Paradoxes and patriarchy: a legal reading of She-Hulk

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From *Savage* to *Sensational*, from lawyer to hulking beast, from advocate to *Avenger* and from independent woman to hyper-sexualised *feminista* – She-Hulk provides a case study in what occurs when ‘great power’ meets the ‘great responsibility’ of the legal professional. This article seeks to fill a gap in the fledgling field of Law and Comics via an analysis of She-Hulk, revealing a character defined by binaries, constructed through *real world* and *imagined* patriarchal forces, whose superpowers do not make her immune from the struggles faced by the female voice within the legal system. Yet She-Hulk offers a solution to this exclusion – the realm of the abject, the monstrous, splintering the law to protect her client’s interests. She-Hulk reveals that superhero powers are needed to overcome the challenges of feminist lawyering.

Introduction

Symbolic, sultry, sophisticated – She-Hulk is more than a woman or a superheroine. This character is a symbol of sexualisation, a polarised feminine image literally created by man, whose identity is forged in a realm of sexism. She is a symbol of justice and ‘good’ entrapped within a patriarchal system. It is in this struggle that the character of She-Hulk evolves to fracture this masculinised law and reality. This character symbolises what the law can become when an advocate has ultimate power and pursues their ultimate responsibility: fighting for a client’s interests.

She-Hulk is Jennifer Walters, Lawyer, Harvard Graduate¹ and Los Angeles resident.² Daughter to the Los Angeles County Sheriff, William Walters, cousin of the *Incredible Hulk*, Bruce Banner, and ‘big-time criminal lawyer’,³ Jen is inherently a character of justice.⁴ Her mother slain by gangsters,⁵ and herself attacked by them in her first, self-titled comic,⁶ Jen’s life is altered by the pursuit of justice. Jen, the

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¹Harvard Law School is the school-of-choice for fictional lawyers. MacNeil proposes this is due in-part to Harvard’s reputation for using the ‘veritable theatre of pedagogic pain known as the “Socratic method”’. MacNeil (2007), p 98.

²Stan Lee (1979) ‘The She-Hulk Lives!’ *Savage She-Hulk 1*, Marvel Comics, p 2.

³Stan Lee (1979) ‘The She-Hulk Lives!’ *Savage She-Hulk 1*, Marvel Comics, p 2.

⁴Jennifer’s father notes that his wife’s murder led to him and Jennifer to ‘retreat into an obsession for law and justice’: David Kraft (1982) ‘Transmutations’ *Savage She-Hulk 25*, Marvel Comics, p 12.

⁵David Kraft (1980) ‘The She-Hulk Strikes Back!’, *Savage She-Hulk 4*, Marvel Comics, p 6.

⁶Stan Lee (1979) ‘The She-Hulk Lives!’ *Savage She-Hulk 1*, Marvel Comics, February 1979; She-Hulk appeared in Stan Lee and David Kraft (1979–80) *The Savage She-Hulk 1–25*, Marvel Comics; before becoming a series regular in both Jim Shooter et al (1982–84; 1987–88)

She-Hulk, is not just a creature of justice, but an embodiment of it, wrestling with the duality of acting as a legal practitioner and a hulking green enforcer.

From Anthony Chase and his investigation into the characterisation of American lawyers in film and television, to the narratives of racial legal inequalities within popular films by Margaret Russell, and onwards to William MacNeil and his jurisprudential readings of *Buffy the Vampire Slayer*, *Harry Potter* and *Fight Club*, amongst others; studies of popular culture provide the framing and basis for contemporary cultural jurisprudence.⁷ In the developing field of cultural legal studies, legal, jurisprudential and socio-legal analyses of the comic book⁸ hero have become more common.⁹ Analysis has been completed of popular superheroes such as Batman¹⁰ and Superman,¹¹ as well as those intertwined with the law, such as Daredevil.¹² This field, however, has yet to examine She-Hulk's monstrous legality.

This article seeks to fill this gap by conducting a legal reading of these comics, revealing a character framed by patriarchy, built on paradoxes and with a monstrous desire to disrupt the law to provide justice for her clients. At a time when comics have been encouraged to be utilised in legal education,¹³ it is ever more prudent to gain an increased understanding of one of comics' most successful lawyers. This article argues that She-Hulk functions as the monstrous feminine, confronting patriarchal power structures by challenging what constitutes the 'normal' as an attorney, a woman and as a superhero. It proceeds in three stages. Part One analyses the role of patriarchy in shaping this character's identity. This is revealed through an examination of the influences placed upon the comic book writers and an examination of the various masculine forces manipulating She-Hulk within the text. She-Hulk's paradoxical role as a liberal lawyer, despite being a victim of the patriarchal order, will be exposed, challenging patriarchal ideas through sexuality and her monstrous form. In Part Two, the law will be revealed as a tool of masculine dominion, with the depiction of She-Hulk's law colleagues and the legal system forcing her to use a form of masculine justice, whilst she simultaneously rallies against the 'norm' by challenging these ideals. Finally, Part Three will focus on the way the monstrous is truly revealed in these comics, with She-Hulk shattering the legal order to accommodate her monstrous, client-focused justice

The Avengers 221–249; 278–297, July 1982–November 1984, April 1987–November 1988, Marvel Comics and John Byrne et al (1983–87) *Fantastic Four* 254–300, Marvel Comics; before returning to her solo roots in John Byrne et al (1989–94) *Sensational She-Hulk* 1–60, Marvel Comics; then returning to Kurt Busiek et al (1998–2004) *Avengers* 1–84, Marvel Comics and Joe Quesada et al (2001–02) *Fantastic Four* 41–50, Marvel Comics; before re-launching her solo career in Dan Slott et al (2005–09) *She-Hulk* 1–38, Marvel Comics; Charles Soule et al (2014–15) *She-Hulk* 1–12, Marvel Comics. She-Hulk has also played a key role in important feature events within the Marvel Universe, particularly Mark Millar (2006–07) *Civil War* 1–7, Marvel Comics and Greg Pak (2007–08) *World War Hulk* 1–5, Marvel Comics.

⁷Chase (1986); Russell (1991); MacNeil (2007); Sharp and Leiboff (2015); Hilyerd (2009), p 181; see in addition: Friedman (1989); Redhead (1995); Sherwin (2002); Kamir (2005), p 264.

⁸Hereafter referred to as comics.

⁹Bainbridge (2007); DiPaolo (2011); James (2007); see also the variety of articles published within this special edition of *Law Text Culture*: Gomez Romero and Dahlman (2012).

¹⁰Butler (2011); Peters (2007).

¹¹Bainbridge (2007); Reyns and Henson (2010).

¹²Taslitz (2004); Kort-Butler (2013); Sharp (2012).

¹³Giddens (2012).

principles. She becomes the ultimate paradox: a lawyer who also resides in the realm of the abject.

Part One: (de)constructing She-Hulk

Journey to the monstrous: a short history of She-Hulk

These comics are a product of the era in which they were created. *Savage She-Hulk* was first published in 1979,¹⁴ a time when second-wave feminism had transformed the world. Advocating equal employment, family and reproductive rights, amongst many other freedoms, this movement firmly established that gender equality must be realised.¹⁵ *Savage She-Hulk* reflects this reality as it shows a female struggling for acceptance within a male-dominated profession. She-Hulk, despite having an undying loyalty to the legal system, finds her *own way* of pursuing a monstrous, feminine justice. Nonetheless, these comics objectify and sexualise their protagonist. *Savage She-Hulk* could be read as a fantasy of the female legal practitioners of the period. If only they had She-Hulk's monstrous superpowers to overcome the discrimination of the time.

There are few clearly signposted story arcs within these comics. *Savage She-Hulk* primarily details Jen's origin as the She-Hulk and explores her accepting this form. She seeks vengeance upon the gangster who murdered her mother¹⁶ and finds a legal rival in macho attorney, Buck Bukowski.¹⁷

In *Sensational She-Hulk* the tone of the character changes dramatically. She-Hulk breaks the fourth wall, leaps across panes and parodies recent events.¹⁸ Despite being written from 1989 to 1994,¹⁹ the comic remains incredibly sexualised, objectified and degrading. In one issue She-Hulk is drawn stripping for the reader, begging them to purchase the comic.²⁰ Her sexuality also becomes key to the text's narrative. *Sensational She-Hulk* showcases a protagonist enjoying sexual liberation, but constructs this freedom for the singular pleasure of the male gaze and masculine voice within the text. It is not a celebration of these freedoms, but a *shaming* of them.

Sensational She-Hulk featured guest appearances from other Marvel properties, a norm following She-Hulk's *Avengers* and *Fantastic Four* appearances at the conclusion of the previous series.²¹ Recent series have followed this tradition.²² In *She-Hulk* the character gets disbarred from the profession. This dismissal, a result of a violent

¹⁴Stan Lee and David Kraft (1979–80) *The Savage She-Hulk* 1–25, Marvel Comics.

¹⁵Epstein (2002), pp 118–120.

¹⁶David Kraft (1980) 'The She-Hulk Strikes Back!', *Savage She-Hulk* 4, Marvel Comics, p 6.

¹⁷David Kraft (1979) 'Deathrace!!' *Savage She-Hulk* 2, Marvel Comics, p 18.

¹⁸Eg: The cover of *Sensational She-Hulk* 34 parodies the controversial Vanity Fair cover featuring Demi Moore: John Byrne (1991) 'Who Was That Zombie I Saw You With ...?' *Sensational She-Hulk* 34, Marvel Comics.

¹⁹John Byrne et al (1989–94) *Sensational She-Hulk* 1–60, Marvel Comics.

²⁰John Byrne (1992) 'One Potato, Two Potato' *Sensational She-Hulk* 40, Marvel Comics.

²¹Jim Shooter et al (1982–84; 1987–88) *The Avengers* 221–249; 278–297, July 1982–November 1984, April 1987–November 1988; Marvel Comics and John Byrne et al (1983–87) *Fantastic Four* 254–300, Marvel Comics; Mark Millar (2006–07) *Civil War* 1–7, Marvel Comics; Greg Pak (2007–08) *World War Hulk* 1–5, Marvel Comics.

²²Dan Slott et al (2005–09) *She-Hulk* 1–38, Marvel Comics; Charles Soule et al (2014–15) *She-Hulk* 1–12, Marvel Comics.

reaction towards a client, leads to Jen becoming a bounty hunter.²³ In 2014, She-Hulk returned to legal practice.²⁴

This paper primarily considers She-Hulk's formative adventures: *Savage She-Hulk* and *Sensational She-Hulk*. These tales are a story of Jen accepting herself as the She-Hulk. After being cured of a deadly disease, Jen is easily able to transform at will,²⁵ yet she comes to prefer her monstrous form over her 'normal' body.²⁶ She rarely returns to human form. This is consistently used as a plot device where she is happily stuck in her Hulk-form,²⁷ or rendered powerless as a human.²⁸ Jen uses her Hulk-form to fracture the law, forging her own monstrous justice. Jen becomes 'the other'. Yet through the binary creation of her identity by the comic book creators who made her, and the masculine tones of the text, this was always her destiny.

