cooke’s 2004 take on DC superheroes in the fifties, *DC: The New Frontier*, it is Superman who acts as Senator Joseph McCarthy’s agent in the field, bringing in “rogue” superheroes who will not resign (since superhero activity has been outlawed)⁵⁵. Similarly, when Batman takes a more proactive approach in *Batman: The Dark Knight Returns* it is Superman who, as representative of the totalitarian Reaganite government (of a parallel 1980’s), is sent to bring Batman to heel⁵⁶. The difficulty Superman has with this role is perhaps best expressed when his arch-villain Lex Luthor becomes the forty-second president of the United States in 2000 (instead of George W. Bush)⁵⁷. Incredibly enough, while being wary of Luthor’s motivations, Superman still toes the line. It is not until Luthor’s schemes are revealed that Superman acts now that “the whole world can see you for the evil that you truly are”⁵⁸; until this point he remains loyal to the office of the Presidency even though he does not trust the man currently taking that office.

So superheroes can reconcile modern and premodern ideals of law by abandoning their superhero personas (thus submitting to the equality of the legal system) or becoming tools of the government (and thus becoming part of the legislative arm). But comic books present us with a third alternative for reconciling modern and premodern ideals of law, one that has been articulated through forty years of comic book stories, a method of reconciliation best embodied in the character of Matt Murdock, Daredevil.

IV. Matt Murdock and Daredevil: Heroic Lawyer and Superhero

Debuting in April 1964,⁵⁹ Murdock is raised in Hell’s Kitchen, New York, by his father, the boxer Battlin’ Jack Murdock, who encourages Matt to use his mind rather than his fists. Disparagingly called “Daredevil” by his classmates, Matt starts secretly training so he can stand up to the bullies but while pushing an elderly man out of the

way of a runaway truck, he is blinded by the truck's load of radioactive waste, the radioactivity heightening his other senses to a superhuman degree. Trained by the blind martial arts master Stick, Matt learns how to develop these new skills, becoming an Olympic level gymnast in the process. He studies at Columbia University Law School, during which time his father is murdered for refusing to throw a fight. Matt then takes on the costumed identity of Daredevil to track down those responsible and retains the identity even after he graduates law school and sets up a legal practice with his college roommate and fellow attorney Franklin "Foggy" Nelson. The Daredevil *persona* clearly articulates these postmodern interrogations of law: Daredevil's "superhuman senses" exist in opposition to rationality, in his hunt for his father's killer he is clearly operating outside the law and in the resumption of the Daredevil persona he is clearly being proactive.

Writer/artist Frank Miller (commencing as artist in 1979, writer in 1981) is the first to really explore Matt's motivations for becoming Daredevil by stripping the title back to an expressionist crime milieu (beginning with "Elektra" in *Daredevil 168*).⁶⁰ Miller saw being a superhero as "not a normal pursuit for a human being to follow. In the case of Daredevil, you've got a blind character whose passions are so deep that he takes ridiculous chances."⁶¹ Here, then, Miller continually plays up the tension between the modern and premodern notions of law served by each of Murdock's personas - Matt Murdock "modern" attorney, Daredevil "premodern" superhero. Beginning as a carefree swashbuckler, Daredevil has previously maintained a healthy respect for the law but Miller constructs a darker world around him, through the presence of obese organised crime boss Wilson Fisk (the Kingpin) who comes out of retirement to reclaim his criminal empire.⁶²

The choice of the Kingpin as the major villain for Daredevil is interesting. A criminal overlord masquerading as a legitimate businessman, the corpulent Kingpin "a seven foot, five hundred pound hulk"⁶³ exists as a personification of the failings of the legal system, the ability of the rich to use other people to carry out their dirty work ("That is the secret to power, Flint. To pit your enemies one against the other - remaining all the while, untouched"),⁶⁴ to buy their way out ("The Daily Bugle . . . is only a newspaper, produced by men who can be bought - or killed"),⁶⁵ to use respectability as a shield ("The award from the Businessmen's Association of America was earned by hard work - by having the arm broken of the daughter of an oil executive -")⁶⁶ and the law as a delaying tactic ("few of the charges stick. Those that do are skilfully cast into years of litigation")⁶⁷.

