Judge, Jury, and Executioner: *Judge Dredd*, Jacques Derrida, Drones

*Chris Lloyd*

**Introduction**

The context for this chapter is set by the meeting of an unlikely trio: Nigella Lawson, *Judge Dredd* and Jacques Derrida. The trio met in Lawson’s 1995 article in *The Times*, ‘Is This Trivia Really Worth Studying?’, in which she penned belittling critiques against both the academic study of popular culture in the mid-1990s and the association of French intellectuals with such a practice.1 Regarding the former, referring specifically to a grant funding a study of the audiences of the 1995 film *Judge Dredd*2 she quipped, ‘[t]hese days it simply isn’t intellectually respectable to have an interest in any form of culture that isn’t popular’.3 Lawson then deduced that ‘most people who turn their critical faculties towards mass entertainment just wouldn’t be up to anything else. They lack the references, they lack the reading, they lack the information’.4 She then insulted such studies for their ‘excessive claims of self-styled culture analysts—those who have … read some Barthes but not many books, and think that by regurgitating what some French intellectual wrote a couple of decades back counts for originality’.5 Her article then concluded with an ad hominem attack against the French theorist Jacques Derrida, premised on a guest lecture he had given at the University of Oxford6 and her step-father’s, that is AJ Ayer’s, comment afterwards: ‘*Mais monsieur, vous vous foutez de nous!*’7

This chapter opens with reference to Lawson’s article because it recalls a crude and uncritical stance long since denounced; such brash sneers at popular culture studies (here particularly against the *Judge Dredd* comics) and banal ad hominem attacks against ‘French intellectuals’ (here particularly against Derrida) no longer have locus standi. Rather, comics have long

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2 M Barker and K Brooks, *Knowing Audiences: Judge Dredd, its Friends, Fans and Foes* (University of Luton Press 1998) 2: ‘The proposal accepted by the ESRC [Economic and Social Research Council] was for an 18-month study of the audiences of the film version of *Judge Dredd*, paying particular attention to the ways in which different groups might “negotiate the meanings of the film”’.
3 Lawson (n 1).
4 Ibid.
5 Ibid.
7 Lawson (n 1). For details of the ‘Oxbridge’ critique of Derrida, see J Derrida, ‘*Honoris Causa: <<This is Also Extremely Funny>>*’ in *Points... Interviews, 1974-1994* (M Hobson and C Johnson trs, E Weber ed, Stanford University Press 1995).
since been recognised as rich sources for academic engagement\textsuperscript{8} and Derrida himself has retorted against ad hominem attacks stating that they occur because ‘the[ir] authors haven’t read a single line of my work’.\textsuperscript{9} Yet when the academic study of law is combined with these two reputable areas it only finds favour with the latter and not the former. Indeed when legal studies are transposed onto the medium of comics, the ghost of Lawson’s mockery returns. For ‘comics still remain drastically under-researched in the context of interdisciplinary legal studies’\textsuperscript{10} and are ‘conspicuously neglected in legal scholarship’.\textsuperscript{11}

In contributing to this volume this piece seeks to further the study of comics and law by commenting upon the controversy surrounding the Obama Administration’s drone programme via a reading of the Judge Dredd comics, in particular the 1978 John Wagner story ‘The Day the Law Died’.\textsuperscript{12} This reading will be framed via Jacques Rancière’s ‘politics of aesthetics’ in order to illustrate the Judge Dredd comics as exemplars of ‘critical art’ that satirise issues of law, policing and state violence.\textsuperscript{13} This framework will be intertwined with Derrida’s deconstructive thoughts concerning the ‘voyou’,\textsuperscript{14} alongside Walter Benjamin’s analysis of ‘the “great” criminal’,\textsuperscript{15} in order to critically read the Administration’s drone programme within international law.\textsuperscript{16} The chapter begins by firstly examining the Administration’s drone programme, before then re-reading the programme through the aesthetics of Judge Dredd.


\textsuperscript{9} M d’Ancona, ‘Urbane Derrida Answers Critics’ \textit{The Times} (London, 13 June 1992) 3.

\textsuperscript{10} T Giddens, ‘Comics, Law, and Aesthetics: Towards the Use of Graphic Fiction in Legal Studies’ (2012) 6 \textit{Law and Humanities} 85, 87.


\textsuperscript{12} J Wagner, ‘The Day the Law Died’ in J Wagner and others, \textit{Judge Dredd: The Complete Case Files 02} (Rebellion 2006).