A product of patriarchy

She-Hulk is a literal and metaphorical creation of man. As Eve was born from the rib of Adam, so Jennifer's affliction was born from Bruce Banner's (*The Incredible Hulk*) genetic material. In *Savage She-Hulk*, Jennifer Walters is reunited with her cousin, Bruce Banner.²⁹ Bruce travels to Los Angeles to confide in Jen his burden of living a double-life as the Hulk.³⁰ Jennifer takes these revelations in her stride, accepting Bruce's confession that he is, in her words, 'the green-skinned monster'³¹ and resolving to assist as best she can. Whilst walking with Bruce, operatives of infamous gangster, Trask, shoot Jen.³² As Jennifer's life slips into the ether, Bruce takes matters into his own hands, providing her with a blood transplant, conferring upon her his own genetic mutations and, with that, his ability to transform into a Hulk.³³

This imagery creates a starting point of subservience for She-Hulk. Much as the tale of Eve's creation reflects a binary, it dictates that women exist only at the pleasure

²³Joe Quesada (2008) 'Dark Art: Part 2' *She-Hulk* 29, Marvel Comics.

²⁴Joe Quesada (2008) 'The Lion of Olympus' *She-Hulk* 30, Marvel Comics.

²⁵David Kraft (1981) 'Reason and Rage' *Savage She-Hulk* 12, Marvel Comics.

²⁶David Kraft (1982) 'Transmutations' *Savage She-Hulk* 25, Marvel Comics; David Kraft (1981) 'To Stay the She-Hulk', *Savage She-Hulk* 20, Marvel Comics.

²⁷John Byrne (1985) 'Sensational She-Hulk' *Marvel Graphic Novel* 18, Marvel Comics; Tom DeFalco (1992) 'Plastic Snow and Mistletoe' *Sensational She-Hulk* 36, Marvel Comics; Joe Quesada (2004) 'Class Action Comics!' *She-Hulk* 2, Marvel Comics.

²⁸Azel Alonso (2015) *She-Hulk Vol 6*, Marvel Comics, p 88; Tom DeFalco (1993) 'Uh-Oh' *Sensational She-Hulk* 48, Marvel Comics; Tom DeFalco (1993) 'Family Business' *Sensational She-Hulk* 57, Marvel Comics.

²⁹Stan Lee (1979) 'The She-Hulk Lives!' *Savage She-Hulk* 1, Marvel Comics, p 2.

³⁰Following a weapons experiment gone wrong, Bruce suffered a mutation fuelled by gamma-radiation, creating 'The Hulk'. Banner's transformations into the Hulk are fuelled by anger, with the strength, size and uncontrollable-nature of the Hulk causing extensive damage and causing the Hulk to be seen as an enemy of the state: Stan Lee (1962) 'The Strangest Man Alive!' *The Incredible Hulk* 1, Marvel Comics; Stan Lee (1964) 'There Is a Fire Down Below!' *The Avengers* 3, Marvel Comics; *The Incredible Hulk* can also be understood by reference to two of the characters which inspired its creation, Frankenstein's Monster and Dr Jekyll and Mr Hyde: Stan Lee (1974), p 75.

³¹Stan Lee (1979) 'The She-Hulk Lives!' *Savage She-Hulk* 1, Marvel Comics, p 5.

³²Nicholas Trask was also responsible for the death of Jen's mother; Stan Lee (1979) 'The She-Hulk Lives!' *Savage She-Hulk* 1, Marvel Comics, p 6.

³³Stan Lee (1979) 'The She-Hulk Lives!' *Savage She-Hulk* 1, Marvel Comics, p 8.

of man, for whom they could not exist without.³⁴ The female, the ‘spin-off’, is born from the masculinised ‘original’.³⁵ Within such a frame of reference, She-Hulk is defined by the masculine as she is a product of a male-mind and an industry obsessed with objectifying female characters.³⁶

As She-Hulk was born from the Hulk in comic lore, so she was born from him in reality. In the late 1970s, *The Incredible Hulk* comics and television show had become incredibly successful ventures for Marvel Entertainment.³⁷ Universal, seeking to create a spin-off of their popular live-action television series *The Incredible Hulk*, began producing a series featuring a female Hulk.³⁸ In doing so, Universal would gain intellectual property rights to the character. Marvel, upon hearing about these plans, recruited Stan Lee to create a new female Hulk character to protect their rights to the Hulk franchise.³⁹

The creation of She-Hulk was a result of this commercial opportunism rather than feminist inspiration. She-Hulk was created as a binary figure. As woman is to man, She-Hulk is to Hulk. The Hulk is the starting point. This reflects the process of normalisation against which traditional liberal notions of ‘equality’ are formed.⁴⁰ This notion of men as ‘normal’, thus negatively defining women, suggests that women should only receive the rights given to males in a patriarchal society.⁴¹ Radical feminists contest this by claiming women experience life differently as a result of the patriarchal norm and the masculinised power structures that protect male-dominance within society.⁴² This oppression and subordination is the root of gender inequity for many radical feminists.⁴³ This leads to the conclusion that only by eroding and replacing these institutions can a true feminist utopia be created. Society can only be truly equal by recognising the multiple perspectives of men and women,⁴⁴ yet what occurs in She-Hulk is the creation of a comic and a character crafted to please the male gaze, whilst loyally serving a masculinised, patriarchal system.

This binary construction begins in how She-Hulk adopts her name. As she lies in hospital, abandoned by Banner after receiving the monstrous blood transfusion, the goons who shot her return to ‘finish the job’.⁴⁵ It is at this moment that Jen makes her first metamorphosis into the She-Hulk.⁴⁶ ‘It’s a girl, but look at the size of her!’ shrieks one of the would-be assassins, ‘it’s like she’s some kind’a She-Hulk!’

³⁴Wittig (2012), p 104; Fausto-Sterling (1985).

³⁵Using male characters as a basis for feminine heroes is not unusual within comics. Examples include Batwoman, Spider-Girl, She-Thing and Supergirl: Edmond Hamilton (1956) ‘The Batwoman’ *Detective Comics* 233, DC Comics; Tom DeFalco (1998) ‘Spider-Girl’ *Spider-Girl* 1, Marvel Comics; Mike Carlin and Jim Shooter (1985) ‘The Thing and the Thunderiders’ *The Thing* 27, Marvel Comics; Otto Binder (1958) ‘The Three Magic Wishes’ *Superman* 123, DC Comics.

³⁶Martino and Kehler (2007); Frohard-Dourlent (2012); Robinson (2004); Madrid (2013).

³⁷Howe (2012), p 220.

³⁸Howe (2012), p 220.

³⁹Howe (2012), p 221.

⁴⁰Foreman and Arthur-Kelly (2008), p 111.

⁴¹Shah (2006), p 200.

⁴²Shah (2006), p 200.

⁴³Willis (1984) p 96; Mackinnon (1989a).

⁴⁴Heywood (2007), p 221.

⁴⁵Stan Lee (1979) ‘The She-Hulk Lives!’ *Savage She-Hulk* 1, Marvel Comics, p 11.

⁴⁶Stan Lee (1979) ‘The She-Hulk Lives!’ *Savage She-Hulk* 1, Marvel Comics, p 12.

Figure 1. © MARVEL. Stan Lee (1979) 'The She-Hulk Lives!' *Savage She-Hulk 1*, Marvel Comics, p 12.

(Figure 1).⁴⁷ 'You call me a She-Hulk! And a She-Hulk I'll be!' retorts Jen,⁴⁸ embracing a name given to her by man, based upon reference to a masculine Hulk, the same man who caused her mutation and creation. To misquote De Beauvoir: 'One is not born, but rather becomes, a She-Hulk.'⁴⁹ She-Hulk's name, a key part of her identity, comes from a man.⁵⁰

This gendered construction is reflected within the comic's titles. Whilst there is the *Incredible Hulk*, there is the *Savage She-Hulk*. The 'incredible' denotes the 'amazing, extremely good'⁵¹ Hulk, whilst 'savage' is used to describe the 'primitive' or 'wild' She-Hulk.⁵² This imagery again places She-Hulk as secondary to her masculine counterpart, regarding her as wilder. Whilst Jen does not initially have control of when she changes into the Hulk, she maintains composure when transformed. The Hulk himself is more appropriate of receiving this 'savage' title.⁵³ In *Sensational She-Hulk*, the title becomes more feminine, meaning 'dazzling, wonderful'.⁵⁴ 'Incredible',

⁴⁷Stan Lee (1979) 'The She-Hulk Lives!' *Savage She-Hulk 1*, Marvel Comics, p 12.

⁴⁸Stan Lee (1979) 'The She-Hulk Lives!' *Savage She-Hulk 1*, Marvel Comics, p 12.

⁴⁹'One is not born, but rather becomes, a woman' is a phrase coined by Simone de Beauvoir in contrasting the distinction of sex from the socially constructed gender: De Beauvoir (1973), p 301.

⁵⁰The term 'woman' itself is defined by relation to man. 'The world is man's world. Man is the word of the world': Leclerc (1987), p 58.

⁵¹*Australian Pocket Oxford Dictionary* (2013), p 557.

⁵²*Australian Pocket Oxford Dictionary* (2013), p 974.

⁵³Banner struggles to maintain control as the Hulk, or when this metamorphosis occurs: Stan Lee (1962) 'The Coming of the Hulk' *Incredible Hulk 1*, Marvel Comics.

⁵⁴*Australian Pocket Oxford Dictionary* (2013), p 998.

by contrast to the 'Savage' and 'Sensational', provides the platform through which binaries are constructed throughout the series. Women are constructed as the other in contrast to a masculine norm, an object of arousal and desire.

A key role of women within film narratives is to represent and be an object of male desire.⁵⁵ This is no less true of comics,⁵⁶ with female characters drawn to enhance their breasts and behinds to inspire the imagination of the predominantly male audience.⁵⁷ This comic takes this sexualisation to another level. Clothing is destroyed during metamorphosis, revealing She-Hulk's voluptuous breasts and chiselled body, leaving little to the imagination (Figures 2 and 3). Misogynistically, if one was to identify She-Hulk's sidekicks, they would be her breasts. They are used as a plot device⁵⁸ and feature central in most panes.

