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## **Anderson v Dredd [2137] Mega-City LR 1**

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# Anderson v Dredd<sup>1</sup> [2137] Mega-City<sup>2</sup> LR 1

**Abstract:** *Administrative – judgment on the nature of judgment – conflict between Judges in judicial practice – claimant (Judge Anderson) challenges the judicial capacity of respondent (Judge Dredd) – claimant open and fluid in judicial style – respondent certain and authoritative in judicial style – insights from Psi Division on the role of judgment in the universe – whether respondent is a good judge – whether judgment closes down meaning – whether respondent is inhuman – whether judges are inhuman – whether judging is horrific – insight from 20th century fiction on the place of humans in the universe – horror of HP Lovecraft – suppression of horrific cosmic context within judicial institution – suppression for the good of society.*

**Keywords:** comics; *Judge Anderson*; *Judge Dredd*; judgment; visual jurisprudence

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<sup>1</sup> This judgment is based upon ‘evidence’ derived from the comics series of *Judge Dredd* and *Judge Anderson*, both of 2000AD fame. *Judge Dredd* was first published in the UK in 1977 as a satirical response to the right wing politics its creators saw as problematic [14, 35, 18]. It has since evolved into a highly popular on-going series. *Judge Anderson* was created as a spin-off series from *Judge Dredd*, and involves a number of interesting tensions with the masculine, authoritarian narrative world of the initial series. It is the exploration of these seemingly binary tensions, and the substantive issues raised by the series’ judicial context, that precipitated the format of this paper as a judgment, with Anderson’s fluid, psychic, feminine world bringing critical challenges to the dominant rational ideologies and epistemologies of law and justice embodied in Dredd.

<sup>2</sup> The world of *Judge Dredd* is set in the distant future, after the devastating Volgan War that led to the building of the vast Mega-City One that occupies most of the Eastern coast of the USA (subsequent Mega-Cities were built later, including ‘Brit-Cit’ in the UK and the Sydney-Melbourne Conurb in Australia) and is home to many hundreds of millions of citizens. Crime is a massive problem in this sprawling, densely populated urban world; in order to tackle it the Justice Department took control of government and created high-powered ‘Judges’ that operated and sentenced instantly on the streets. It is this ‘instant’ justice of essentially judicial police officers that facilitates much of the satirical critique that initially fuelled Dredd’s creation. For more detail and analysis, see [18, 15; cf. 6].

Judgment handed down 7 December 2137<sup>3</sup>

Grand Hall of Justice and Leisure Dome, Sydney-Melbourne Conurb<sup>4</sup>

The complainant, Cassandra Anderson, has brought an action against Joe Dredd. While both parties are well-known Judges in the Mega-City One Justice Department, it is worth noting at this preliminary stage that Dredd J is a hardened Street Judge whilst Anderson J is an officer of Psi Division. (Psi Division is the Justice Department body that tackles the more supernatural side of our business.) This fact is of great significance to this case, as will become clear in what follows. The basic premise of Anderson J's claim against Dredd J, it

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<sup>3</sup> The first *Judge Dredd* narratives, published in 1977, took place in the year 2099. Since then, time has progressed in the diegesis of the Dreddian narrative world in step with our 'real' world. Hence, the date this paper was delivered at the 'Seeing Law' workshop (7 December 2015) corresponds to 7 December 2137 in 'Dredd time'. The main text of the judgment is presented here as it was delivered at the workshop, with only minor amendments. I have then added theoretical elaborations and discussion in the footnotes.

<sup>4</sup> As indicated above (note 2), in the diegetic world of *Dredd* the Sydney-Melbourne Conurb is the Australian Mega-City; it is encountered most directly in the Oz series [33]. The 'Seeing Law' workshop where this paper was delivered was hosted by the Law Futures Centre at Griffith Law School, Gold Coast, Australia; accordingly, this judgment is being handed down in the leading Australian Mega-City. On the level of the judgment's fictional coherence, it might be speculated that a case between officers of one Mega-City would likely be heard by Judges in another Mega-City in order to maintain impartiality. So, although Dredd and Anderson work mainly in Mega-City One, their dispute is being dealt with in the distant Sydney-Melbourne Conurb. In the world of Dredd, however, such concerns of impartiality and of taking seriously an attempt to question judicial authority would likely not be given much serious consideration, if any. More likely, Anderson would be submitted for psychiatric testing, as happened to Dredd himself when he uncharacteristically questioned his own judgment; see the three issue series starting with 'A Question of Judgment' in [32]. Indeed, in that mini-series Dredd was diagnosed as being a fallible human rather than an unbending conduit for legal rule, a problem that all the hard training, enrobing, and masking of Mega-City judges has never been able to fully eradicate: 'No matter how hard we try to control it, sooner or later the human being behind the mask always starts to come out. Even in a street-hard Judge like Dredd' ('A Case for Treatment' in [32]). But we should not let this undermine the fruitfulness of considering the question of judgment in the form of a judgment between the opposing views of Dredd and Anderson. The judgement in this paper, in fact, comes to represent a reflective activity that is precisely at odds with Dredd's dominant 'hard-line' judicial style that Anderson seeks to question.

seems to me, is predicated upon a clash of personalities and judicial style.<sup>5</sup> Nevertheless, Anderson J's claim potentially raises significant questions about Dredd J's judicial capacity—indeed, the very nature of legal judgment is called into question, including my own. It has therefore been considered with the utmost gravity.<sup>6</sup>

There are three specific and interlinked claims that Anderson J raises against the respondent in this case. First, that Dredd J is not reflective, and therefore cannot properly be said to judge. Second, that Dredd J is inhuman and dehumanising in his judicial management of life in Mega-City One, and therefore does not achieve justice. And third, that Dredd J is horrific in even passing judgment at all. I shall discuss each of these claims in turn, before rendering my own judgment.