Drones and Dredd

In 2013 the Obama Administration’s drone programme (originally exposed by The New York Times in 2009\textsuperscript{17}), and the CIA’s practice of targeted killings, became fully known to the public. Weekly ‘Terror Tuesday’ meetings saw the Administration wield astonishing executive powers of state violence.\textsuperscript{18} As detailed by The Guardian’s Glenn Greenwald: ‘[t]he president’s underlings compile their proposed lists of who should be executed, and the president … then chooses from “baseball cards” and decrees in total secret who should die’.\textsuperscript{19} Such meetings sealed the fates of four American citizens without charge or trial.\textsuperscript{20} February 2013 saw NBC News publish a leaked 2011 Department of Justice memo legally authorising these targeted assassinations.\textsuperscript{21} Simultaneously the ultimate question was asked of the Administration’s drone programme: was it legal for an American citizen to be executed, on US soil, without charge or trial? John Brennan, Director of the CIA, refused to answer this question but the Attorney General Eric Holder stated that in ‘extraordinary circumstances’ it ‘would be necessary and appropriate under the Constitution and applicable laws of the United States for the President to authorize the military to use lethal force within the territory of the United States’.\textsuperscript{22}

Holder’s reply fuelled the accusation that the Obama Administration was acting as ‘judge, jury and executioner’\textsuperscript{23} because its targeted assassinations were beyond judicial oversight or accountability (and were perhaps even legally questionable\textsuperscript{24}). Yet in May 2013 President

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\item N Lennard, ‘Yes, the President Can Kill Americans on US Soil’ (Salon, 5 March 2013) <http://www.salon.com/2013/03/05/yes_the_president_can_kill_americans_on_u_s_soil/> accessed 21 July 2014.
\item E McClam, “Judge, Jury and Executioner”: Legal Experts Fear Implications of White House Drone Memo’ (NBC News, 5 February 2013) <http://usnews.nbcnews.com/_news/2013/02/05/16855539-judge-jury-and-executioner-legal-experts-fear-implications-of-white-house-drone-memo> accessed 21 July 2014. Naureen Shah of Columbia Law School and the ACLU is to be credited with the phrase ‘judge, jury and executioner’: ‘We should be concerned when the White House is acting as judge, jury and executioner … And there’s no one outside of the White House who has real oversight over that process’ (ibid).
\item UNCHR ‘Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism’ (2013) UN Doc A/86/389. At paras 57, 59, 64, 71 and 79,
Obama defended the legality of the actions undertaken: ‘America’s actions are legal … Under domestic law, and international law, the United States is at war with al Qaeda, the Taliban, and their associated forces’. Obama then decried the use of drones on ‘US soil’, believing it would be ‘[un]constitutional for the government to target and kill any US citizen—with a drone, or a shotgun—without due process’.

In questioning the legality of the Administration’s programme we recall that since ‘9/11’ significant developments in international law (namely the UN Security Council Resolutions 1368 and 1373) have been interpreted to ‘permit such a notion’. Accordingly the programme can be ‘reinterpreted’ as a legal use of force within international law. Nevertheless the Administration’s programme is revelatory because its high water-mark discloses the practice of state-sanctioned executions, against American citizens on US soil, beyond judicial review, within a geo-political climate where ‘the world becomes the battlefield’. This practice has been identified as a ‘global policing function to counter potential threats’ resulting from ‘the catch-all invocation of the “security forces”’. As the French theorist Grégoire Chamayou explains, the Administration’s drone programme illustrates a ‘[c]ynegetic power [which] is exercised over prey, living beings that escape and flee’ and as such ‘[t]he drone is the emblem of contemporary cynegetic war.’ Chamayou’s use of the term ‘cynegetic’ highlights the drone programme’s focus on ‘the chase’, or ‘the hunt’, of the enemy qua prey: ‘cynegetic power is essentially predatory’.

Ben Emmerson QC posits that there is ‘no clear international consensus’ on numerous points of law relating to the Administration’s drone programme. See also UNCHR ‘Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions’ (2013) UN Doc A/68/382 at paras 85-94 for similar concerns expressed by Professor Christof Heyns regarding questions of ‘self-defence’ under Article 51 of the UN Charter. Obama B, ‘The Future of our Fight against Terrorism’ (prepared Presidential remarks, 23 May 2013) accessed 21 July 2014, emphasis added. For a critique of Obama’s move to the state of exception necessitated by this ‘war on terror’—qua extra-legal vigilante—see Chapter 11 in the current volume.


G Chamayou, ‘The Manhunt Doctrine’ (tr S Lillis, 2011) 169 Radical Philosophy 2, 3: ‘If the practice of targeted assassination stretches back into the ancient history of state violence, what is new is the fact that it is no longer confined to clandestine activity, but instead is made legitimate by the states that carry it out. This strategy involves the reinterpretation of the principles of international law, even if it means emptying them of their meaning, in order to authorize arbitrary executions soberly called “targeted killings”’.