Readers are also taught to desire her, and women taught to wish to be like her,⁵⁹ through the inclusion of 'pin-ups posters' in select issues of the comic (Figures 2 and 3). These posters feature She-Hulk posing seductively as if she were in a *Playboy* magazine. 'Here's more Marvel excitement' teases the title. She-Hulk poses in a nightgown, arm above her head, hair tossed across her barely covered chest, with shapely legs trailing down away from the image (Figure 3). The inclusion of this material seems to transform the book from a comic into soft-core pornography in an attempt to boost flagging sales.⁶⁰

This is most spectacularly realised in *Sensational She-Hulk*, where She-Hulk responds to a fan letter by joking that she feels sometimes her fans wished she were pictured skipping naked.⁶¹ The following cover (Figure 4) sees She-Hulk embarrassed, using a newspaper emblazoned with 'APPROVED C.C.A.'⁶² to cover her nakedness. A spotlight shines down on her, an outstretched hand, presumably belonging to the writer, offers a skipping rope urging her to 'quit stalling'. She-Hulk, as a respected heroine and lawyer, complains about being forced to perform such an act simply because of a joke (Figure 5). The image of a woman being forced to perform a sexual act by a masculine voice is truly disturbing (Figure 6).

⁵⁵Mulvey (1975), p 11; Shrage (1993), p 143.

⁵⁶Tasker (2004), pp 272–273; Davis (2013), p 33.

⁵⁷Men have been the main audience for comics from the 1970s through to the mid-1990s. It is difficult to measure what sex is the more avid comic book reader, as most statistics are based the comic book purchaser. The dominance of men as comic book consumers, within comic book stores, and a perceived notion that comics were 'not feminine' led to publishers concluding that males were the dominant readership: Gabilliet (2010), pp 209–210; D'Amore (2012), p 1227; Wolk (2008).

⁵⁸Razorback details to the court how She-Hulk used her breasts to destroy an asteroid which killed a group of enemies. 'Ya think any other supergal's rack coulda' done that?!' he explains to the court, rounding up his sexist and misogynistic diatribe with the remark 'That's what makes She-Hulk special!'. Naturally, the courtroom of superheroes erupted in laughter, because after all, that is all She-Hulk is, right? – A body to be exposed and posed; Dan Slott (2005) 'Time of her Life' *She-Hulk* 5, Marvel Comics, p 22.

⁵⁹Shigematsu (1999).

⁶⁰For a discussion on this matter, see Madrid (2013), pp 245–268; Chute (2010), p 3; Sarracino and Scott (2008), p 61.

⁶¹John Byrne (1992) 'Date Worse than Death' *Sensational She-Hulk* 39, Marvel Comics, p 23.

⁶²CCA is the Comics Code Authority, a self-regulatory body for comics published within the United States of America.

Figure 2. © MARVEL. David Kraft (1981) 'The Day the Planet Screamed!' *Savage She-Hulk* 24, Marvel Comics, p 23.

Representations like this transform women into sexual objects. These concerns have been raised previously, not just in regard to the objectification of women,⁶³ but to comics as the medium through which this transformation may occur.⁶⁴ Objectification constructs an individual as an object, leading to characters being perceived as less human and individual.⁶⁵ This superficiality creates dehumanised characters that can be 'likened to robots and automata' – attributes attached to She-Hulk through this non-consensual act.⁶⁶ The pin-ups and sexualised imagery of She-Hulk provides the method for objectification, reinforcing the role of women as that which is desired rather than the desirer. This leads to situations where 'women learn to desire men

⁶³MacKinnon (1989b).

⁶⁴McGrath (2007).

⁶⁵Fredrickson and Roberts (1997), p 173.

⁶⁶Haslam et al (2007), p 410; see also Goldenberg and Roberts (2004); Heflick and Goldenberg (2009).

Figure 3. © MARVEL. David Kraft (1981) 'The Day the Planet Screamed!' *Savage She-Hulk* 24, Marvel Comics, p 24.

who desire them',⁶⁷ with sex and sexuality becoming more expected and engendered. The objectification within this text moves beyond silent submission. It indulges in fetishism.

Fetishism is a pathway to the monstrous. It is the 'phallic desire' that relies upon a relationship between humans and items for satisfaction.⁶⁸ To Freud the sight of female genitals evokes a fear of castration within men.⁶⁹ This begins when a boy first sees a girl's privates.⁷⁰ He denies the reality of the feminine form by believing that the girl once had a penis.⁷¹ The boy fears that the girl's penis has been removed.⁷² The child

⁶⁷Shrage (1993), p 144.

⁶⁸Thompson (2001), p 40.

⁶⁹Freud (1925), p 252.

⁷⁰Freud (1905), p 216.

⁷¹Freud (1925), p 252.

⁷²Freud (1925), p 252.

Figure 4. © MARVEL. John Byrne (1992) 'One Potato, Two Potato' *Sensational She-Hulk* 40, Marvel Comics.

will accept this castration has occurred or deny that a girl could have different genitals to his own.⁷³ This fear becomes repressed, a castration anxiety that requires objectification to occur to distance himself from the vagina.⁷⁴ It is in this denial that an object can be substituted for the missing phallus.⁷⁵ By lacking the phallus, the woman is incomplete. She is inhuman, the 'other', the *abject*.⁷⁶ This gives rise to the fear that the woman will castrate the male to retrieve the stolen phallus.⁷⁷ Women can therefore be

⁷³Freud (1925), p 252.

⁷⁴Freud (1927), p 155.

⁷⁵Freud (1927), p 154.

⁷⁶Creed (1993), p 116.

⁷⁷Creed (1993), pp 115–116.

Figure 5. © MARVEL. John Byrne (1992) 'One Potato, Two Potato' *Sensational She-Hulk* 40, Marvel Comics, p 4.

Figure 6. © MARVEL. John Byrne (1992) 'One Potato, Two Potato' *Sensational She-Hulk* 40, Marvel Comics, p 2.

viewed as the *castrated* or the *castrator*.⁷⁸ The fetish, as a phallic replacement, calms these fears.

Fetishism provides a way of understanding the simultaneous physical masculinisation and feminisation of this character. The Hulk infection emphasises masculine traits. Jen's growth in size, muscle mass, strength, athleticism and toughness all serve as evidence to the development of masculine features. These masculine features, from her lifting weights,⁷⁹ throwing large objects,⁸⁰ even her muscular body parts,⁸¹ are all fetishised. These objects act as phallic replacements.⁸² Even her feminine features are fetishised. She is consistently drawn in tattered clothing, her long legs and high-heel shoes on display. She-Hulk is drawn as the fetishised woman to *deny* her role as castrator or castrated, calming the inhibited fears of the male reader.

The objectification of She-Hulk reflects the way in which she becomes a particular type of a superheroine: the monstrous feminine. It is in this state, beyond definition, that the beasts of categorisation are removed, that labels are detached. Here Jen becomes horrifically undefined, free from the patriarchal power structures that have attempted to restrain her. To read the inhuman element of objectification in this way is to point beyond the masculine gaze to understand the standpoint of She-Hulk herself.⁸³ This tool therefore provides that women experience reality in a different manner and thus from a different perspective. To question the nature of a narrative is 'to invite reflection on the very nature of culture and, possibly, even on the nature of humanity itself'.⁸⁴ If this text is examined in this way, the truth as dictated by its authors is that women are objects of desire, defined by their gender and are lesser than their male counterparts. Female heroines continue to be seen as less popular by comic creators and a more risky business venture by animation corporations.⁸⁵ Whilst clearly there is this feminist critique of comics and gender,⁸⁶ when it comes to She-Hulk we can see this transforms (as she does) within the text itself. Not only does the character's sexualisation extend to sell comics, but the protagonist also becomes more sexualised within the text's narrative.

Narratives of sexualisation

After *Savage She-Hulk* concludes, She-Hulk appears in the *Fantastic Four* and *The Avengers* comics. It is within these texts that the sexualisation of She-Hulk begins, her monstrosity becoming a fierce sexuality and an unquenchable need for male attention.⁸⁷ This character serves as an exposition of the ways in which gender inequality has been constructed and realised within Marvel comics.

⁷⁸Creed (1993), p 116.

⁷⁹David Kraft (1981) 'The Day the Planet Screamed!' *Savage She-Hulk* 24, Marvel Comics, p 23.

⁸⁰Steve Gerber (1990) 'The Dentist in the Iron Mask!' *Sensational She-Hulk* 18, Marvel Comics, p 19.

⁸¹Dant (1996), p 509.

⁸²A fetish technique commonly used in soft-porn magazines: Creed (1993), p 116.

⁸³Key to this infection of the masculine is the continued failure to appreciate the feminist standpoint. Hekman describes Harding's feminist standpoint as a 'staple' of feminist theory: Hekman (1997), p 341.

⁸⁴White (1987), p 1.

⁸⁵Neda Ulday (2012) 'Airbender' Creators reclaim their world in 'Korra' *NPR: National Public Radio*, <http://www.npr.org/2012/04/13/150566153/airbender-creators-reclaim-their-world-in-korra>, 13 April 2012.

⁸⁶Glacock and Preston-Schreck (2004); Robinson (2004).

⁸⁷Robinson (2004), p 258.

In *The Avengers*, She-Hulk's sexuality becomes a question for consideration. After joining the Avengers, her newest gal-pal Wasp gives her a makeover.⁸⁸ Wasp dresses She-Hulk in designer clothing, sky-high stilettos and a saucy hairstyle, but it is all quickly abandoned in the heat of battle.⁸⁹ She-Hulk rips off all of her clothing, leaving her to battle the forces of evil in little more than lacey lingerie, much to the pleasure of male readers, whilst simultaneously causing Wasp to shriek 'No! They were designer!'⁹⁰ The display leaves Hawkeye, a fellow Avenger, repulsed. The very sight of She-Hulk sans brand-name clothing disgusts him, with a kiss from She-Hulk causing his face to twist in repulsion.⁹¹ The scenario speaks to a correlation between femininity, desire and expensive clothing. Despite arguments this neo-liberal feminine identity encourages feminist pride,⁹² the imagery of a character requiring certain clothing to be an acceptable woman is yet another form of 'minoritization ... operating through gendered consumption'.⁹³ Advocating these attitudes and imagery further extends the sexualisation and objectification pursued in marketing these comics. This focus upon 'feminine' products demonstrates gender as capable of being 'performed', with women being judged on the quality of this performance to determine their femininity, despite their sex remaining constant.⁹⁴

She-Hulk's sexualisation reached atomic levels as her adventures continued.⁹⁵ She-Hulk was photographed sunbaking topless atop the Fantastic Four headquarters,⁹⁶ whilst it was revealed that the gamma-radiation induced by the Hulk had led to her obtaining a ravenous sexual appetite.⁹⁷ She slept with everyone from Iron Man⁹⁸ to Hercules.⁹⁹ She even slept with Juggernaut after successfully defending him in a criminal matter,¹⁰⁰ her sexual desires powering this gross violation of lawyer-client ethics.¹⁰¹ Sex was no longer merely a selling point. It defined She-Hulk's character.