The Kingpin *is* capitalism, corruption and big business individualized. He states that "the city's economy depends on the thieves, extortionists, and murderers at his command"⁶⁸ and in his chilling recruitment speech to the psychopathic patriot Nuke more closely allies himself with corporate America (in distinction to the individual superhero):

Kingpin (clutching the American flag): "I am under constant scrutiny by the police. I am, in the strictest definition of the law, a criminal. I know this startles you. But, as I said - so much has changed. America's enemies have grown so strong that our boys die in Asian jungles - and our people will not honor them.. and it tortures me that the noble concept of free enterprise - the crowning triumph of our forefathers - has been murdered by endless, corrosive legislation. To simply keep some shadow of that dream alive, I must ... must break the lawThere are those who say that unity is conspiracy - that America is evil - and

now a single man threatens to destroy what we have built. He moves against me – calls me a villain. I am not a villain, my son. I am a corporation – in the conglomerate that is America.”⁶⁹

Whereas Matt Murdock (attorney) is revealed to be unable to stop Fisk, Daredevil can (and does) bring him down, though the Kingpin returns again and again. Here the premodern superhero triumphs where the modern attorney fails.

In “Child’s Play”⁷⁰ Daredevil’s actions are contrasted with those of the homicidal vigilante the Punisher (Frank Castle). Castle, a Vietnam veteran, saw his family murdered in a fight between two gangs. In reprisal he adopts the identity of the Punisher, waging a one-man war on crime, murdering criminals.

Punisher: “You have *your* methods, Daredevil. And, so do I.”

Daredevil: “Mine don’t include senseless brutality. Or wanton murder.”

Punisher: “There’s no other way – to deal with criminals. Daredevil, if we must fight let it be as allies. Together we could terrorise the underworld – eliminate the enemy we share!”

Daredevil: “Whether you kill innocents or criminals, it’s murder – And that makes us enemies Punisher. I’m bringing you in like any common –”⁷¹

But the Punisher escapes. At the issue’s end he is seen working out, preparing for another night on the streets while a television reports that Murdock will represent a man on a murder charge. “He deserves the best defence possible,” says Murdock, as the Punisher watches the television with disdain, “I intend to make sure he gets it.” To an extent then, Matt Murdock redeems Daredevil. The Punisher is further along the pre-modern spectrum than Daredevil. For the Punisher, justice is dispensed with a bullet on the street. For Daredevil, there is still the possibility of the court as a repository for justice. His relationship to modernity therefore remains ambivalent, retaining the sense that modernity remains important even though it is insufficient, retaining the possibility of a *postmodern* approach to law that can oscillate between the modern attorney and the premodern superhero.

As the Kingpin increases his hold over the city, Matt has to battle depression and a growing desire for vengeance that pushes him toward becoming like the Punisher. In “Siege”⁷² Foggy describes Matt’s slide: “he let his job go to pieces . . . he’s not like himself. He’s hurt and angry and lonely – and it’s making him mean.” This is because Matt is spending more and more time as Daredevil. On the edge of a breakdown he even engages in a deadly game of Russian roulette with his enemy, Bullseye (the man who killed Matt’s girlfriend Elektra), while the latter is paralysed in a hospital bed. It leads Daredevil to re-evaluate what it is superheroes do:

Daredevil: “What am I giving people, by running around in tights and punching crooks? What am I showing them? Am I showing them that good wins out, that crime does not pay, that the cavalry is always on its way – or am I showing them that any idiot with fists can get his way if he’s fast enough and strong enough and *mean* enough? Am I fighting violence – or teaching it? Or am I to blame at all? Maybe all the blame rests with creatures like you . . . [Bullseye].”⁷³