### **Claim Number One: Dredd J is Unreflective**

Joe Dredd is a Judge in Street Division. He represents the front line of our civilisation's defence against the forces of criminality and unrest. Dredd J risks his physical well-being every day, putting his life on the line to protect the citizens of the vast Mega-City One from harm. In undertaking this task, Dredd uses the full power of the office he occupies<sup>7</sup>—an

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<sup>5</sup> Dredd and Anderson do not get along very well. Dredd is hard-nosed, authoritarian and 'by the book', while Anderson is more ready to understand and forgive and use her judicial powers lightly and with discretion; their jurisprudential positions can thus be seen to coincide with the respective characters of the two Judges.

<sup>6</sup> Again, see note 4: taking such critiques seriously would actually be at odds with the ethos of the Mega-City Judge system, which is precisely the problem Anderson's perspective highlights.

<sup>7</sup> This paper does not consider directly the question of legitimate use of force, although it is the case that the world of Dredd is a very violent one. Indeed, the fact the judicial side-arms carried by all Judges are called 'lawgivers' is testament to the level of violence and force that is utilised in the enforcement of Mega-City justice. The violence of law has been much discussed elsewhere (for an overview of Sarat and Kearns's work, for example, see [28]), including in relation to Dredd [18], and is not consciously added to here. The issues in

office that is not awarded lightly. We not only train our Judges for fifteen years in the Academy of Law, starting their training at the age of five, but our recruits are often genetically engineered clones of former Judges. Indeed, Dredd himself is a clone of the esteemed founder of the Mega-City Justice Department, Chief Judge Fargo.<sup>8</sup> Dredd J is a highly respected officer of the Law, and renowned for his tough stance on crime. It is precisely this ‘toughness’, however, that the claimant cites as symptomatic of Dredd J’s *failure* as a Judge.

Cassandra Anderson is a Judge in Psi Division. As such, she does not face the merely human crime and disorder tackled by a Street Judge such as Dredd J. Psi Division was set up to manage the unique issues and threats produced by what we may term the supernatural realm. Psionics is the navigation of the eldritch, the psychic, and the telepathic; the empathic, spectral and ghoulish dimensions of Mega-City life. Anderson J herself is a telepath, able to read others’ minds, to separate her astral self from her physical body and explore the ethereal strata of the world, and to enter other consciousnesses. Such psionic activity may raise difficult questions about the nature of legal personhood, in terms of boundaries and relationality for example, but more pertinent to the present case is the way navigating such a world affects Anderson J’s judicial approach.

Long before the Justice Department was established, esteemed academics working in the 20th and 21st centuries argued that the nature of judgment entailed more than the mechanical application of rules to facts. To simply follow rules, they claimed, was no exercise in

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this judgment are the epistemological connotations of Anderson’s opposition to Dredd in terms of their general judicial attitudes and contexts, rather than the specifics of their respective uses of force.

<sup>8</sup> On Judge Fargo and the rise of his ‘Judge’ system, see notably [34].

judgment at all.<sup>9</sup> Having reflected on this notion in my consideration of this case, I agree that as I sit here today rendering my decision, I do not blindly apply empty technicalities, but am pronouncing a *judgment* from a place of institutional authority. Indeed, one could say that the written texts upon which I base this judgment must be suspended at the present moment so that *my* judgment can issue forth.<sup>10</sup> Judgment is fluid, it is complex—it is not just ‘following rules’. Anderson J’s claim against Dredd J is precisely that he does not judge properly in this sense. He follows rules, he mechanically applies the law to the facts without consideration or reflection—without judgment.

Anderson J’s skills are vital in Psi Division, but they also have great benefits to Judges in Street Division, for example during interviews and in tracking suspects. Indeed, Anderson

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<sup>9</sup> Desmond Manderson expresses this point clearly, and in its deep cultural contexts, in his extended analysis of Sendak’s classic children’s story, *Where the Wild Things Are* [21]. Manderson claims that Sendak’s story is steeped in the myths of the West, re-telling the civilisation processes of human history in the tale of a child’s encounter with rules and judgment, with law. In the place where the wild things are, the protagonist Max recreates his mother’s rule when he orders the wild things to cease their rumpus—but not her judgment. In place of the self-centred desire to keep everything ordered and the same, Max comes to understand the recognition of otherness, difference and ethical subjectivity necessary for responsible judgments, a movement Manderson styles as one from hunger to love: from the desire to consume the world and turn it into self, to respecting that which is different from the self. To be responsible is to recognise difference, to engage with the particularities of a situation, not simply to obey or reduce to sameness. As he explains: ‘A rule can never capture the complex process of judgment... To be responsible is precisely to respond to the particularities of a situation, and to make a choice in relation to it. Merely to apply in rote fashion the words of a rule is no exercise of responsibility at all, because it involves no decision at all; it is, in fact, to claim that one’s hands are tied. No one would ask a machine or the wind to act responsibly.’ [21: 123]. See also [2: 961].