Despite being no more sexual than male heroes, She-Hulk's sexual lifestyle harms her reputation and damages her heroic image.¹⁰² She is unable to provide a list of guests in advance to the Butler at the Avenger's Headquarters as she does not know who she will be bringing home each night.¹⁰³ Jen is also forced to name all of her sexual partners in court, a list that takes over 20 minutes for her to detail.¹⁰⁴ This is clearly embarrassing for Jen, particularly when this information is transcribed on

⁸⁸ Jim Shooter and Steven Grant (1982) 'A Gathering of Evil' *The Avengers* 222, Marvel Comics, p 2.

⁸⁹ Jim Shooter and Steven Grant (1982) 'A Gathering of Evil' *The Avengers* 222, Marvel Comics, p 12.

⁹⁰ Jim Shooter and Steven Grant (1982) 'A Gathering of Evil' *The Avengers* 222, Marvel Comics, p 12.

⁹¹ Jim Shooter and Steven Grant (1982) 'A Gathering of Evil' *The Avengers* 222, Marvel Comics, p 12; Madrid (2013), p 256.

⁹² Van Slooten (2005); Arthurs (2003).

⁹³ Butler and Desai (2008), p 12.

⁹⁴ Butler (1993), pp 23–24.

⁹⁵ Robinson (2004), p 256.

⁹⁶ John Byrne (1985) 'The Naked Truth' *Fantastic Four* 275, Marvel Comics.

⁹⁷ John Byrne (1993) 'To Die and Live in L.A.!' *Sensational She-Hulk* 54, Marvel Comics.

⁹⁸ Joe Quesada (2007) 'Planet Without a Hulk' *She-Hulk* 17, Marvel Comics.

⁹⁹ Steve Gerber (1990) 'The Dentist in the Iron Mask!' *Sensational She-Hulk* 18, Marvel Comics.

¹⁰⁰ Joe Quesada (2004) 'The Trial of Juggernaut' *Uncanny X-Men* 435, Marvel Comics.

¹⁰¹ As seen in *Legal Practitioners' Conduct Board v Morel* (2004) SASR 401; Dal Pont (2013), pp 232–236.

¹⁰² Madrid (2013), p 260.

¹⁰³ Dan Slott (2004) 'Single Green Female', *She-Hulk* 1, Marvel Comics.

¹⁰⁴ Dan Slott (2007) 'Trial of the Leader', *She-Hulk* 19, Marvel Comics, pp 14–15.

the public record before her colleagues and peers. This is nothing more than state-sanctioned sexual harassment. It is a metaphor for the way the law commodifies and codifies female sexuality,¹⁰⁵ with masculine legal processes concerned with discovering facts rather than caring for the rights breached or damage caused in obtaining them.¹⁰⁶

She-Hulk directly confronts this sexual double-standard. After sleeping with Iron Man, She-Hulk asks how he gets away with sleeping around. He is unable to provide an answer (Figure 7).¹⁰⁷ This issue frames this character. Her monstrous desires contrast with the natural, accepted dominance of male sexuality.¹⁰⁸ By idolising men who are sexually active, whilst denigrating women who act in the same manner, these comics both foster and reinforce these negative perceptions.¹⁰⁹ She-Hulk is right to question these attitudes and acts as an agent of change, but is slandered, belittled and degraded by society and her peers. She-Hulk's sexuality is seen as abnormal when compared to the 'normal' masculine sexuality despite, as the conversation with Iron Man shows, men doing exactly the same thing.

These experiences establish She-Hulk as a liberal feminist. She adheres to the liberal ideology by acting as a legal professional and representing supernatural clients who are ostracised by the human-dominated, normative legal system, attempting to create change by using existing patriarchal structures. Liberal feminism is connected to liberalism through its loyalty to the principle of individuality. This establishes the individual as the most important social construct, alongside personal liberties and freedoms.¹¹⁰ She-Hulk exercises these liberties as a proudly sexually active woman, consistently advocating the need for gender equality. For She-Hulk, and other liberal feminists, the reform of the current political and legislative system is the means through which this is achieved.¹¹¹ Despite her liberties being restricted by the legislature, courts revelling in publishing details of her private life and the judiciary dramatically revoking her practising certificate, She-Hulk remains committed to this patriarchal system of governance.¹¹²

Hence, the critique found when reading 'against the grain' of this text. She-Hulk, despite having the power to rip-down the entire system, nay, galaxy, places her faith in a patriarchal system that ultimately exploits her. An exploitation mastered by the *external* patriarchal figures who write, control and market She-Hulk comics, objectifying and sexualising Jen Walters to satisfy the masses, but also the *internal* patriarchal representations within the narrative itself. In spite of this, She-Hulk does not become a

¹⁰⁵Smart (1995), p 9.

¹⁰⁶Rhode (2003), pp 4–5; Menkel-Meadow (1985).

¹⁰⁷Dan Slott (2007) 'Planet Without a Hulk' *She-Hulk* 17, Marvel Comics, p 16.

¹⁰⁸Men's sexuality is seen as more 'natural, acceptable and uncontrollable'. These gendered approaches exhibit themselves within rape myths and stereotypes. This double standard means men who succeed in having sexual relations with multiple women are 'seen as just that – successful', whilst women are socially denigrated and known as a 'skank': Miller and Marshall (1987); Barash and Lipton (2001), p 145; Milhausen and Herold (2001), p 75; See also Marks and Fraley (2005).

¹⁰⁹Waggett (1989), pp 10–11.

¹¹⁰Heywood (2007), p 242; Heywood (2002), p 245.

¹¹¹Aitchison (2003), p 24.

¹¹²A paradox that is also recognised in *To Kill a Mockingbird*'s Atticus Finch, who committed himself to a racist legal system through his devotion to the Constitution: Shaffer (1981), p 224.

Figure 7. © MARVEL. Dan Slott (2007) 'Planet without a Hulk' *She-Hulk* 17, Marvel Comics, p 16.

villain or dismantle the state. This patience is exemplified through her continued role within S.H.I.E.L.D.¹¹³ It is as part of this organisation that She-Hulk transforms from litigator to bureaucrat, from private citizen to a tool of the state. She-Hulk represents and reveals the failures of liberal feminism.

Anatomy of a monster: She-Hulk as the monstrous feminine

Whilst the above analysis has identified the sexualisation of She-Hulk, to limit an understanding of She-Hulk to her gender misses the paradox of her construction. For She-Hulk, in becoming a superheroine, takes on characteristics far beyond that singular perspective. Her oppression and her reaction to it stems not just from her being female, but also from differences that could be attributed to race, qualities that stem from her being a Hulk.

She-Hulk becomes representative of, and shaped by, intersecting types of oppression. As the convergence of her natural blood and gamma-radiated blood defines her identity, so does the intersection of justifications for subjugation. Intersectionality recognises that society and the realms of oppression exist on multiple converging planes. No individual fits into only a singular vector of gender, race or sexuality.¹¹⁴ Intersectionality challenges the 'single-axis framework' through which some feminist and race theorists examine society.¹¹⁵ The theory is closely related to 'kyriarchy', a word coined by Fiorenza describing the systems of domination and oppression assigned to a person at birth.¹¹⁶ Individuals experience these

¹¹³S.H.I.E.L.D. is the Strategic Hazard Intervention Espionage Logistics Directorate, a government-run organisation made up of both superheroes and special forces soldiers tasked with protecting Earth from the threats of supervillains and other-worldly supernaturals: Sanderson (2007), p 62; For an introduction to S.H.I.E.L.D., see Jonathan Hickman (2010–12) *S.H.I.E.L.D. 1-11*, Marvel Comics.

¹¹⁴Nash (2008), p 2.

¹¹⁵Crenshaw (1989), p 134; for a more recent analysis, see Pheonix and Pattynama (2006).

¹¹⁶Fiorenza and Nasrallah (2009), p 226.

structural realities of ‘race, sexuality, class, religion and age’ differently, particularly where certain qualities may provide them with a more privileged position.¹¹⁷ The term recognises the ‘multidimensionality of marginalized subjects’ and their own unique experiences in life.¹¹⁸ These approaches to theorising oppression allow for each of these specific bases of subjugation to be explored in the feminist context, allowing feminism as an ideology to become more diverse.

Racial theories are one element of these intersectional approaches to feminist critique. Race, like gender, is a societal construction.¹¹⁹ The notion of race within comics is best explored within the *X-men* series¹²⁰ which details the adventures of a team of superheroes united by their shared super-powered mutations. Identity within *X-Men* is framed by reference to biological mutations, the same type of mutation that transformed Jen into the She-Hulk.¹²¹ *X-Men* is largely concerned with civil rights for mutants in relation to the human normality, with the mutant world split into those who believe in cooperation with humanity and those who have resorted to seek domination over them.¹²² This struggle is a representation of the pursuit of civil rights by African-Americans at the time of publication.¹²³ Some mutations manifest physically, as is the case for She-Hulk, or are more subtle.¹²⁴ The type of mutation will dictate the influence their power will have on their identity.¹²⁵

This raced appearance is key to She-Hulk’s story. Her cousin, Bruce Banner, is able to maintain two different identities – his ‘monster’ within and his identity as a doctor. These alter-egos allow him to be two different individuals in two different bodies,¹²⁶ contrasting ‘the extraordinary nature of the hero ... with the mundane nature of his alter-ego’,¹²⁷ but also controlling his raced Hulk with his form as a Caucasian male. She-Hulk, however, revels in her raced green persona. She finds more confidence as a Hulk than she ever did as Jen Walters, eventually choosing to become the She-Hulk permanently.¹²⁸ She is a large, muscular, sexual, raced beast of a female lawyer, factors which culminate to the point of not just mere intersectionality, but to a form of monstrosity. For it is within the guise of race that She-Hulk becomes the monstrous.

The monstrosity of She-Hulk aligns with what Barbara Creed describes as the ‘monstrous feminine’.¹²⁹ This theory, drawing upon the mythological Medusa, states that female myths and monsters are a representation of a fear of female sexuality and the inherent difference in a woman’s physical form.¹³⁰ She-Hulk provides this monstrosity through her metamorphosis into a large, green, muscular beast. She-

¹¹⁷Fiorenza and Nasrallah (2009), p 226.

¹¹⁸Crenshaw (1991), p 1244.

¹¹⁹Smedley (1998), p 692.

¹²⁰See Housel and Wisniewski (2009).

¹²¹Zingheim (2010), p 29; Baron (2003), p 52; Simon (1999).