Ibid. UNCHR, ‘Arbitrary Executions’ (n 24) para 103.

G Chamayou, Manhunts: A Philosophical History (S Rendall tr, Princeton University Press 2012) 15.

Chamayou (n 30) 4.

Chamayou (n 34) 16.
When Chamayou’s analysis of the Administration’s all-pervasive policing regime is brought to bear alongside its actions as ‘judge, jury and executioner’, one finds its drone programme lends itself to an interpretation through the satirical ‘critical art’ of Judge Dredd.

Judge Dredd began in 1977 in the British 2000AD comics series and starred Judge Dredd as the incarnation par excellence of a futuristic dystopia’s judicial system. Dredd himself is machine-like: judge, jury and executioner all in one. Humourless, living only for “the Law”, he is a grim, merciless enforcer of all laws. In a crime-plagued futuristic world, Dredd epitomises a character of ‘sardonic politics’, exercising an ‘automaton and dogmatic approach to law enforcement’. Accordingly the Judge Dredd comics are not ‘posthistorical’, as they reflect ‘their original Thatcherite and Reaganite context of production’. And in doing so, they also contain an embedded and distinct political context, as co-creator John Wagner explained in 2002:

[With Thatcher on the rise there was a right-wing current in British politics which helped inspire Judge Dredd. He seemed to capture the mood of the age—he was a hero and a villain. That villainous aspect to Dredd’s character—and the Draconian law of Mega-City One—really caught the readers’ imagination. Occasionally we’d get letters from children who seemed to be agreeing with his hard-right stance, so we made the strip more political to bring out the fact that we didn’t agree with Dredd. We introduced a democratic movement in Mega-City One as a counterpoint.]

Accordingly Judge Dredd is readily identifiable as a satirical critique to fascist authoritarian political ideologies, as per Wagner’s express remarks. And yet as much as the comics could nevertheless be read through an alternate interpretation positing Dredd as a hero-figure of law and order, specific reference to the story ‘The Day The Law Died’ will show how the

38 Barker and Brooks (n 2) 200.
39 Ibid 201.
41 D Carrier (n 8) 107-123.
45 Ireland (n 44) 531. However, even putting aside the intended satire, Dredd’s blurring of the state functions of legislature, executive and judiciary arguably constitute a useful case-study in the teaching of Constitutional Law: see Chapter 4 in the current volume.
comics’ intent is moreover ‘to hold Dredd’s fascist tendencies up to ridicule’, akin to Wagner’s explanation.46

Following this reading, the comics’ ‘satirical element’47 aligns them with what Rancière calls ‘critical art’; that is, art which ‘sets out to build awareness of the mechanisms of domination to turn the spectator into a conscious agent of world transformation’.48 Explained further, ‘critical art’ attempts the above transformation via a three stage process in which ‘a strangeness’ is produced in order to then engender an awareness of the reasons underlying that strangeness, to then mobilise the viewer based upon the awareness of the strangeness at hand.49 Hence when this process is mapped onto Judge Dredd, the strangeness revealed in the comics is that of an uncanny authoritarian regime of social control, underpinned by a fascist ideology, enabling the reader to ‘s[ee] in Dredd a dire warning of things to come’.50

This three stage process resides in Judge Dredd because the comics hyperbolise an account of a ‘possible future as authoritarian’ where Judges (such as Dredd) are deliberately portrayed as ‘terrifying symbols of oppression and fear’ in order to unsettle the reader.51 They patrol the streets of Mega-City One, home to 800 million people, enforcing the law as both police officers and judicial figures. As evidenced from the comics, in this ‘fascist city state in which democracy has been consigned to the history books as a failed political experiment’,52 even questioning the authoritarian regime leads to death: ‘Dredd actually represents an antidemocratic, illiberal police state, in which dissent is ruthlessly crushed’.53 The story ‘A Letter to Judge Dredd’ tells of an inquisitive boy who questions the high crime rate in Mega-City One despite the Judges’ having ‘extreme powers’, and asks why ‘a citizen is almost as likely to be killed by a Judge as by a criminal?’, as well as why ‘[those] things called juries’ are outlawed?54 The boy’s questions go unanswered as he is brutally killed at the hands of the system supposed to protect him. Indeed, as the boy had previously cautioned Dredd, ‘your kind of law is so final’.55

Judge Dredd’s ‘critical art’ can thus critique the Administration’s drone programme because the comics vividly illustrate ‘the common world of which the work is a product’.56 That is, the ‘dispositif of the critical work’ comments on the world which produces the comics and then ‘contribute[s] to changing the cartography of the sensible and the thinkable’ within that