What we can understand Miller as really doing through this entire run is setting two conceptions of law at odds with each other, the modern and pre-modern ideals of law where the pre-modern is involved in crime control, exacted by an avatar of justice (the superhero) and the modern is involved in due process, enacted through the courts (the legal system). At the end of “She’s Alive!”⁷⁴ the Kingpin taunts Daredevil “The Daredevil I know would never resort to unprovoked violence, simply to test a theory. Would he?” and reluctantly Daredevil puts away his billy club weapon and leaves. Again in “Roulette” he finds he cannot kill Bullseye.

But the Kingpin’s war on Daredevil continues (and, for a time, concludes) in the “Born Again” story arc⁷⁵. The Kingpin realizes: “Daredevil is Matthew Murdock – and more – there is a rift inside him – a wedge – steadily weakening his reason – steadily driving him insane”.⁷⁶ This wedge can be reconceived here as the warring ideals Matt/Daredevil embodies. So the Kingpin strips Matt of his practice, his secret identity and very nearly his sanity.⁷⁷ He corrupts Matt’s colleagues (Foggy Nelson becomes the Kingpin’s unwitting tool; Murdock’s lover and former legal secretary Karen Page becomes a drug addict) and destroys a greater part of Hell’s Kitchen (in the battle with Kingpin’s agent Nuke in “God and Country” and “Armageddon”).⁷⁸ The Kingpin takes some consolation in the fact that “The law . . . at least I took that from him” but Murdock is able to survive this ordeal and rebuild both his law practice and his career as Daredevil in Hell’s Kitchen to serve the underprivileged, saying: “I live in Hell’s Kitchen and do my best to keep it clean.”⁷⁹ This confirms that Matt Murdock has the potential to be a heroic lawyer in the Perry Mason/Atticus Finch tradition and therefore be able to reconcile both his legal and extralegal activities into a truly postmodern form of law that is capable of finding justice.

Anyone doubting Daredevil’s classification as a legal text need only look at how writer Brian Michael Bendis with artist Alex Maleev, (and more recently Ed Brubaker with artist Michael Lark) has turned the spotlight back onto the legal aspect of Matt Murdock’s life with a series of powerful courtroom storylines, “to make Matt Murdock’s plainclothes life . . . every bit as interesting as his costumed life.”⁸⁰ Bendis acknowledges the success of the legal drama in television, film and popular literature and the need for “a lot of research and work” to develop Daredevil’s lengthy trial scenes. Part of the reason for the return to court is Bendis’ effort to re-emphasise that “putting on a costume should be a really big deal for someone – it should be a real *commitment* by the character to do something special . . . not an everyday occurrence.”⁸¹ Bendis’ run sees the Kingpin defeated and imprisoned, with Daredevil establishing himself as the new Kingpin of Hell’s Kitchen, before Matt Murdock is ‘outed’ as Daredevil and Brubaker takes up the story of his imprisonment, clearing his name and once again returning to Hell’s Kitchen. The seeds of Miller’s struggle between premodern and modern forms of law bears fruit in Murdock’s attempt to integrate his Matt Murdock/Daredevil identities when his secret identity (“Matt Murdock is Daredevil”) is revealed to the world in the wake of Kingpin’s defeat. There is the suggestion that Murdock has suffered a nervous breakdown (after the brutal murder of long-time girlfriend Karen Page) and the integration of his superheroic and secret identities suggestive of a therapeutic measure to once again make him whole.