¹²²*X-Men* is therefore a liberal comic, ‘stressing cooperation among individuals and minorities rather than conflict, moderation in politics rather than extremism, and the right of each American to social recognition and economic opportunity’: Mondello (1976), p 238.

¹²³Trushell (2004), p 151.

¹²⁴As can be seen in telepaths; see *X-Men* mutants Charles Xavier (Professor X) and Jean Grey.

¹²⁵Zingheim (2010), p 33.

¹²⁶Singer (2002), p 112.

¹²⁷Reynolds (1992), p 16.

¹²⁸David Kraft (1982) ‘Transmutations’ *Savage She-Hulk* 25, Marvel Comics, p 38.

¹²⁹Creed (1993).

¹³⁰Creed (1986), p 44.

Hulk functions in the same way as Creed's monster, whose primary purpose is to bring about a confrontation between the 'symbolic order and that which threatens its stability'.¹³¹ She-Hulk confronts the 'order', that being patriarchal power structures, through her challenge to what constitutes the 'normal' as an attorney, a woman and as a superhero. To confront these norms, however, She-Hulk must become the 'other', the *abject*. This abjection pollutes She-hulk's physical form and character.

Creed draws upon Julia Kristeva's definition of the abject in making these conclusions. Abjection is 'the state of being cast off',¹³² the no-mans-land between the accepted norm of society and that which society considers to be a threat to its continued existence. Kristeva interprets abjection as the point when an individual is confronted with the contrast between what is 'self' and what is the 'other'.¹³³ The abject is that which is neither subject, as part of our being, or object, an independent part of ourselves.¹³⁴ It is a part of us that was previously a part of our identity, or a part of our identity that we reject.¹³⁵ The abject is threatening. It is also familiar. It is seen in fear of the corpse, calculated crimes, the taboo: 'without God and outside science ... death infecting life'.¹³⁶ The abject is the realm of the 'other', which should be 'radically excluded' in the interests of survival.¹³⁷

She-Hulk is a character built in abjection. She represents a collapse in the barrier between *human* and *beast*, *mankind* and the *supernatural*. Like the werewolf, She-Hulk has a form that 'signifies a collapse of the boundaries between human and animal'.¹³⁸ This aberration is made more perverse by way of its inception, the intermixing of her blood and that of her cousin, a biological and cultural taboo.¹³⁹ This theme of blood, mixed with a metamorphosis that involves rapid changes in mood, seems to flirt with menstrual imagery. This imagery stands 'for the danger issued from within',¹⁴⁰ a description that could be applied to Jen's metamorphosis into She-Hulk. When Jen becomes She-Hulk, she becomes the abject.

When applied at a social level the abject is that which disrupts the dominant order.¹⁴¹ She-Hulk destroys the abject as a vigilante, raging against the 'unlawful'. The unlawful is the abject, the villainy that challenges the state and society, breaching the law (i.e.: *norms*) of the land.¹⁴² The abject are those things that highlight the 'fragility of the law'.¹⁴³ She-Hulk exploits this fragility, literally smashing her way through those who challenge her. The shackles of patriarchy force her to exercise 'lawless powers' to enforce her own feminine justice.¹⁴⁴ Thus, it is the alienation of women

¹³¹ Creed (1993), p 13.

¹³² Creed (1986), p 47.

¹³³ Kristeva (1982), p 8

¹³⁴ Kristeva (1982), pp 1–2.

¹³⁵ Kristeva (1982), p 4.

¹³⁶ Kristeva (1982), p 4; Becker-Leckrone (2005), p 33.

¹³⁷ Kristeva (1982), p 2; 'For that which threatens to destroy life also helps to define life': Creed (1986), p 46.

¹³⁸ Creed (1986), p 48.

¹³⁹ Danic and Lefrère (2008), p 1029.

¹⁴⁰ Kristeva (1982), p 71; Creed (1986), p 52.

¹⁴¹ Kristeva (1982), p 4.

¹⁴² Creed (1993), p 48.

¹⁴³ Crofts (2012), p 78.

¹⁴⁴ For example: threatening witnesses: David Kraft (1979) 'Deathrace!!' *Savage She-Hulk* 2, Marvel Comics; destroying hazardous microwave towers despite legal body ruling against her

from this rights discourse, and discussion of the law, that renders them monstrous. Even when a feminist discourse is included within rights, women are forced to become monstrous to morph into the accepted norm.¹⁴⁵ Monstrous feminism explains the paradoxes which define She-Hulk; she is the perpetually *abnormal* which is continually seeking to be a part of the *normal*.¹⁴⁶

She-Hulk is a model of monstrous femininity born from the abject: the unlawful act perpetrated by the thugs shooting Jen and the abhorrent intermix of family blood between her and her cousin. This monstrous femininity links to the sense of the abject, the monster which crosses borders, causes conflict and undoes the law. In this exclusion, She-Hulk redefines the law.¹⁴⁷ Hers is a monstrousness that promotes feminine justice beyond the masculine hegemony of the profession. She is the *abject* fighting the *abject*, which makes her role as a lawyer all the more fascinating.

Part Two: monstrous legality

She-Hulk is sexualised – explicitly, implicitly and as part of the law. However, Jen is more than a woman, and not just in the sense that she is She-Hulk. Even as a mortal human she possesses the great powers and great responsibilities of the legal profession.¹⁴⁸ It is within the law, the most important patriarchal tool of all,¹⁴⁹ that Jennifer is truly oppressed. She-Hulk is an enigma, continually investing her faith in formalism, justice and the legal system, whilst paradoxically fracturing these structures as the abject, a being whose very existence is representative of the unlawful.

The ‘laws and forms that entrap and imprison her more than any criminal!’¹⁵⁰: She-Hulk’s subjugation to masculinity in the practice of law

Jen’s legal rival, District Attorney Buck Bukowski, represents the macho side of the legal profession. Buck is chauvinistic and sexist. He uses condescending words to address Jen. These terms include ‘lawyer lady’,¹⁵¹ ‘little lady’,¹⁵² ‘babe’¹⁵³ and ‘gullible girl’.¹⁵⁴ These words are meant to portray Jen as out of her depth, not just as a lawyer, but as a *woman*. This rhetoric and vision of female lawyers as lesser than their male colleagues reflects the masculinity of the legal profession at the time of publication.¹⁵⁵

client’s application to have it removed: David Kraft (1981) ‘The Zapping of the She-Hulk’ *Savage She-Hulk* 16, Marvel Comics.

¹⁴⁵MacNeil (2012), p 88.

¹⁴⁶A monster struggling to be accepted by law and society.

¹⁴⁷‘The process of abjection helped construct what it sought to exclude’: Roberts (2009), p 16.

¹⁴⁸A lawyer holds a duty to the court beyond conduct during litigation, including a duty to the administration of justice: r 3, *Australian Solicitors Conduct Rules* (2012), r 5, *Barristers Conduct Rules* (2011); see also *Cahill v Law Society of New South Wales* (1988) 12 NSWLR 1; *Rondel v Worsley* [1969] 1 AC 191; *Richardson v R* (1974) 131 CLR 116.

¹⁴⁹Finley (1989), p 886; Rifkin (1980).

¹⁵⁰David Kraft (1981) ‘To Stay the She-Hulk’, *Savage She-Hulk* 20, Marvel Comics, p 2.

¹⁵¹David Kraft (1979) ‘Deathrace!!’ *Savage She-Hulk* 2, Marvel Comics, p 18.

¹⁵²David Kraft (1980) ‘Enter: Iron Man!’ *Savage She-Hulk* 6, Marvel Comics, p 12.

¹⁵³David Kraft (1980) ‘The Power of the Word!’ *Savage She-Hulk* 9, Marvel Comics, p 5.

¹⁵⁴David Kraft (1980) ‘Crawler in the Caverns of Doom’ *Savage She-Hulk* 5, Marvel Comics, p 4.

¹⁵⁵*Savage She-Hulk* was published from February 1979 to February 1981.

The belief that women were preoccupied by family commitments; unwilling to embrace professional opportunities and lacked mental or intellectual strength excluded them from this profession.¹⁵⁶ Buckowski represents these patriarchal views. The irony being that whilst Jen is becoming increasingly *supernatural* through her monstrous metamorphosis, Buck defines Jen through her *gender* and *humanity*.

Masculine perceptions of the legal system understand the law in terms of opposition and conflict. Buck represents adversarialism and masculine justice, committed to opposing (and defeating) Jennifer both inside and outside the courtroom. The adversarial system of law emphasises a 'contest between two or more individuals with legally recognised but competing claims'.¹⁵⁷ This 'contest' is a battle fought by lawyers in court, but has created a culture of opposition and 'us-versus-them' that frames professional relations and client expectations.¹⁵⁸ The relationship between Buck, a criminal prosecutor, and Jen, a criminal defence attorney, also reflects a contest of *hero* versus *villain*. Buck's tendencies, adversarial role and hatred of She-Hulk all provide reasons for the reader to view Buck as a villain.

Buck focuses on derailing Jennifer's legal career. He recommends civil clients to Jen in the hope that, during her investigation, criminal evidence will be found to bring the matter under his jurisdiction.¹⁵⁹ 'You set me up – just to further your own ends!' seethes Jen upon hearing about Buck's plan, 'You don't care about the Harrisons at all!'¹⁶⁰ Buck retorts smoothly: 'Not true. I just like *me more*'.¹⁶¹ Buck becomes more than just an imagining of the patriarchal legal system, but also masculine approaches to lawyering. There is a general perception that male lawyers are 'strong, powerful, aggressive', logical and 'resistant to emotional issues'.¹⁶² Buck exhibits these characteristics so dutifully that he becomes representative of a hegemonic masculinity within law and legal practice.¹⁶³ As Smart notes, 'doing law and being identified as masculine are congruous'.¹⁶⁴ These masculine characteristics are represented through the confrontation of litigation and an adversarial culture, in contrast to feminist legal practices that focus on client needs and dispute resolution.¹⁶⁵ Gilligan links these ideals to an 'ethics of care' women bring to the legal profession.¹⁶⁶ Whilst studies suggest that these gendered approaches to lawyering do not exist in practice,¹⁶⁷ it is also argued that professionalism,¹⁶⁸ framed by patriarchal forces, has 'bleached out' personal characteristics like race, gender and class,¹⁶⁹ preventing their effect on how law is practised by individuals. Jen seems to be immune to this transformation in *Savage She-Hulk*. Her gendered style remains static due to a clear contrast with

¹⁵⁶Pearson and Sachs (1980), p 408; see also Leiper (2006); Brockman (2001); Thornton (1996).

¹⁵⁷Ellis (2009), p 128.

¹⁵⁸See Menkel-Meadow (1999), p 907; Sarat (1998); Uphoff (2004).