<sup>10</sup> Manderson also notes this point, recalling Derrida’s observation that interpretation and judgment must always be retrospective and in some sense ‘unmandated by the past’ [21: 107]. As Derrida expresses it: ‘To be just, the decision of a judge, for example, must not only follow a rule of law or a general law but must also assume it, approve it, confirm its value, by a reinstating act of interpretation, as if ultimately nothing previously existed of the law, as if the judge himself invented the law in every case.’ [2: 961]. This ‘originary’ element inheres in each judicial decision; every judgment is caught between following the past and creating out of nothing [2: 962-963]. In the process of decision, the previous statements of law are put in a state of suspense in order that ‘justice’ can take place in the present case, rather than merely the ‘mechanical’ application of pre-existing rules.

and Dredd JJ have worked together successfully on a number of occasions. It is during these collaborative cases that Anderson J claims to most clearly see Dredd J's deficiencies as a Judge. In the case of *Satan* [2117],<sup>11</sup> for example, Dredd and Anderson JJ faced a creature claiming to be the Devil. During their interaction with the evil creature, Anderson J claims that Dredd J's desire to apprehend and sentence the brute was unhelpful. As the case report shows, it resulted in Dredd J being encased in ice by the creature. In more poetic terms, Anderson J claims Dredd J was literally frozen solid by evil. Anderson J's more open and responsive attitude, however, enabled her to engage in a dialogue with the demon and thereby trick him into admitting responsibility for his own evil, an admission that sent the creature mad and destroyed him. To give another example: an early alien encounter in the case of *Contact* [2111]<sup>12</sup> involved a similar 'hard line' attitude from Dredd J that nearly started an interstellar war. But the case report shows that Anderson J's responsive dialogue with these 'others' from a distant world enabled a peaceful trade agreement to be set up instead.

In a statement submitted by Anderson J on her general attitude and openness to the complex life of Mega-City One, she notes the following:

It isn't easy being a psi. / Every waking hour, your mind picking up everything the psi-band throws at you... black blasts of hate—barbs of poison greed— screams of distant suicides— / And always in the background, the pained static generated by the desperate, hopeless dreams of 400 million unhappy people. / To save your own mind, you have to blank out every now and again.<sup>13</sup>

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<sup>11</sup> See the 'Satan' storyline in [11].

<sup>12</sup> See the 'Contact' storyline in [31].

<sup>13</sup> 'Helios Part 2' in [10].

Whilst Anderson J admits to ‘blinking out’ on occasion for her own mental health, she claims that Dredd J always already blanks out the fluid complexities of the human world to which he seeks to apply the law. What this argument rests upon, however, is the assumption that our law is itself unable to capture life in its full complexity insofar as it is relevant to justice. In response to Anderson J’s claims, Dredd J asserts that it is precisely because life is complex that we need to apply the law rigidly: ‘Yeah... it’s a mixed up world’, he says. ‘That’s why you’ve got laws... obey them.’<sup>14</sup> As a Judge myself, this is a sentiment I have a great deal of sympathy with, despite Anderson J’s erudite submissions that we need to engage with this fluidity more openly. Law, and the judgments we make based upon it, must be certain and binding if they are to bring justice and order to society.

There is another dimension to Dredd J’s lack of reflectivity that Anderson J raises, and it is an issue that is of deep significance to my own judicial practice, as I’m sure it is for my colleagues in the Grand Hall of Justice. This is one of textual interpretation. In presenting her case, Anderson J seems keen to return to insights from an era before that of the Justice Department. Her counsel notes in particular the philosophy of a 19th century man called Friedrich Nietzsche and the application of his beliefs to the practice of interpreting legal texts.<sup>15</sup> It is commonly assumed in judicial circles that we can find the answer in any particular case, through the earnest interpretation and application of law. Dredd J, like myself, is no exception to this belief. But Anderson J’s case questions this assumption: interpreting to the point of summary judgment, she claims, closes down and destroys the potential meaning of a text. To come to ‘the answer’, she says, involves a deep conceptual and interpretive violence. If, as jurists, we respect the written word (and I believe we do), we

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<sup>14</sup> Statement made by Judge Dredd in [31].

<sup>15</sup> See [8]; see also note 16, below.



should read slower. Anderson J's argument implies that a greater degree of reflection is needed to access and understand the meanings available in a legal text—be they literal (the favourite of lawyers, she says), symbolic, metaphoric, historical, imagistic, or otherwise.<sup>16</sup>

Perhaps Anderson J's recourse to *historical* analyses is appropriate here, because the practice of Judges today is far removed from the judicial practice typical of a 20th or 21st century legal system. In Mega-City One, Judges pass sentence instantly<sup>17</sup> on the street—a measure calculated to tackle the dramatic rise in crime in our high-density urban society. The Mega-City itself has become the court, and the space for reflection has been necessarily reduced to enable a swifter justice better able to tackle the high crime rate. As I admitted earlier, this space of judgment in which I speak suspends existing texts: this is not a space of reflection, but of application. Reflection comes *before* judgment; as I judge, I do not open up meaning, but close it down—I am (I hope) coming to a point, to an ending, to a decision.<sup>18</sup> Once I have

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<sup>16</sup> Peter Goodrich is the 21st century scholar who applies Nietzsche's work to legal texts in this way [see 8]. Highlighting Nietzsche's love of the text as a philologist, Goodrich argues that he disliked the tendency of jurists to read for the purposes of closing down and reducing meaning—of coming to 'the interpretation'—rather than opening up and expanding the rich potential of a text. Steeped in their dusty tomes in the library, not out engaging with the world, Nietzsche held the textually-constituted world of the lawyer in little regard. Indeed, the fact legal texts constitute a world increases the importance that they should be read properly—slower, in more detail, with more attention to language and possibility. But this goes against the practical necessities of legality: 'Jurists tend to flee from indexicality or simple multiplicity of the text. They tend to take the short route, the rapid interpretation, ... the literal reading. But it is hardly a reading at all ... There are literal meanings, to be sure, but they are several and then one has to add the symbolic and the imagistic, the poetic, the cryptic, the chronic, and the chronological.' [8: 197]. Any 'final' reading, such as that required by a legal judgment, is necessarily limited—it excludes, denies, overlooks, ignores or represses all other possible readings.