Similarly the film *Daredevil*⁸² takes as its central theme this tension between modern and premodern notions of law. Over the course of the film Matt Murdock (Ben Affleck) moves from being a killer (he leaves the criminal Quesada in the path of an oncoming train) to a hero, reconciling the superhero part of his life with the fidelity to the law he maintains during the day as a lawyer, by ultimately letting the Kingpin of Crime (Michael Clarke Duncan) live at the film’s end because he “does not want to be a bad guy.” As Father Everett (Derrick O’Connor) describes him: “A lawyer

during the day, and then judge and jury at night. Is that what you want?" In response, Daredevil offers the possibility of reconciling the superhero with the rule of law. He comes to absolutely accept the law. It is his authorization for all that he does, both as attorney and superhero. That a definitive resolution can be reached in the film is unsurprising; films demand some kind of narrative closure. But, of course, being a serial narrative the conflictual nature between Matt Murdock and Daredevil in the *Daredevil* comic-book can never be completely resolved.

Matt Murdock is therefore forever struggling to be a heroic lawyer in the mould of *To Kill A Mockingbirds'* Atticus Finch or television's Perry Mason where his detective work or what Simon calls "moral pluck"⁸³ manifests itself as the swashbuckling exploits of Daredevil. Matt therefore serves as a reminder that what we often think of as a heroic lawyer, figures like Atticus Finch and Perry Mason, often have to act *outside* their role as lawyer to be truly heroic, with his "Daredevil" persona becoming the ultimate expression of this. The heroic lawyer is therefore a postmodern mix of the premodern and modern ideals of law, someone who is able to oscillate between these two ideals to see justice done. Ultimately Murdock, like Finch and Mason, is someone who fights for right in a way that defies everyday human expectations of ordinary behaviors. That is what makes them heroic.

V. Conclusion

Often comic book superheroes are dismissed as wish fulfillment and therefore too far removed from reality to be worthy of study. However, when we actually take the time to study them and consider that wish fulfillment as a strength, as making them capable of doing intellectual work about law and justice that is just as interesting as any other media form, then the superhero becomes a powerful and insightful way of thinking about different ideals of law, perceived deficiencies in the legal system and ways of dealing with the gap between law and justice. Currently, these are issues that are still being debated, from the proactive stance of new teams of heroes like *JLA Elite* and *The Invaders* (both in 2004), to She-Hulk's attempts to practice modern law in a world of premodern superheroes in her civilian identity of attorney Jennifer Walters (in the ongoing series of the same name), to the clash of legal ideologies that forms the basis of miniseries like *Infinite Crisis* and *Civil War* (in 2006) comic book superheroes continue to interrogate the law and push the boundaries of what law can be, moving their societies ever closer, in the words of Superman, to "victory . . . freedom . . . and . . . a tomorrow where peace is the rule of law."⁸⁴

1. Alan Moore and Dave Gibbons, *Watchmen 1* (New York, DC Comics, 1986).
2. Warren Ellis and Bryan Hitch, *The Authority 3*. (New York, Wildstorm Productions/ DC Comics, 1999).