¹⁵⁹David Kraft (1980) 'The Power of the Word!' *Savage She-Hulk* 9, Marvel Comics, p 8.

¹⁶⁰David Kraft (1980) 'The Power of the Word!' *Savage She-Hulk* 9, Marvel Comics, p 9.

¹⁶¹David Kraft (1980) 'The Power of the Word!' *Savage She-Hulk* 9, Marvel Comics, p 9.

¹⁶²Felstiner (2000), p 76.

¹⁶³Connell (1995), pp 36–37; Hunter (2003), p 106.

¹⁶⁴Smart (1989), p 86.

¹⁶⁵Roach Anleu (1993), pp 196–197.

¹⁶⁶Gilligan (2008); see also Gilligan and Attanucci (1988).

¹⁶⁷Malleson (2003), p 3.

¹⁶⁸Law School also plays a role in this normalisation: see Schultz (2003).

¹⁶⁹Mather et al (2001), p 8.

Buck's masculine, prosecutorial style. Law and masculinity are both regarded as 'rational, authoritative, objective, abstract and principled'.¹⁷⁰ Yet these same qualities apply to Jen.¹⁷¹ She is required to take on these masculine traits to ensure that she complies with the patriarchal legal system.¹⁷² In doing this, she creates a monstrous ethics of care that challenges the patriarchal hegemony.

The notion of an ethics of care has evolved over time. It has developed from a focus on maintaining relationships; to a focus on the maternal and into an inclusive, moral consideration of the best possible action.¹⁷³ This ethics has come to be less isolating of men, whilst still recognising the challenges of patriarchy. It is not sexist; it is feminist.¹⁷⁴ It recognises the complexities of human relationships and the challenges individuals face whilst offering moral action to confront inequality and gendered challenges.¹⁷⁵ Understanding the wants and needs of others is at the core of this approach, but this duty extends beyond this. A person must 'take responsibility for those needs being met', a role which sounds like the representative, fiduciary role of the legal practitioner.¹⁷⁶

Legally, the ethics of care can be applied in a number of ways. It can be applied to the trial process. An ethics of care replaces adversarialism with compassion, negotiation and understanding. It can be used to describe the relationship with clients. Purposeful and truly representative lawyering focuses on a client's interests above all else. It is the latter which She-Hulk embodies. Yet She-Hulk goes beyond a theoretical 'ethics of care', embracing a morality that is best described as monstrous. For the conclusion that She-Hulk embraces a feminist ethics of care is hollow if this is only based upon a gendered understanding of the character's ethical framework. To Foucault the monster was that which existed outside of law and nature.¹⁷⁷ There is a positive morality that lies behind the horrific imagery of the monstrous, focused more upon inclusion rather than exclusion.

Each being has different ways of experiencing emotions, desires and understanding the world. This allows for 'new possibilities for relationship' and requires each new form to be understood and engaged rather than banished.¹⁷⁸ Monstrous ethics provide a way of understanding the viewpoint of the monster. The alternative to seeking harmonisation, as seen within *Frankenstein*,¹⁷⁹ is that the monstrous rages against the norm – with deadly results.

¹⁷⁰Thornton (1996), p 8; Hunter (2003), p 106.

¹⁷¹These qualities have continually been shown to be exhibited by female legal practitioners: Hunter (2003), p 106; Connell (1995), p 181; Schultz (2003), pp 301–306; Sommerlad (2003); Silius (2003).

¹⁷²A patriarchal system requires women to adapt to play a role within it. Within these masculinised industries, 'workers can be required to do gender displays according to scripts that are "masculine"' Sommerlad (2006); p 177. See Sommerlad and Sanderson (1998); Sommerlad (2002); Hall (1993).

¹⁷³Gilligan (1982); Noddings (1984); West (1988); Sevenhuijsen (1998). For an overview of the development of the ethics of care, see Hunter (2013).

¹⁷⁴Hunter (2013), p 22.

¹⁷⁵Hunter (2013), p 22; Sevenhuijsen (1998); Stewart (2011).

¹⁷⁶Sevenhuijsen (1998), p 83.

¹⁷⁷Foucault (2004), p 55.

¹⁷⁸Waldby (2004), pp 36–37.

¹⁷⁹Waldby (2004), pp 36–37.

Spinoza provides the clearest articulation of monstrous ethics. To Spinoza, the monstrous was not that which was good or evil.¹⁸⁰ His ethics is instead ‘a question of power’ and what abilities come with that power, focused on enhancing the capacity to influence others.¹⁸¹ The motivation is simple and universal: *survival*.¹⁸² To do this, relationships based on ‘reason’ are required.¹⁸³ This ‘reason’ is politically constructed, considering self-preservation and the relationships needed to live.¹⁸⁴ In business, this is profitability. Within the realm of the legal practitioner, it is ensuring that a client is fully and completely represented to the best of their ability, but also ensuring that a client’s needs are met in order to protect a lawyer’s corporate interest.¹⁸⁵ Monstrous ethics provide the purest form of fiduciary obligation.

A monstrous ethics explains how the character of She-Hulk can adhere to a client-focused ethics of care, yet abandon any attempt at consultative justice. Mackinnon dismisses the ethics of care in any attempt to find justice. To Mackinnon, the law is a masculine construction and the attempt to use it for feminist ends will ultimately result in failure due to its patriarchal nature.¹⁸⁶ Smart believes a woman must instead balance the costs and benefits of utilising the law to remedy a dispute as ‘it may not be the best resource available’.¹⁸⁷ To She-Hulk, whose best resource is surely her superhuman form, it is brute force that becomes her greatest tool when the legal system fails her. Monstrous ethics is focused on using power to create influence. It is no wonder that She-Hulk resorts to monstrous force. It is her best way to influence outcomes in contrast to the law. Yet she remains committed to an ethics of care even as the monstrous. Her ‘reason’ for creating relationships, including making enemies, is to protect her client’s interests. She-Hulk embraces an ethics of care, but this is practised through the monstrous rather than gendered morality.

As Jennifer becomes *superhuman*, the law limits her to a *substandard class of human* in comparison to a perceived masculine normality.¹⁸⁸ Buck is correct in stating that it is a ‘man’s world’.¹⁸⁹ Masculine exercises dominate legal practice,¹⁹⁰ which in itself

¹⁸⁰Spinoza saw God in all things, even disease, famine and filth: Deleuze (1988), p 26.

¹⁸¹Thanem and Wallenberg (2015), p 434.

¹⁸²This theory can be applied to individual or organisational ethics: Thanem and Wallenberg (2015), p 433.

¹⁸³Cook (2007), pp 96, 114; ‘We can only think of how to keep from dying, and our whole life is a death worship’: Deleuze (1988), p 26.

¹⁸⁴Thanem and Wallenberg (2015), p 440; inaction is bad, action is celebrated: Smith (2007), p 67.

¹⁸⁵Thanem and Wallenberg (2015), pp 441–44.

¹⁸⁶Corporate interest being key to even the fictitious lawyer: Travis and Tranter (2014), pp 28–31.

¹⁸⁷MacKinnon (1983), p 644.

¹⁸⁸Smart (1995), p 213.

¹⁸⁹This normalisation is a product of both binaries and patriarchal power structures; see Stan Lee and David Kraft (1979–1980) *The Savage She-Hulk 1-17*, Marvel Comics, for a general display of Buck’s ignorance.

¹⁹⁰The Australian experience clearly demonstrates this. Women only holding 17.3 per cent of equity partnership positions nationally, with the failure to promote women influenced by issues surrounding variable working arrangements and nepotism: Nicola Berkovic (2014) ‘Women Partners Stalemate’, *The Australian*, <http://www.theaustralian.com.au/business/legal-affairs/women-partners-stalemate/story-e6frg97x-1226968127499>, 27 June 2014; Lyndall Crisp (2013) ‘Slow Path to Senior Ranks for Women’, *The Australian*, <http://www.theaustralian.com.au/archive/business/slow-path-to-senior-ranks-for-women/story-e6frg97x-1226674507364#>, 5 July 2013.

¹⁹¹See Freeman (1980); Collier (1995).

exists as part of a patriarchal judicial system. She-Hulk reacts to these patriarchal structures by becoming more than man or woman. She-Hulk is monstrous, challenging the notion of sovereignty, suspending the law and extricating herself from the patriarchal structures that have limited her ability to provide her own brand of green swift justice.¹⁹²

A supernatural realist: She-Hulk's conflict with formalism

Comics are often a battle between good and evil. Beneath the emerald tones of justice within this text, there is a conflict between realist and formalist accounts of law. Formalist theories and realist principles are used to critique the idea of the law and its place within the modern state. A reading of this text shows how the disagreement between Jennifer and her father on the role of the law can be viewed as a law *enforcer* versus an *interpreter* of the law; a formalist versus a realist.

Formalists believe in the power of the state and its capacity to dictate the laws of the land.¹⁹³ The law is simply a command given force through the inherent power of the state; a wish given expression backed by sanction.¹⁹⁴ Law is accepted by virtue of it having been 'posited' by parliament, without need to critique the morality behind the 'black letter' of the law.¹⁹⁵ To Sheriff Walters, the law is 'all cut and dried ... all he has to do is enforce a set of statutes! Their interpretation is left to others'.¹⁹⁶ This goes to the very heart of formalist-positivist legal theories – the belief that there is no need to consider what law ought to be, but rather the factual reality of what law is.¹⁹⁷ The context of a law is considered as separate from the structure of the law. The concern is not whether a particular law is good or bad,¹⁹⁸ but instead whether it complies with the posited legal order. This is his main concern as a law enforcement officer. Whilst Sheriff Walters has a strict belief in formalism, his daughter is far more sceptical.

Jen's scepticism is born from her practice of law. Lawyers and legal academics developed American Legal Realism to reclaim the law from the tyranny of formalism.¹⁹⁹ At the core of this theory is the realisation that law is malleable in both its application and practice.²⁰⁰ In contrast to the 'mechanical jurisprudence' of formalism, American legal realists found cases to be decided by a court's subjective view of what was 'fair' based on the facts of a case.²⁰¹ Legal reasoning therefore is not

¹⁹² The role of the lawyer may serve as a barrier to the swift application of justice. As in *Dredd*, She-Hulk at times applies the law to circumvent the courts and provide swift justice. Like *Dredd*, She-Hulk is the 'manifestation of embodied justice'. Unlike *Dredd*, however, She-Hulk continues to operate within a traditional legal system. She embodies justice by becoming the monstrous advocate. See Travis and Tranter (2014), pp 25–27.

¹⁹³ Leiboff and Thomas (2009), p 296.

¹⁹⁴ John Austin (1832), pp 13–14.

¹⁹⁵ Leiboff and Thomas (2009), p 255.