<sup>17</sup> Dredd's 'instant justice' on one level does away with justice itself, at least any justice that is predicated upon notions of due process. In Dredd's world, there is no due process as detective, jury, and sentencing judge are rolled into a single being [15: 927]. This compression of justice into a single instant can be seen as a regression of law to its primitive, foundational form [15: 932-933]. Here again we encounter the irony of undertaking a judicial reflection on the issues put forward by Anderson within the fictional world of Dredd (see note 4).

<sup>18</sup> In meaningful opposition to Goodrich, Derrida notes that, despite the ability to potentially engage with texts and judicial decisions without end, a decision must be made with 'urgency and precipitation'. Such a point of

spoken, the matter will be decided, meaning will be sealed. In expanding the court to encompass the whole Mega-City, there is nowhere left for pre-judicial reflection to take place, she claims. Indeed, the fact I am explaining and discussing my judgment here is quite out of line with the standard practice of Mega-City judging<sup>19</sup> that has done away with such obstacles to swift and certain justice. But what Anderson J's quite radical claim suggests is that this activity, even if it is prefaced with a reflective discussion of law, is in itself violent or goes *against* the pursuit of justice.

Thus, Anderson J claims Dredd J is unreflective, and thereby a 'bad' judge. Truly ethical judgment, she claims, should be open and responsive, and avoid closing down meaning. But this poses a deep problem for the judicial process: if we should not close down meaning, how can we ever reach a judgment?<sup>20</sup> Anderson J's evidence suggests that she herself, despite her necessarily practical orientation on the streets of Mega-City One, retains a core of ineffable ambiguity in her judicial attitude: 'Who knows?', she says. 'Only thing I've learned in 20 years of psionics is—keep your options open.'<sup>21</sup> I find this line of argument deeply problematic for both the exercise of the judicial office and the practical pursuit of justice;

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decision is thus always incomplete and thus not the consequence of previous knowledge—it is a creation, and 'always marks the interruption of the juridico- or ethico- or politico-cognitive deliberation that precedes it, that must precede it' [2: 967]. And in the high action world of Dredd's street patrols, he 'is not a thinking cop but an actor. Action defines and motivates his character as the primary, defining, and only characteristic' [15: 927]. The 'instant justice' of Mega-City One does away with thinking and leaves only action; it omits the preamble of deliberation and moves the judicial process toward a system of mechanistic application of rules rather than judgment. And herein lies much of the satirical work of the series: the right wing, hard-line policies that Dredd parodies are seen to be a shift away from true justice, towards a non-reflective system of the meaningless and automatic application of rules.

<sup>19</sup> Again, see note 4, above.

<sup>20</sup> Hence Derrida's assertion that we *must* make a decision (see note 18, above).

<sup>21</sup> 'Beyond the Void Part One' in [10].

endless reflection and deliberation is no way to maintain order—Judges must *act*. I am thus inclined to reject Anderson’s first claim.<sup>22</sup>

### **Claim Number Two: Dredd J is Inhuman**

Anderson J’s second claim against Dredd J is that he is inhuman. Putting aside the more philosophical question of what a human is, it appears Anderson J’s claim is based upon those characteristics of meaningful life that are associated with humanity rather than a deeper questioning of human selfhood.<sup>23</sup> In some respects, aspects of Anderson J’s ‘inhuman’ argument can be seen in the above discussion on the reflective nature of judging. In failing to adequately consider and reflect, and thereby ‘judge’ meaningfully, Anderson J claims, Dredd J overlooks the meaningful human dimensions of the lives he regulates and against which he enforces the law. Visual evidence has been submitted on this point (Figures 1, 2 and 3).

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<sup>22</sup> Here we see perhaps the first glimpse of the inclination of the Judge in this case to refuse to truly see or hear the epistemological arguments made by Anderson, highlighted by the rather abrupt manner in which he dismisses her claims. Although there appears to be real consideration of her arguments, the Judge is still hampered and biased by the judicial position and capacity, and thus works at all points to preserve the power and authority of the judicial system. This becomes abundantly clear in the final stages of the judgment, even against the cosmic and supernatural abyss Anderson brings to light.

<sup>23</sup> Selfhood and personhood are very large topics, and not engaged with in this paper. For an extended analysis of personhood in law, including the tensions between the formal legal concept and the complexity of philosophical, metaphysical and religious perspectives, see for instance [26]. In a comics context, issues of selfhood and posthumanism in *The Ghost in the Shell* are examined in [3], and the personhood of zombies is considered via *The Walking Dead* in [30].



Figure 1: Comparative humanity between Dredd and Anderson JJ<sup>24</sup>

Dredd J appears in Figure 1, as he always does, encased in the helmet of his office. He presents an official, institutional face. Anderson J, meanwhile, displays her human face. An insignificant detail, the person on the Hell’s Junction Sky-Rail might say.<sup>25</sup> But the face a Judge presents is important, displaying precisely their relationship with the citizens they encounter.<sup>26</sup> Dredd J believes that his helmet is a vital part of his uniform, communicating

<sup>24</sup> From [32].