3. Joe Shuster and Jerry Siegel, *Action Comics 1* (New York, National Allied Publications, June 1938).
4. Les Daniels, *DC Comics: Sixty Years of the World's Favourite Comic Book Heroes* (London, Virgin Books, 1995), p. 23.
5. For example: Reinhold Reitberger and Wolfgang Fuchs, *Comics: anatomy of a mass medium* [Translated from the German by Nadia Fowler] (Boston, Little Brown, 1972), Will Brooker, *Batman Unmasked: Analysing a Cultural Icon* (London: Continuum, 2000), Geoff Klock, *How to read superhero comics and why* (New York, Continuum, 2002), Mark Christiancy Rogers, *Beyond bang! pow! zap!: genre and the evolution of the American comic book industry* (Ann Arbor, Michigan : UMI, 2003) and Tom Morris and Matt Morris, *Superheroes and Philosophy* (Illinois, Open Court Press, 2005.)
6. See for example: James Steranko, *The Steranko history of comics* (Reading, Pa., Supergraphics, 1970), Will Eisner, *Comics and Sequential Art* (New York, Kitchen Sink, 1970) and Scott McCloud, *Understanding Comics* (New York, HarperPerennial, 1994).
7. James Poniewozik, "Superhero Nation", *Time* (May 20 2002), p. 57.
8. James Poniewozik, p. 57.
9. Mark Millar, "O Brave New World!", *SFX Superhero Special* (2003), p. 110.
10. *Detective Comics 1* (New York, National Allied Publications, March 1937).
11. Twentieth-Century Fox Television, ABC, 1993–2005.
12. Don Seigel, Warner Brothers, 1971.
13. Tim Burton, Warner Brothers, 1989.
14. The only two notable exceptions to this are the wonderful Wolff and Byrd comic strip (and later comic book - 1994 ongoing) which appeared in the Harvard Law Review, excluded here because, despite their representation of ghouls, ghosts and other monsters, they cannot be classed as superheroes and *Harvey Birdman* (2003) a satirical cartoon spin on lawyers featuring a revisioning of the original Hanna Barbera character Birdman (who had the secret identity of Rex Randall), again excluded because he is a cartoon as opposed to comic-book superhero.
15. These stories are all collected in Steve Englehart, Len Wein and Marshall Rogers, *Batman: Strange Apparitions* (New York, DC Comics, 1999).
16. Bryan Singer, Twentieth-Century Fox, 2000.
17. See for example, Jeph Loeb and Tim Sale, "Fools", *Batman: Dark Victory 7* (New York, DC Comics, 1999). Two-Face debuted in *Detective Comics 66* (1942) and has appeared in a number of DC Comics over the years, becoming a regular part of Batman's rogue's gallery in *Batman* and *Detective Comics*. Harvey Dent (Billy Dee Williams) first appeared on-screen in *Batman* (Tim Burton, Warner Brothers, 1989) and Two-Face (Tommy Lee Jones) in *Batman Forever* (Joel Schumacher, Warner Brothers, 1995). A tragic Two-Face (voice of Richard Moll) also appeared in *Batman: The Animated Series* (Twentieth-Century Fox Television, 1992–1995).
18. Jeph Loeb and Tim Sale, "Punishment", *Batman: The Long Halloween 13* (New York, DC Comics, 1997).
19. DC Comics, November 1968.
20. See Martin Jay, "Must Justice be Blind?", *Law and the Image: The Authority of Art and the Aesthetics of Law*, Ed. Costas Douzinas and Lynda Nead (Chicago, Chicago University Press, 1999). This embodiment is made explicit in comics like *Lady Justice* (Tekno Comics, 1995–96) and the more well-known *The Spectre* (DC Comics, 1967 and thereafter) and *Ghost Rider* (Marvel Comics, 1973 and thereafter) which featured spirits of vengeance/justice linked to mortal men. The Furies themselves appeared to great effect in *The Sandman* "The Kindly Ones" story-arc (DC Comics, 1999, Issues 57–70).
21. The Justice Society debuted in *All Star Comics 3* (New York, National Allied Publications, Winter 1940) and the Justice League debuted in *The Brave and the*