¹⁹⁶ David Kraft (1981) 'When Favors Come Due' *Savage She-Hulk* 18, Marvel Comics, p 22.

¹⁹⁷ Alexander (1999), p 531.

¹⁹⁸ Leiboff and Thomas (2009), p 256.

¹⁹⁹ cf European realist theories which are of a more philosophical nature: Leiter (2005), p 50; Fuller (1934), pp 430, 438.

²⁰⁰ Leiter (2005), p 51.

²⁰¹ Leiter (2005), p 51; 'Mechanical jurisprudence' was phrase used by Roscoe Pound in advocating the need for a 'sociological jurisprudence' to attack the rules-based, bureaucratised

isolated from moral and political influence. Legal rules and principles can provide a justification for decisions which are based upon non-legal reasons.²⁰² Interpretation practices highlight this concern. Equally legitimate principles exist for statutes to be interpreted purposively, and limiting a statute to its text.²⁰³ Llewellyn recognises this conflict within case precedents. Any precedent can be read ‘strictly’ or ‘loosely’ and yet remain equally valid.²⁰⁴ The judge can pick and choose an interpretation of the law to reach their desired conclusion, an end that can be reached through any number of non-legal considerations.

Jen realises the ambiguity of interpretation at the heart of American Legal Realism. ‘Legal precedents ... imaginative interpretations of ambiguous phrases’, declares Jen, ‘... any one of them can change the outcome of a case!’²⁰⁵ Jen is realising the truth at the heart of this paradigm; legal decisions are not derived from a set of rules. Law is not scientific or certain.²⁰⁶ It is the skill of legal counsel, the political beliefs of judges and the surrounding factual circumstances that will determine how the law is applied.²⁰⁷ This epiphany occurs after she is able to defend a man in an unwinnable case using weak evidence, all because Buck Bukowski fails to concentrate in court.²⁰⁸ ‘They call it the *letter of the law*!’ Jen declares, ‘Yet as an attorney, you can’t help but see that it *is* arbitrary!’²⁰⁹ Her knowledge of the strengths and weaknesses of her arguments, and Buck’s failure to seize upon them, lead her to realise that it depends as much *who* your lawyer is as *what* the law states. Jen wanted to be a champion of ‘fairness’ as a lawyer, but realises that the world (and the law) is not fair at all.²¹⁰ Jen’s experience as a legal professional has shaped her perceptions of the law.

The key conflict between formalist and realist accounts of the law within these comics occurs when Jennifer helps to defend Doctor Morbius. Morbius is charged with multiple accounts of murder.²¹¹ Jen successfully reduces his charges by exhibiting evidence demonstrating that a vampire-like, bloodlust-inducing virus affected her client at the time of the crime.²¹² As the verdict is read, a victim’s mother lunges at Jen screaming ‘it is all her fault’,²¹³ despite the decision having been made by a jury. The myth of legal certainty is described by Frank as a ‘father substitute’.²¹⁴ It evades the ‘childish dread of uncertainty’ by portraying the law as ‘settled and defined’.²¹⁵ Within the text Jennifer’s father, Sheriff Walters, illustrates this ‘father substitute’. In consideration of his representation of formalism, perhaps it is unsurprising that Jen’s father is so horrifically cruel in addressing her after the trial. ‘You did it by

formalist view of the law: Pound (1908). This served as the ‘first step towards a realistic jurisprudence in America’: Bechtler (1977), p 12.

²⁰² Leiter (2005), p 51; Fuller (1934), pp 431–435; Tumonis (2012), p 1367.

²⁰³ Llewellyn (1950), p 401.

²⁰⁴ Llewellyn (1930), p 74.

²⁰⁵ David Kraft (1981) ‘When Favors Come Due’, *Savage She-Hulk* 18, Marvel Comics, p 22.

²⁰⁶ ‘The life of law has not been logic; it has been experience’: Holmes (1881), p 1.

²⁰⁷ See the ‘Realist Manifesto’: Llewellyn (1931).

²⁰⁸ David Kraft (1981) ‘When Favors Come Due’ *Savage She-Hulk* 18, Marvel Comics, p 5.

²⁰⁹ David Kraft (1981) ‘When Favors Come Due’ *Savage She-Hulk* 18, Marvel Comics, p 22.

²¹⁰ David Kraft (1981) ‘To Stay the She-Hulk’ *Savage She-Hulk* 20, Marvel Comics, p 7.

²¹¹ David Kraft (1981) ‘To Stay the She-Hulk’ *Savage She-Hulk* 20, Marvel Comics, p 8.

²¹² David Kraft (1981) ‘To Stay the She-Hulk’ *Savage She-Hulk* 20, Marvel Comics, p 9.

²¹³ David Kraft (1981) ‘Reason and Rage’ *Savage She-Hulk* 12, Marvel Comics, p 8.

²¹⁴ Frank (1930), p 45.

²¹⁵ Frank (1930), p 45; Hernandez (2010), p 917.

the book ... and you won!' yells Sheriff Walters, 'Congratulations Counsellor – I wish you had never been born!'²¹⁶ In doing her job Jen is disowned, all because her father fails to see the subjectivity of the legal system. Positivism and its loyalty to statutory power regard the common law and its judicial practices as a pox upon the law itself.²¹⁷ What makes this interesting in the case of Jennifer's father is how, as Sheriff, he arrests people to be brought forward before these courts of law, but has a problem when this does not result in a conviction. Sheriff Walters sees judges as nothing more than bureaucrats who punish lawbreakers.²¹⁸ Remarkably, She-Hulk's faith in the law remains, even if she is aware of its faults.

This paradoxical relationship with the law is further developed in the series *Civil War*. There the heroes of the Marvel Universe are faced with government-sanctioned compulsory registration, brought about after a gang of amateur superheroes failed to save a community from an explosive villain on a reality television show.²¹⁹ Marvel heroes are torn between those who wish to adhere to the *Superhero Registration Act* and an alternate group of heroes who believe this system of administration is against the virtues of freedom and liberty.²²⁰ Although She-Hulk represents one of the reality television heroes in court, going to great lengths to assist in their defence,²²¹ she still personally advocates for the Act.²²² Jen has such a commitment to upholding the posited law that she is willing to live within a legal system that suspends the rights of superheroes in what Schmitt and Agamben might describe as the 'state of exception'.²²³

The state of exception comes to exist where a government takes on increased powers during an emergency, suspending the rights of a particular section of society or group of persons.²²⁴ She-Hulk's support for this legislation is confusing, particularly given her realist views. Her experience with the legal system is defined by its failings. She has grown more successful as a legal force *beyond* the law than she ever could acting within it. Her faith in the government to correctly manage and protect the identities of these heroes contrasts with her past statements about these types of government organisations. 'I guess that's the trouble with para-military spy groups', She-Hulk laments as she strips off at gun-point for a team of S.H.I.E.L.D. operatives, 'they tend to start out as the secret service and end up as the KGB' (Figure 8).²²⁵ Her willingness to support this law despite being a realist and a liberal is hard to comprehend.

In this metamorphosis into a realist, She-Hulk mourns the loss of her previous viewpoint. 'The world has made a fool out of idealistic Jenny Walters', She-Hulk grieves.²²⁶ It is perhaps this grief and idealistic values that lead her to continually support a system that has failed her. Even in her dreams the courtroom is a place of torment and sadness, her father appearing as a judge and berating her as a

²¹⁶David Kraft (1981) 'To Stay the She-Hulk' *Savage She-Hulk* 20, Marvel Comics, p 9.

²¹⁷Leiboff and Thomas (2009), p 266.

²¹⁸Kirchgässner (1992), p 307.

²¹⁹Joe Quesada (2006) 'Civil War: Part One' *Civil War* 1, Marvel Comics.

²²⁰Joe Quesada (2006) 'Civil War: Part One' *Civil War* 1, Marvel Comics.

²²¹Dan Slott (2006) 'Civil Union' *She-Hulk* 8, Marvel Comics.

²²²Dan Slott (2006) 'Civil Union' *She-Hulk* 8, Marvel Comics.

²²³Schmitt (1985); Agamben (2005).

²²⁴Schmitt (1985), p 5; Agamben (2005), p 2.

²²⁵John Byrne (1992) 'Cognito' *Sensational She-Hulk* 44, Marvel Comics, p 27.

²²⁶David Kraft (1981) 'To Stay the She-Hulk' *Savage She-Hulk* 20, Marvel Comics, p 21.

disappointment to the memory of her mother and ‘the worst criminal in the world’.²²⁷ Buck attacks her, branding her ‘a disgrace to the legal profession’.²²⁸ Yet she remains faithful. She transforms from positivist more than she transmutes from human to Hulk. Jen has a paradoxical and ‘two-faced’ relationship with the law. She acts in a certain way in its presence and differently behind its back.

Much like realism itself,²²⁹ Jen does not openly offer any alternative to the positivist-formalist system. ‘The worst of it is – there’s no better alternative!’ Jen thinks as she looks across the mountainside, ‘for all its faults – the law is still the best way we’ve got for handling complex human problems!’.²³⁰ Yet in asserting this she conveniently forgets her own experiences taking justice into her own hands; using fear to scare testimonies from witnesses;²³¹ having criminals attempt to bribe her to lose a case²³² and having opposing counsel leak damaging rumours to the press in an attempt to ruin her legal career.²³³ Jen is the very alternative she seeks, a heroic vigilante with a feminist approach to justice, basing the law upon the needs of clients rather than some lofty ideas of justice. For Jen, the courtroom is a place where the law is metamorphosed and transformed; yet she herself is able to morph into a superhero. She-Hulk knows of the faults of the legal system, has the power to challenge it, but refrains from doing so. She is an officer of the court, bound by a loyalty to the legal system, yet rallies against it as the monstrous – fracturing a disenfranchising, patriarchal system to create her own form of feminine justice.

Part Three: monstrous advocacy – ‘I can do whatever I want!’²³⁴

After having experienced the sheer power of She-Hulk, Jen quips that she has ‘become a gamma-ray monster ... but I’ll learn to live with it!’, before ominously stating ‘from now on whatever Jennifer Walters can’t handle – the She-Hulk will do!’.²³⁵ What she is truly announcing is ‘whatever *the law* can’t handle – the *superhero* will do!’ She becomes the ‘ought’ of realist theory, embracing a natural justice. Several theorists have recognised natural law as a potential solution to the critiques of realism.²³⁶ Fuller’s natural law calls for legal systems and laws to be invalid if they are morally flawed.²³⁷ To Fuller this morality came from community, with law ‘derived from the needs of the common good’.²³⁸ As previously discussed, She-Hulk finds her morality in the monstrous feminine, adopting a monstrous ethics of care. Through this guise, a reading of this text shows a vigilante that rejects the law in the same way the masculine legal system has abandoned her. So disenfranchised by the patriarchal, so abandoned by the system, she uses her powers to fracture the law in order to protect her clients’

²²⁷David Kraft (1981) ‘Through the Crystal!’ *Savage She-Hulk 13*, Marvel Comics, p 3.

