

This is a preprint version of this manuscript.

The final manuscript is: Kieran Tranter 'Seeing Law: The Comic and Icon as Law (2017) 30(3) *International Journal for the Semiotics of Law* 363-366 DOI 10.1007/s11196-017-9510-4

It can be downloaded from <https://link.springer.com/journal/11196/30/3/page/1>

## Seeing Law: The Comic and Icon as Law

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### **Abstract**

*This special issue examines how the comic and the icon prefigure forms of legality that are different to modern law. There is a primal seeing of law unmediated by reading, writing or possibly thinking. This introduction identifies the primacy of the eye, the emergence of visual jurisprudence and the transformations of law as a paper-based material practice to a digitally enabled activity.*

Key words: Comic, Icon, Image, Visual Jurisprudence

### **1 Seeing Law: The Comic and Icon as Law**

In modernity saying law could be seen was nonsensical. Modern legal theory had law as abstract and normative. Law officials, courts and the paper tombs of recorded cases and legislation could be seen in their materiality; but a Plato-like dualism reigned; these were the forms of law, mere manifestations in the ebb and flow of a deeper, more essential law.[5]

The modern was a non-ocular legality. It has been observed that in the movement to modern law the pre-modern traditional of orality become superseded by reading and the text. While orality, its forms and modalities continued to haunt the rational written law of modernity [1], this writing did not celebrate the eye. While in the oral tradition the ear and mouth were exalted; a good lawyer had a perceptive ear and a silver tongue, in modernity epitaphs of credit did not relate to seeing. She has a good legal eye was not a common commendation. Rather

commendations were abstract and related to the mind, a good lawyer had masterful technique, sound judgement or a good legal mind. To be a lawyer was to do much more than merely see the law; lawyers were to read, interpret and write the law. The eye was just one organ engaged in law work, operating in collusion with the mind and hand.

In more recent times the primacy of the eye for law has begun to be identified. This emerging field of visual jurisprudence has two quite distinct fields of enquiry. The first looks – pun entirely meant – back towards earlier law and society work on legal architecture and legal spaces. In these studies modern law’s material empire – courtrooms, law offices, the typesetting of legal documents – were seen, studied and decoded. The arrangement of benches and bars and coat of arms in courtrooms could be read as a spatial story of authority and power.[6] A mahogany desk, the ordered clutter of paper files and framed certificates of admission demarked the English lawyer in private practice. The arrangement of headnotes, of citations, of specific fonts and dense text distinguished legal documents. By observing and taking serious the visual of modern law’s materiality, these studies performed a subtle critique. Modern law, the abstract normative law that dwells in the mind, was shown to be more base and of this world, and disclosing a minor jurisprudence of affect [7]. The visual of modern law registered in the irrational. Space, shape, colour and image provokes emotion; feelings of security, awe, fear, anxiety. Through appreciating the role and structure of the visual in modern law, this side of visual jurisprudence glimpsed its subaltern irrationality. The modern legal subject was in thrall to law by what was seen and how this was felt within the body, much more than the words that were written or the paper that was chased.

Having seen the significance of the visual in modern law, the second field of inquiry of visual jurisprudence has gone on to see law everywhere. The visual signs, cues and denotations of law are being observed beyond the physical spaces and things of modern law. Law is seen in road-signs [13, 4], it can be decoded from a billboard, it is showing rights, freedoms and obligations in motor vehicle bumper stickers [2]. The law is not quarantined in modern law’s silos, but is there to be seen in the materiality of the everyday. Because of this second field of inquiry visual jurisprudence has become an over stimulated optic that sees manifestations of legality everywhere. The irrational subaltern of modern law has morphed – possibly escaped to presage Tim Peter’s working with the Frankenstein archive in this issue – to be seen all over.

The contributions to this special issue do something a little bit different. At first blush they seem to be firmly within this second field of visual jurisprudence of seeing law in the

obstinately mundane and not legal of comics, films and software. Jason Bainbrige, Thom Giddens and Cassandra Sharp all see law in superheros, comics and their filmic imagination. Tim Peters sees it in a B-grade film and comic contributions to the Frankenstein archive. Robbie Skyes, and Lyndal Sleep, Annie Shum and Kieran Tranter, see it in software. However, there is a turning back to the first field of visual jurisprudence in an emphasis on the materiality of law that runs through each contribution.