<sup>25</sup> A thinly veiled allusion to the ‘man on the Clapham omnibus’—the traditional hypothetical ‘reasonable man’ of English law—transposed to a Mega-City context (the Sky-Rail is the main public transport system in Mega-City One).

<sup>26</sup> The police officer’s uniform, for example, has been argued to operate in a way akin to a ‘Rorschach’ ink blot. Rorschach blots do not necessarily hold any meaning in themselves, but work by inspiring fantasy and projection in their observers that enables analysts a glimpse into their psychological processes. Police uniforms similarly can be said to inspire fantasy and projection in the people encountered by officers, enabling such state agents to operate with authority and coercion without needing to always resort to persuasive conversational and other tactics (see [27]). In many ways, the judicial image, particularly as expressed in formal portraiture—an artistic medium that is intricately tied in with the formation of the identity of the modern subject—represents not simply the individual judge, but the identity of the institution to which they belong: ‘Judicial portraits are also state portraits’ [24: 95], and employ ‘an aesthetics that negates individuality’ [24: 96]. The judicial costume can thus be seen as displaying the enduring, sovereign authority of the judicial office, rather than just the mortal body of the individual wearer, arguably in a manner akin to the ‘two bodies’ of Kantorowicz’s sovereign: see [25: 300].

and ensuring his authority as a Street Judge on the front line between civilised order and the criminal underworld. But Anderson J's claim is that Dredd J's institutional face is problematically dehumanised, and that this is linked with the nature of his judgments and, indeed, the very office of the Judge.

In support of her case, Anderson J has submitted into evidence quite an intimate statement as to her own relationship with her judicial 'costume'. Given the overtly visual nature of any uniform, she has done this quite appropriately in a graphic format (see Figure 2).



Figure 2: Uniform statement from Anderson J<sup>27</sup>

For clarity, here is the text<sup>28</sup> from Anderson J's statement:

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<sup>27</sup> From [11].

Uniforms— / have a two-fold effect. / They cut you off from the world, make you *different*. Make you *better*. / And they lock you in a cage, stunt you. Because people can only ever see the uniform, never who's *behind* it.

This insightful reflection from Anderson J exposes many of the important functions of the judicial costume in Mega-City One, and no doubt across the many judicial institutions that have graced the surface of our planet throughout history. Communicating Anderson J's claim against Dredd J involves unpacking the uniform in more detail.

The first thing to note is Anderson J's female embodiment. Although she has become a well-respected operative in Psi Division, Anderson's judicial career has been overshadowed by a continuous and repetitive objectification of her physical form—an objectification that male judges, such as Dredd, have not encountered to the same degree. It may be the fault of the Justice Department that Anderson's uniforms have been designed in such a way as to accentuate her feminine sexual characteristics, but this does not excuse the rampant ogling of her body that seems to have followed her advancement through the judicial ranks. Even when injured or in great peril, Anderson J was often treated by those who encountered her as an object of male desire, before being a living, suffering human. It is unfair to generalise, and

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<sup>28</sup> The 'plain texts' of law are often taken to be clearer and more certain in their meaning than the uncertainty of images that have more fluid interpretations available. (Note [7], which traces the history of the repression of visuality within the legal institution.) But both text and image require interpretation, and both have a degree of ambiguity and uncertainty in what they mean. Although it is the general position in law that the text is primary, with images at best an elaboration upon and assisting the communication of the text, Peter Goodrich argues that images are integral to the operation of legal texts (see [9]). Note also the broader debate over the distinction between text and images that feeds into longstanding ideological and cultural debates (see [22]).

not all encounters with Anderson J are as inappropriately sexualised as others.<sup>29</sup> But it is too common to ignore; moreover, beyond concerns of inequality such sexualisation raise, Anderson J points out that it foregrounds her embodiment. The Judge's body is one that is covered up in the robes and armour of the judicial office; a Judge should not be seen as mere human, but as an agent of law and order. Anderson's embodiment, highlighted in many instances through her sexual objectification, exposes as it undermines such functions of the judicial uniform. In Figure 3, for example, Anderson's judicial nakedness highlights the existence of both the uniform and the body that wears it, undoing the institutional mask of the judge and exposing the limited, human nature of judgment.<sup>30</sup>

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<sup>29</sup> To a large extent, the visual sexualisation of Anderson's female embodiment varied with the artist depicting her. Some have treated Anderson in a much more sexual manner, such as Brett Ewins who seemed obsessed with the curve of her buttocks at every opportunity, to the point where her physical positioning to gain the 'best view' of said *derriere* took precedence over depiction of her fight for survival and the embodied pain of suffering physical injury (see, for example, 'Four Dark Judges' and 'The Possessed' in [10]). Others, meanwhile, presented a much more sophisticated and realistic Andersonian figure that depicted her as a living character within the diegesis, rather than an embodied object of desire to be displayed. See, for example, Arthur Ranson's work in 'Triad' in [10].