- Bold 28* (New York, DC Comics, March 1960). Naturally when villains team up they call themselves the Injustice Society or Injustice League. A neat inversion of these ideas of justice occurred in Noble (later Comico and Innovation's) *Justice Machine* (commencing in 1981)
22. Jacques Derrida, "Force of Law: The 'Mystical Foundation of Authority'", *Deconstruction and the Possibility of Justice*, Ed. Drucilla Cornell, Michael Rosenfield and David G. Carlson (New York, Routledge, 1992).
 23. Jacques Derrida, 1992, p. 10.
 24. Jacques Derrida, 1992, p.16.
 25. Jacques Derrida, *Specters of Marx*, Trans. Peggy Kamuf, (New York, Routledge, 1994).
 26. Douglas E. Litowitz, *Postmodern Philosophy and Law*, (Lawrence, Kansas, University Press of Kansas, 1997), p. 97.
 27. Douglas E. Litowitz, p. 97.
 28. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, California, Stanford University Press, 1995) [Trans. 1998], p. 37.
 29. The Silver Age is the revival in superheroes usually credited as beginning with "Mystery of the Human Thunderbolt!" in DC Comic's *Showcase 4* in October 1956, the debut of Barry Allen, the Flash. But while "comic book science" certainly reaches its apotheosis in the Silver Age, the Golden Age frequently flirted with some bizarre science, as Jules Feiffer has noted Joe Higgins used his laboratory to become the Shield; John Sterling became Steel Sterling in a similar way; Professor Reinstein made the serum that created Captain America and Professor Horton created the "burning" synthetic man, the Human Torch.
 30. As collected in n/a, *The Flash Archives Volume 1* (New York, DC Comics, 1998) [1956].
 31. Debuted in *Superman's Pal Jimmy Olsen 133* (New York, DC Comics, October 1970). See Jack Kirby, *Jimmy Olsen: Adventures by Jack Kirby*, (New York, DC Comics, 2003).
 32. Jean-Francois Lyotard, *The Postmodern Condition*, (Manchester, Manchester University Press, 1984).
 33. Will Eisner, "Agent 24", *The Spirit Archives: Volume Three* (New York, DC Comics, 2001) [July 6 1941].
 34. Friedrich Nietzsche, *On the Genealogy of Morals/Ecce Hons*, Trans. N. Kaufman, (New York, Vintage Books, 1969).
 35. New York, Marvel Comics, April 1965, collected in Stan Lee and Gene Colan, *Marvel Masterworks: The Sub-Mariner* (Marvel Comics, New York, April 2002).
 36. This was evident as early as *All Star Comics 14* (New York, National Allied Publications, Dec 1942-Jan 1943) where superheroes could pretty much cover the world; according to the cover blurb, the Justice Society sets out to provide "food for starving patriots" to eight different nations in this story.
 37. Mark Gruenwald, Bob Hall and Paul Ryan, *Squadron Supreme*, (New York, Marvel Comics, 12 issue miniseries 1985–86).
 38. Ralph Macchio, "Introduction", *Supreme Power 1-Special Edition*, (New York, Marvel Comics, July 2003).
 39. For more detail see George Khoury, *Kimota! The Miracleman Companion* (North Carolina, TwoMorrows Publishing, September 2001).
 40. Alan Moore and Dave Gibbons, *Watchmen 11*, (New York, DC Comics, 1986).
 41. Frank Miller, *Batman: The Dark Knight Returns* (New York, DC Comics, 1996).
 42. Quoted in Pat McCallum (editor-in-chief), *Wizard: The Comic Magazine Zero* (New York, Gareb Shamus Enterprises, September 2003).
 43. Frank Miller, 1996.
 44. Quoted in Warren Ellis and Bryan Hitch, *The Absolute Authority* (New York, Wildstrom Productions/DC Comics, 2002). [Originally published as *The Authority 1–12*, 1999–2000].