Modern law it must be reemphasised was a paper-based material practice. It was through a combination of soft technologies of human training and technique, and hard technologies of pens, paper, typewriters, files, folders, cabinets, registries, libraries and archives that modern law, as a material practice, happened [12]. Immediately, what can be seen in these technological visualisations is a steampunk retro-ness; of humans scuttling about working a brass and wood and paper machine. To see modern law was to see humans reading, typing, stamping and filing. This is not how law is currently practiced. Images of reading, typing, stamping and filing have become flattened by the smooth screens of the digital [9]. And it is the primacy of the screen that re-establishes the pre-eminence of the eye in the coming into focus of digital legality.

For the material practice of law involves less and less the forms and disciplines of modern law and its paper [11]. Writing and reading as the moderns practiced is not essential to comprehending and navigating the icons of the digital. In the digital there is a tendency to a proto-literacy able to decode a set of hieroglyphics; making information happen through operating software via a series of taps and swipes on colourful denotive images [10]. The cognitive engagement tends to approximate gamer reactive impulses – making the avatar jump the killer mushroom [8] – rather than the mindfulness of reading and writing.

It is in the comic that the icons of the digital have their precursor. The comic with its sequence, framing and braiding, of its combination of word and image, of its partial escape from the rigidity of the eye methodologically scanning across and down a page of text, prefigures the mental doing required for law-work in the digital. In this the contributions by Jason Bainbridge, Thom Giddens and Cassandra Sharp do more than talk about the everyday visual legalities disclosed and made super by comics and the spectacular screening of comic universes. The Marvel Universe, Judge Dredd and *From Above* do animate dark shadows of the present – dystopian ambiguities of law, justice and might – but in the continuous reconnection to the

visual, to intertextuality, to the playing with the forms of modern law, all exhibit a working with forms of legality in transition.

These forms of legality in transition are evident in Tim Peters' engagement with the Frankenstein archive. Peters deals with the monster that made, in particular the world of *From Above* that Sharp explored: The corporation. Peters, through the film and comic of *I, Frankenstein* sees the pre-modern origins of the corporation. He brings into focus that the corporate form – which is one of the primary vehicles for the transformation of our world – is an iconic and bejewelled beast. In its canon law origins Peters glimpses if not its soul; the chamber at its essence in which a soul could grow. The themes of corporation and soul are exactly what are prioritised by Robbie Skyes and his reading of *Final Fantasy VII*. This fondly recalled video game first released in 1997, presents an engagement with a narrative of corporate excess, ecological destruction and metaphysics. For Skyes the monster bashing and levelling-up of the game exposes a self-defeatism within the modern rights-based advocacy of 'earth jurisprudence'. The game as digital – as immersive and reactive – is fundamental to this. The structured and encoded agency of the gamer within the visuality of the video screen highlights the need not for rights but structured and encoded agency in response to the ecological change.

The video screen, although a more personal and intimate screen, is the focus of Annie Shum's and Kieran Tranter's interrogation of the legal subject witnessed by the populist virtual realty app *Pokémon GO*. In the moving, catching and accumulating of the game they see the neoliberal legal subject of hypercapitalism, subject that is allowed base freedoms but is denied the liberal faculty of prudence to plan and work towards a better life.

It is the visual governance of digital that Lyndal Sleep and Kieran Tranter focus on. Drawing inspiration from Peter Goodrich's provocative idea of 'visiocracy' [3] they explore the Australian government's smart device social security app, bringing the features of digital law into a sharper resolution. The app generates a form of living within modalities of power that are different from modern forms. Modernity's juridical and administrative governance with their various combinations of seeing and reading become hybridised in the instantaneous, continuous tapping on icons. The eye dominates in two ways. First, the eye of the recipient user becomes the primary organ through which rights and obligations vis-à-vis the state are expressed and engaged with. Second, the app transforms recipients' devices into a panoptic machine that exposing the milieu of their everyday to the digital eye of the state. In the app law is seen, experienced and engaged with in ways that are wholly different to the moderns.

Ultimately, the message from this special issue is that in whatever it is that is beyond modernity, law is seen. A primacy of the eye over the mind within a visual polis; a tumultuous bazar of images of icons of the digital baroque [9]. In the final paper, Kieran Tranter, takes seriously the implications of the digital baroque. Through examining both Peter Goodrich's remembering of the early modern legal emblem tradition and the fiftieth anniversary special episode of BBC's *Doctor Who* he uncovers a crisis of time potentially manifest in law's digital future. It is through the image as an image that the future fate of the human and time is both seen and possibly saved.

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