<sup>30</sup> The removal of the uniform and the appearance of the naked judicial body—the stripping away of the visual institution of law that covers the body, that works to negate individual difference in favour of sovereign uniform (see note 26 above)—is a radical challenge to the authority and objectivity of the sombre pronouncements of law. As Les Moran phrases it, the tradition of common law judicial portraiture literally 'puts the sitter's sexuality out of the frame' [24: 97]—sexuality and the sexual body are no part of conscious law-making, and this institutional repression follows through to the tradition of public portraiture that also refuses to depict it. However, this absence is not a simple disappearance of the sexual body, 'but a key dimension of its mode of public appearance and operation' [24: 94]. The de-sexualised appearance of the judge can be argued to actually depict a sexuality that falls in line with the values and virtues of the institution being depicted, thus making their sexuality seemingly invisible [24: 97-98]. But exposing the sexual body of the judge discards the institutional trappings of the judicial image, making the sovereign body invisible in favour of the individual body. It brings to the foreground the process of clothing, covering, and masking that the judicial costume employs in its institution of the judge. The sexuality of the judicial body is no longer a hidden presence within the institution, but an overt one that challenges and ruptures the institutional image.



Figure 3: The judicial embodiment of Anderson J

Indeed, moving to the substance of Anderson J's claim, her assertion is that Dredd J's mask obscures his humanity. As a costumed judge, he is no longer human, and thus too distant from and no longer fit to pass judgment over humans. Indeed, Anderson J even makes comparisons between Dredd J and Judge Death, that evil judicial creature from a parallel universe where all life has been judged as criminal and is actively destroyed.<sup>31</sup> The life-denying nature of Dredd J's mask connects with Anderson's first claim, that Dredd J is not reflective and thus insufficiently engages with and fails to understand the life to which he applies the law. In many ways, Dredd J's actual mask can be seen as a metaphor for the more general 'blinking out' of life of which Anderson J accuses him. Street Division does not require Dredd J to deal in emotions and fluid human experience to the same degree as

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<sup>31</sup> See note 35, below.



Anderson J's Psi Division caseload. From her vantage point as an embodied psychic, Anderson J can see the division set up by Dredd J's unfaltering adherence to the institutional mask, a division that she submits the Justice Department is guilty of as a whole in its institution of life-denying forms.

Turning again to the 20th century academic authorities Anderson J's counsel seems so fond of, the legal subject has been suggested as being inherently separated or divided *from themselves* by the judicial institution. The argument runs thus. As I render judgment, I give an official guarantee to the meanings of words, legitimising certain interpretations whilst delegitimising others. The legal subject is thereby bound to the institution as a guarantor of truth, and at the same time separated from the illegitimate meanings that are no longer available to them. The very nature of the legal subject thus involves the experience of a limit, of the subject's separation from aspects of themselves that are judged as 'taboo'. But Anderson J's point goes further, arguing not just that the very existence of the Justice Department is itself alienating, but that this alienation involves a dehumanisation. Anderson J's point is that, like the judicial costume, passing judgment involves the dehumanisation of the subject, just as it involves the closing down of meaning that we saw in the first claim.<sup>32</sup>

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<sup>32</sup> In Legendre's psychoanalytic jurisprudence, the institution of law—in particular as an institution of text—divides the subject from themselves. The law addresses its subjects via a sacred discourse, 'a discourse that is undisclosed, of what is, for the subject himself, inaccessible' [17: 183]: the subject is divided from the taboo and illegitimate, a division that the legal institution constitutes and that the subject integrates into him or herself as a lack. '[T]he subject is not everything' [183], there are dimensions of the self (and the world) beyond the instituted text, but which we are divided from as we enter into language, and into the institutional order of language. As legal subjects, as beings constituted in law, we are alienated from ourselves (see [17]). Anderson's argument is that this alienation is a dehumanisation: we are separated from our living humanity, from the fluidity and excesses of life that cannot be captured in rational and textual legal discourse—the mask of the legal subject, of the legal actor, does not show the 'living face' of the human. See also [16], in which Legendre explores similar divisions on a more epistemological level, whereby law becomes something inscribed upon a 'screen' that separates and protects us from the 'speechless void', from 'the fantastic beyond of institutions': 'To

This is quite a claim, and one that is difficult for me to hear in my position as a Judge in this very system. While representative of Anderson J's assertions that Dredd J is separated from his own humanity by his mask, and thus the humanity of the subjects he judges, it is a claim that also undermines the totality of legal regulation that the Justice Department aims to achieve in order to bring peace to Earth's Mega-Cities.<sup>33</sup> For if being a legal subject inherently means being separated from yourself as a human, how can law ever render a full and meaningful judgment? It would mean that any judgment I pass here today, or any other Judge at any other time, would be in some way incomplete *vis-à-vis* the living person over whom judgment is passed. Judgment would have limits, therefore would not deal in truths, and therefore could not be just.<sup>34</sup>

### **Claim Number Three: Dredd J is Horrific**

The final and most troubling claim that Anderson J makes relates again to the nature of judgment. I have alluded a handful times to the wider setting in which the Justice Department operates, with mentions of contact with alien races and the planetary context of Mega-City justice. But the existence of Psi Division and the nature of its work reveals an even broader context, and one that we normal Judges are not disposed to consider directly or in detail. Anderson J's case, however, has forced my mind to contemplate this broader context, much

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establish [legal] foundations is to erect a screen to protect us from the void. Upon this screen are inscribed all the historical and mythological stories of the world' [16: 254].

<sup>33</sup> In 'Contact' (in [10]), the extent of this totalising dream is made overt when Dredd (at the behest of the Grand Hall of Justice) attempts to arrest the newly arrived interstellar travellers in order to commandeer their travel technology, and thereby 'open up the whole universe to Mega-City law' (see also text at note 12 above).

<sup>34</sup> Again we see the Judge in this case betraying institutional leanings (see note 22 above). These are considered most directly in the following section.

to my own discomfort. This context is that of the unhuman, of the vast universe beyond our own world that causes us to pale, for all intents and purposes, into insignificance. The supernatural and pseudo-eternal forces that Anderson J tackles in both her official and personal capacities<sup>35</sup> highlight again the limited nature of Mega-City justice.