45. The storyline running from issues 1 to 4.
46. Warren Ellis and Bryan Hitch, *Authority 8* in *The Absolute Authority*, 2002.
47. Full Citation: The 'Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001' (HR 3162).
48. Jeph Loeb and Jim Lee, "Hush Chapter Ten: The Grave", *Batman 617* (New York, DC Comics, September 2003).
49. Alan Moore quoted in George Khoury, *The Extraordinary Works of Alan Moore* (North Carolina, TwoMorrows Publishing, July 2003), p. 113.
50. Quoted, George Khoury, 2003, p. 114.
51. John Hartley, *The Uses of Television* (London, Routledge, 1999).
52. Mark Waid and Alex Ross, *Kingdom Come* (New York, DC Comics, 1996). [Four issue prestige miniseries].
53. Mark Waid and Alex Ross, *Kingdom Come Book 4*, 1996.
54. Alex Ross quoted in *Alex Ross Millennium Edition* (New York, Wizard Entertainment, 2000).
55. Darwyn Cooke, *DC: The New Frontier* (New York, DC Comics, 2004). [Six issue miniseries].
56. Frank Miller, 1996.
57. A storyline collected in n/a, *Superman: President Lex* (New York, DC Comics, 2003).
58. Jeph Loeb and Ed McGuinness, *Superman/Batman 6* (New York, DC Comics, 2004).
59. Daredevil's title lasted for 380 issues and was relaunched as a "Marvel Knights" title (with a new #1) in 1989 under the stewardship of writer-director Kevin Smith (famous for edgy, comic-literate, independent films like *Clerks* and *Chasing Amy*). Daredevil has also appeared in the telemovie *The Trial of the Incredible Hulk* and as a guest star on the animated *Spider-Man* series, as well as in his own feature film (see below).
60. All subsequent *Daredevil* references come from the collected editions: Frank Miller, *Daredevil Visionaries: Volumes 1–3* (New York, Marvel Comics, 2000–2001) and Frank Miller and David Mazzuchelli, *Daredevil: Born Again* (New York, Marvel Comics, 2001).
61. Quoted in Les Daniels, *Marvel: Five Fabulous Decades of the World's Greatest Comics* (New York, Harry N Abrams, 1991), p. 188.
62. Frank Miller, "The Kingpin Must Die", *Daredevil 170* (New York, Marvel Comics, May 1981).
63. Frank Miller, "Spiked!", *Daredevil 179* (New York, Marvel Comics, February 1982).
64. Frank Miller, "The Assassination of Matt Murdock", *Daredevil 174* (New York, Marvel Comics, September 1981).
65. Frank Miller, "Where Angels Fear to Tread" *Daredevil 177* (New York, Marvel Comics, December 1981).
66. Frank Miller, "Armageddon" *Daredevil 233* (New York, Marvel Comics, August 1996).
67. Frank Miller, "Armageddon" *Daredevil 233* (New York, Marvel Comics, August 1996).
68. Frank Miller, "Purgatory", *Daredevil 228* (New York, Marvel Comics, March 1986).
69. Frank Miller, "God and Country", *Daredevil 232* (New York, Marvel Comics, July 1986).
70. In Frank Miller, *Daredevil 183* (New York, Marvel Comics, June 1982)
71. Frank Miller, *Daredevil 183* (New York, Marvel Comics, June 1982).
72. In Frank Miller, *Daredevil 189* (New York, Marvel Comics, December 1982).
73. Frank Miller, "Roulette", *Daredevil 191* (New York, Marvel Comics, February 1983).

74. In Frank Miller, *Daredevil 182* (New York, Marvel Comics, May 1982).
75. Running through *Daredevil 227–233* in 1986 and collected in Frank Miller and David Mazzuchelli. *Daredevil: Born Again* (New York, Marvel Comics, 2001).
76. Frank Miller, “Apocalypse”, *Daredevil 227*, 2001.
77. Most particularly in Frank Miller, “Purgatory”, *Daredevil 228*, 2001.
78. In *Daredevil 232* and *233* respectively.
79. Frank Miller, “Armageddon”, *Daredevil 233*, 2001.
80. Quoted in Alex Kirkland and Cliff Biggers, “Bendis takes DD to new heights with ‘Lowlife’”, *Comic Shop News 812* (Marietta, Comic Shop News Inc, 2002).
81. Kirkland and Biggers, 2002.
82. Mark Steven Johnson, Twentieth-Century Fox Films, 2003.
83. William H. Simon, “Moral Pluck Legal Ethics in Popular Culture”, 101 *Columbia Law Review* 421 (2001).
84. Doug Mahnke and Tom Nguyen, *JLA 100* (New York, DC Comics, August 2004).