²²⁸David Kraft (1981) ‘Through the Crystal!’ *Savage She-Hulk 13*, Marvel Comics, p 2.

²²⁹Leiboff and Thomas (2009), p 370.

²³⁰David Kraft (1981) ‘When Favors Come Due’ *Savage She-Hulk 18*, Marvel Comics, p 22.

²³¹David Kraft (1979) ‘Deathrace!’ *Savage She-Hulk 2*, Marvel Comics, p 4.

²³²David Kraft (1981) ‘When Favors Come Due’ *Savage She-Hulk 18*, Marvel Comics, p 21.

²³³David Kraft (1981) ‘Reason and Rage’ *Savage She-Hulk 12*, Marvel Comics, p 4.

²³⁴David Kraft (1981) ‘Make Way for the Man-Elephant!’ *Savage She-Hulk 17*, Marvel Comics, p 9.

²³⁵David Kraft (1979) ‘Deathrace!’ *Savage She-Hulk 2*, Marvel Comics, p 18.

²³⁶Hernandez (2010), pp 919–923; Llewellyn (1939), p 8; Frank (1950), pp 362–365.

²³⁷Fuller (1977), pp 39–41.

²³⁸Freeman (2008), pp 118–120; Leiboff and Thomas (2009), p 160.

Figure 8. © MARVEL. John Byrne (1992) 'Cognito' Sensational She-Hulk 44, Marvel Comics, p 27.

interests. She places a monstrous ‘ethics of care’ at the heart of the law by fracturing the law itself.

She-Hulk blurs the lines between *advocate* and *judge*. She becomes above the law itself. ‘As Jenny, I always fought for justice with everything I could muster! But I kept to the letter of the law because I *cared* about the law! As the She-Hulk I made *myself* the law!’²³⁹ This can be seen multiple times throughout the text. In *Savage She-Hulk 4* she defies the decision of a Commissioner’s Board, destroying a large microwave tower after failing to have the tower removed through legal methods.²⁴⁰ In more recent adventures She-Hulk breaches the laws of time in an attempt to save Hawkeye’s life.²⁴¹ Jen’s father taught her to believe that ‘justice always triumphs’,²⁴² yet she soon realises this is not the case. The law is full of complexities and ambiguities. Justice for She-Hulk is best served with a fist rather than legal sanctions. This is best realised in the conflict with gangster Nicholas Trask. Despite her father attempting for years to shutdown Trask and his criminal network, in addition to failed attempts by Jen herself, it is only through a violent confrontation between She-Hulk and Trask that the mobster receives his just deserts.²⁴³ She-Hulk decides what the law is, whether she (and her clients) should adhere to it, and how those who rally against it should be punished.

This duality of values and roles has been previously explored within another supernatural lawyer, Daredevil. Daredevil is Matt Murdock, attorney and vigilante.²⁴⁴ Whilst he is a successful civil lawyer, at night Matt roams the streets of Hell’s Kitchen, New York, protecting the innocent and punishing wrongdoers. There are similarities between Daredevil and She-Hulk, but there are also startling differences. Daredevil clings to his secret identity to protect those he loves from the truth, whilst She-Hulk revels in the power and freedom that comes from being a superheroine.²⁴⁵ As Daredevil, ‘enthusiastically adheres’ to due process and procedural requirements,²⁴⁶ She-Hulk rallies against them when they are not in her favour. This is seen in *Sensational She-Hulk* when Jen breaks into the home of a suspect. Once she realises stolen property is inside the residence she contacts the police in a bid to make her breaking and entering, and the evidence found, ‘legal retroactively’.²⁴⁷ She-Hulk is also not above intimidating and threatening witness for information, then using this evidence in court.²⁴⁸ These differences are trivial when compared to their joint frustration of the rule of law.

As vigilantes Daredevil and She-Hulk challenge the rule of law. The rule of law constitutes the notions of ‘order’ and ‘certainty’ at the heart of modernity,²⁴⁹ best

²³⁹David Kraft (1981) ‘Through the Crystal!’ *Savage She-Hulk 13*, Marvel Comics, p 2.

²⁴⁰David Kraft (1980) ‘The She-Hulk Strikes Back!’ *Savage She-Hulk 4*, Marvel Comics.

²⁴¹Dan Slott (2005) ‘Time of Her Life’ *She-Hulk 5*, Marvel Comics.

²⁴²David Kraft (1981) ‘To Stay the She-Hulk’ *Savage She-Hulk 20*, Marvel Comics, p 2.

²⁴³She-Hulk sends him hurtling towards the centre of the Earth in an obnoxiously large mechanised snake in David Kraft (1980) ‘The She-Hulk Strikes Back!’ *Savage She-Hulk 4*, Marvel Comics.

²⁴⁴Stan Lee (1964) ‘The Origin of Daredevil’ *Daredevil 1*, Marvel Comics.

²⁴⁵Robinson (2004), p 258.

²⁴⁶Taslitz (2004), p 701.

²⁴⁷John Byrne (1989) ‘The World’s Greatest Detective!’, *The Sensational She-Hulk 8*, Marvel Comics, p 14; see also Lisk (2014).

²⁴⁸David Kraft (1980) ‘Enter: Iron Man!’ *Savage She-Hulk 6*, Marvel Comics, p 13.

²⁴⁹Sarup (1996), p 50.

described as ‘the pursuit and punishment of wrong-doing as the delegated task of the state legal system’.²⁵⁰ Vigilantism is often justified through the lens of good versus evil, with the moral obligations of participating in this battle being above justice and the rule of law.²⁵¹ These actions are justified through popular sovereignty, with the failure of the legal system and those with this ‘delegated authority’ allowing individuals to take ‘authority into their own hands’.²⁵² This ‘temporary vote of no-confidence in state efficiency’²⁵³ grants the authority to superheroes to use their powers for the good of the people.²⁵⁴ In this sense, the vigilante diverges from Agamben’s ‘state of exception’, with superheroes acting to provide what is required by popular sovereignty, their exception to the law defined through the legal systems failure to stop these crimes.²⁵⁵

There is a key difference between how Daredevil and She-Hulk challenge the law. The fact that a lawyer, an officer of the court, must extend themselves beyond the powers of the legal system to achieve justice inherently advocates that justice cannot be achieved in the legal system. Cassandra Sharp goes as far as to say that ‘the law itself is in need of a superhero’²⁵⁶ with the themes of retributive justice conflicting with the restorative justice principles that have traditionally found their home within the legal system. She-Hulk resists and transforms the law in the interests of her clients. This contrasts with Daredevil’s focus on protecting the public. She-Hulk places her duty to court as secondary to the interests of her client. Her ignorance of basic legal principles and doctrines in the pursuit of evidence,²⁵⁷ in addition to refusing to adhere to the ruling of legal bodies²⁵⁸ exemplifies this attitude. ‘She-Hulk doesn’t need anyone’s approval’, she gripes after a judge holds her in contempt of court.²⁵⁹ In the following months her rage with the law grows. ‘I’m sick of the law’, confesses Jen, ‘sick of the deranged little men trying to kill the She-Hulk’.²⁶⁰ This is where She-Hulk’s monstrous ethics of care is applied. She embraces the abject, a monstrous femininity, to fracturing the law in her client’s interests.

It is in embodying both the law and the abject that this character reflects and refracts the law. She is a monstrous feminine. She-Hulk is beyond the law, but chooses to take part in it. By acting both within and outside of the legal system, She-Hulk critiques the law by revealing its subjectivity and failure to restrict her monstrous dominion over it. She-Hulk is lawyer and judge, human and Hulk. If the power cannot be awarded through the law she will take it by force. No wonder Jen came to feel more comfort, confidence and capability appearing in court as the She-Hulk.²⁶¹ As the monstrous she is above the law, more than a woman, more than a lawyer, and beyond the

²⁵⁰Sharp (2012), p 360.

²⁵¹Phillips (2010).

²⁵²Taslitz (2004), p 703.

²⁵³Taslitz (2004), p 703.

²⁵⁴Manderson (2011), p 32.

²⁵⁵Sharp (2012).

²⁵⁶Sharp (2012), p 359.

²⁵⁷As shown in John Byrne (1989) ‘The World’s Greatest Detective!’, *The Sensational She-Hulk* 8, Marvel Comics, p 14.

²⁵⁸David Kraft (1981) ‘The Zapping of the She-Hulk’ *Savage She-Hulk* 16, Marvel Comics.

²⁵⁹David Kraft (1980) ‘War of the Word!’ *Savage She-Hulk* 10, Marvel Comics, p 16.

²⁶⁰David Kraft (1981) ‘Designer Genes!’ *Savage She-Hulk* 19, Marvel Comics, p 19.

²⁶¹David Kraft (1981) ‘To Stay the She-Hulk’ *Savage She-Hulk* 20, Marvel Comics.

sexism and discrimination she suffered at the hands of colleagues. She-Hulk abandons her duty to the court to fracture the system itself – she is the ultimate ‘Avenger’.

Conclusion: ‘There’s a reason Stan made me a Lawyer’²⁶²

Judith Butler describes the breakdown of binaries as ‘monstrous’ and ‘frightening’ to the patriarchal system.²⁶³ These fears are given form in She-Hulk, a hulking, green feminist. This character is a product of patriarchy, literally and metaphorically defined by narratives of sexualisation. She-Hulk becomes the abject as a means of freeing herself from a system that constructs, labels and identifies her by reference to sex. The masculine power structures at the heart of law and its adversarial, formalist structure, transform her into a realist. Yet, ironically, this path to realism sends her deeper into the realm of the supernatural. Embodying the monstrous feminine, Jen fractures the law, embracing a monstrous, feminist ethics of care where duty to the client trumps her duty to the court.

She-Hulk promises a way of thinking differently about the law, of turning rejection by the law into something that can challenge it. There are, however, sacrifices in making this transformation. For She-Hulk, it is her humanity; only by becoming monstrous can she practice her client-focused form of justice. This serves as a warning to professionals who sacrifice their own ethics in pursuit of corporatised client-centred goals. ‘There’s a reason Stan made me a lawyer’, She-Hulk ponders. Only as a lawyer could a superhero find endless victims, villains and justifications for violent activism. Perhaps there is a reason why a female lawyer becomes a superhero. The only way to be free from patriarchal power structures is by becoming the monstrous and supernatural. This is the reality in the pursuit of a higher form of care, a higher fiduciary duty, within a masculinised adversarial system. Potentially She-Hulk exposes the problematic means of making this a reality: lawyers need to become superheroes.

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