The Psi Division was set up to expand our justice into this realm, to protect the citizenry from psychic and supernatural attack and punish those who would bring about such harms. But it is clear from Anderson J's submissions that, even relative to the disorder that persists despite the Street Division work of Dredd J, this unhuman realm is not able to be fully controlled or reduced to legal administration.<sup>36</sup> It is, at best, managed and defended against. Anderson J submits that the summary judgments and sentences that Judges like Dredd enforce on the streets of Mega-City One are not suitable for dealing with the world beyond the waking surface of city life. As she navigates the unconscious realms of monsters, ghouls, demons, and other psychic forces, there is no legalistic solution she can put in place, only the defence of our ordered world from the chaotic universe beyond. We are eternally grateful for the tireless work of Anderson J and the other Judges in Psi Division, which protects us from evil

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<sup>35</sup> Judge Anderson has tackled a huge number of monstrous and supernatural enemies, from evil psychic humans, demons, and ghosts, to the Devil, aliens, and the infamous Judge Death (see, for example, [10]). Judge Death is worth highlighting, as he is something of an 'arch enemy', and represents the uncanny horror of the hard-line authoritarian law espoused by Dredd and the Mega-City One Justice Department. Judge Death comes from a parallel dimension where all life has been judged as guilty (without life there can be no crime, runs their logic). He is, in many ways, satire built upon satire—the literal destruction of life by law, critiquing the denial of the fluid, living dimensions of humanity in Dredd's tough, unemotional judicial stance.

<sup>36</sup> Note that even 'normal' human crime is not fully amenable to bureaucratic administration. See in particular the phenomenological criminology of Jonathan Wender [36], who explores the existential dimensions of the reduction of crime 'on the streets' to the administrative categories of law and justice. In a comics context, Batman can be seen to navigate the epistemological edge of the rational order of justice [4, 5]. In many ways, the 'unconscious' order of ghouls and ghosts that Anderson works in is symbolic of the phenomenal life that remains excessive to the rational order of law, just as similar tropes found in genre horror represent the limits and transgression of the knowable world (note [29: 49-97]).

creatures such as Judge Death.<sup>37</sup> More than this, though, Psi Division's work saves us from having to consider the implications of this disturbing 'beyond'.

But, as I have already intimated, I am forced by Anderson J's case to do just that. And the implications are indeed troubling, and go precisely to the heart of Anderson J's claim that Dredd J enacts horror as he renders judgment. In order to capture something of the horror I myself have felt in considering this case, I take a leaf from Anderson J's book and also seek insight in the work of a 20th century writer, specifically a man known as HP Lovecraft.

Lovecraft's work, much of which sadly did not survive the Volgan War that led to the founding of Mega-City One, was defined by its preoccupation with a certain kind of horror. This horror is that of an infinite, uncaring and profoundly non-human universe, against which we mere humans become but specs of dust. Our little planet orbits an ever-depleting sun that will eventually engulf us in fire, spinning within the endless abyss of the cosmos. And upon the slowly undulating surface of this rock, we live our brief lives, make choices, and render judgments. Lovecraft's work exposes the futility of the human project, and therefore the judicial project.<sup>38</sup> The universe is infinite, filled with powerful forces beyond our knowledge and influence. To judge in this context is futile, meaningless—and horrific.

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<sup>37</sup> Just as the Legendre's legal institution protects us from the 'speechless void' of the 'beyond of institutions' [16], as noted above (note 32).

<sup>38</sup> As his narrator-character states in his quintessential story, *The Call of Cthulhu*: 'I shall never sleep calmly again when I think of the horrors that lurk ceaselessly behind life' [19: 91]. Lovecraft's fictional method is one that, rather than simply populating our world with 'monsters', works to re-imagine the foundations of the world and thereby create a deeper, more profound horror. He believed that 'we must show the everyday banality of [life] ... undercut from within, by subverting the background conditions' of normal life [13: 22]. The horror Lovecraft works to evoke thus transcends our mundane existence, and becomes something that challenges the very grounding of the human world. He steps outside the modern remit of reason and language, and thereby becomes something of a postmodern writer—despite his location in the heart of the Victorian period [1: 33]. The features of Lovecraft's worlds 'intrude into our otherwise familiar universe and thus imply something

This is Anderson J's submission, and it is one that I do not want to consider, let alone accept. Navigating the vast unhuman realm of the eldritch and supernatural, Anderson J encounters this unacknowledged abyss, this 'Lovecraftian unconscious',<sup>39</sup> on a daily basis. It is small wonder that she feels the need to occasionally 'blank out', as she admits above. It is also small wonder, then, that we as a judicial institution would also wish to 'blank out' this horror, as Anderson claims Dredd does. Indeed, the more I am forced to consider the implications of Anderson J's argument, the more I feel that I must turn away from it.

I am therefore not surprised, although still deeply saddened, by the account of one of Anderson J's Psi Division colleagues, Judge Corey. Corey was an empath, and a close friend

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which is beyond, which cannot be told' [1: 10]. In this way, as Lovecraft brings forth the existence of gargantuan beings indifferent to the human world, dwelling within an endless and inhuman cosmos, one becomes 'a flea on the back of creation, wholly irrelevant, beneath the notice of the greater forces that populate the universe' [20: 49]. This infinite context of endless and indifferent otherness challenges the meaning of human existence as it becomes something that is irrelevant in the universal scheme, and that will ultimately be engulfed by the sun and cease to be. The judicial project, as a human project within this disturbingly broad context, is thus profoundly challenged, particularly in its claims to objectivity and (moral) truth.

<sup>39</sup> Timo Airaksinen argues that the transcendence of boundaries in Lovecraft's work—his moving outside the order of language through techniques of allusion and the overloading of description to a point where the limits of text are unavoidably encountered (a technique Airaksinen calls 'unwriting'; see [1: 91-95])—means that his work has no unconscious: once 'unwritten', a text 'may recognise no constraints whatsoever' [1: 104], not even the boundaries between consciousness and unconsciousness. Airaksinen argues Lovecraft's work reverts to a childlike, pre-sexual state, thus explaining the supposed lack of sexuality in his stories [1: 104]. But this avoidance of sexuality can also be understood as precisely an exercise in repression, with the monsters of the 'beyond' becoming a return of repressed urges in a different form. This is precisely what Alan Moore and Jacen Burrows argue explicitly (in more ways than one) in their graphic novel *Neonomicon* [23], with one character eloquently pointing out: 'You know? The monsters and all that? They're like a lot of cocks and pussies crawling round.' [23: np] (see also [12: 269]). The Lovecraftian horror of the infinite cosmos breaking through into our mundane existence can thus be configured as a return of the repressed: the coming to consciousness of our futile place in the universe, and the futile place of law.

of Anderson J. She too encountered this ‘horrific beyond’ on a daily basis, and was eventually overwhelmed by it. This is taken from her suicide letter to Anderson J:

I don’t know why I’m writing this down. / It won’t alter anything. It won’t mask the pain, or wipe out the futility. It won’t change my mind. / It won’t keep me alive. / Judges don’t think this way. Judges are cold, clinical machines ruled by Logic and Order and Law. But Psis... / Psis are different. Psis have a special gift. / And Empaths have the most special gift of all. / We *feel*. / ... / The irony of being an Empath! We punish the perps... and we feel their pain. / A really special gift. / ... / I’m hurting inside, deep down in my mind, in the secret places only the Psis know. / ... / I can’t do ugly things any more. That’s not what special gifts are for.<sup>40</sup>

Anderson J submits this as evidence of the horror of judgment, claiming that it was precisely the requirement placed upon Corey J to render judgment with awareness of this cosmic context that led to her suicide. She could no longer live, Anderson J argues, with ignoring the profoundly limited nature of Mega-City justice that nevertheless claims to be universal and objective. As she says, referring to the use of her gifts in the service of what she saw as an arrogant task: ‘I can’t do ugly things anymore’. But I prefer to side with Dredd J’s submission on this point: that it was the *recognition* of this context that undermined Corey’s mental and judicial stability. This is why Dredd ‘blanks out’ this troubling backdrop to human justice. To paraphrase his claim above, ‘that’s why we have laws’. As an institution, then, law must also ‘blank out’ this abyss if it is to render judgment without falling into relativism, meaninglessness, and futility.

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<sup>40</sup> ‘Judge Corey: Leviathan’s Farewell’ in [10].

It may be criticised as self-serving, or indeed as *horrific*, but as a Judge I feel I have no option but to emphatically dismiss this part of Anderson J's claim against Dredd J, lest it bring down the pragmatic edifice of law and undermine my own authority to decide this, or any other, case. To judge may or may not be horrific in its drawing of final conclusions within the context of the universal abyss, but it is in any case a necessary horror if we are to do justice. It is a horror that, if it exists, should be suppressed for the good of the institution, and thereby the good of society.<sup>41</sup>

## **Conclusion**

Cassandra Anderson raises three claims against Joe Dredd. First, that Dredd J is not reflective, and therefore cannot properly be said to judge. Second, that Dredd J is inhuman and dehumanising in his judicial management of life in Mega-City One. Third, that Dredd J is horrific in even passing judgment at all. The second and third points can be answered together, as they both involve recognising the limited nature of judgment: in its relationship with living humanity, and in its universal or cosmic context.

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<sup>41</sup> In Legendrian terms, Corey and Anderson have both seen through the 'screen' that protects us from the 'speechless void', and recognised the division (and thus profound lack) inherent in the institution of life. The Judge's point here, following Dredd, is precisely that we need law as a 'screen' to protect us from the fantastic beyond, the speechless void (see above, note 32)—the Lovecraftian abyss of the infinite universe that challenges law's claims to ultimate justice. Law brings order, it enables us to codify and thus manage the world. But, as outlined in Anderson's argument, this 'screen' hides that which it cannot contain, that which cannot be brought to conscious order. The Judge, exactly because s/he is a judge, similarly cannot consciously see or bring this beyond to order: it threatens, it undermines, it challenges authority and the objectivity and truth of the justice s/he pronounces and is institutionally invested in. We must suppress it, repress it to preserve the conscious order of law—and thence it becomes the unconscious of law.

On the first point, to accept that we should not close down meaning prevents judgment from ever being made. I must therefore reject this point.<sup>42</sup>

On the second and third points, to accept the limits of the judicial office is to undermine the objective impartiality upon which Mega-City justice is based, and thereby undermine the noble institution of law and all the good it does. I must therefore also reject these points.

Whilst there are merits to Anderson J's case, I cannot accept the consequences of any of her claims, and must therefore find in favour of Judge Dredd.

Case dismissed.

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<sup>42</sup> Indeed, this conclusion is unavoidable; to conclude otherwise is necessarily not to conclude at all.



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