46 Ibid 534.
47 Barker and Brooks (n 2) 203.
48 Rancière, Discontents (n 13) 45.
49 Rancière, Dissensus (n 13) 142.
50 Ireland (n 44) 516.
51 Barker and Brooks (n 2) 228. In the classic J Wagner and C MacNeil, Judge Dredd: America (Rebellion 2008), pro-democratic movements are labelled as terrorism and fatally eradicated.
52 Ireland (n 44) 502.
53 Ibid 531.
55 Ibid.
56 Rancière, Politics of Aesthetics (n 13) 80.
world. Specifically, the comics’ satirical account of a dystopian police-state patrolled by Judges highlights and exposes to critique the parallel ‘cynegetic burlesque’\(^{58}\) attached to the police-state drone programme. For both social programmes exude the same ‘danger to the protection of life’\(^{59}\) caused by the same all-pervasive policing known to ‘lower social barriers in society against the deployment of lethal force’.\(^{60}\) Consequently for both Dredd and Obama, ‘accuser, prosecutor, judge, jury, and executioner are all consolidated in this one man’.\(^{61}\) As such, the comics house an inherent critique of the unchecked and yet legitimate police power wielded by both the Judges and the Administration.

But beyond this simplistic account of the ‘critical art’ in \textit{Judge Dredd} lies a more nuanced critique, which can be read in the story ‘The Day the Law Died’, and explained by reference to the work of Derrida and Benjamin.

**Derrida and the Day the Law Died**

The 1978 story ‘The Day the Law Died’ sees Judge Dredd being framed for multiple homicides under the tyrannical regime of Chief Judge Cal (Emperor Caligula transposed).\(^{62}\) In order to escape the corrupt judicial sentence imposed upon him—‘twenty years penal servitude on the colony of Titan’\(^{63}\) —and to prove his innocence, Dredd leads a rebellion against Cal’s regime. Dredd declares to the people of Mega-City One: ‘Citizens, you all know my views on law and order. But today I take a drastic step. Today I challenge the authority of the Hall of Justice’ (see Figure 12.1).\(^{64}\)

<FIGURE 12.1 HERE>

Dredd’s act of resistance is, in part, responsible for the story’s significance. For Dredd is shown, quite unfathomably, resisting the very system he would usually uphold as the irrefutable source of truth and justice\(^{65}\) (despite the fact that this very system is portrayed satirically as a dystopian authoritarian future, with ‘distrust of authority in general and state

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\(^{57}\) Rancière, \textit{Dissensus} (n 13) 143.

\(^{58}\) Chamayou (n 30) 5. See also Chamayou (n 34) 73, where ‘cynegetic burlesque’ is explained as the contrast between the ‘baseness of the means employed [in both the drone programme and the authoritarian rule in \textit{Judge Dredd}] and the grandeur of the style with which they are adorned’.

\(^{59}\) UNCHR, ‘Arbitrary Executions’ (n 24) para 103.

\(^{60}\) Ibid para 17.

\(^{61}\) Greenwald (n 19).

\(^{62}\) Wagner (n 12).

\(^{63}\) Ibid.

\(^{64}\) Ibid.

power in specific”). Dredd’s resistance against the judicial system is wholly uncharacteristic of his character and yet he is forced to resist, as a last-resort, in the name of the very law (nevertheless authoritarian) which he endorses: ‘We’re fighting for law and order—not against it!’

Consequently Dredd’s unfathomable resistance against the truly tyrannical regime intensifies the ‘critical art’ of the comics because it induces both a sublime ‘strangeness’ (an ‘aesthetic clash’) and an awareness able to ‘mobilize bodies through the presentation of [the] strangeness’. Said differently, what this specific Judge Dredd story illustrates is a rupture in the standard satirical reading of the comics, which then dissociates ‘what is seen and what is thought’. For what is revealed throughout the story’s arc is that even if Dredd himself loyally adheres to an authoritarian police-state regime, in order to serve as a satirical critique to such a regime, there are then some regimes which even Judge Dredd cannot abide by. And as is made clear, Cal’s regime is one such regime. For Cal is an insane tyrant who equates mere violence with law: ‘I will make the laws—and you will obey them. Any who dare to oppose me will be eliminated!’

In resisting Cal’s enforcement of omnipresent violence-quia-law over the citizens of Mega-City One, Dredd distinctly mirrors Benjamin’s “‘great” criminal’, who exerts a ‘violence [which] confronts the law with the threat of declaring a new law’. In doing so Dredd enters into the ‘dialectical oscillation between the violence that posits law and the violence that preserves it’, wielding his own law-positing violence. Here, once again, Dredd exudes the ‘strangeness’ of ‘critical art’ because in acting as the “great” criminal he stands against unilateral violence, and therefore ‘fascinates because he defies the state, that is, the institution that, in representing the law, secures and maintains for itself a monopoly on violence’. Here we find Dredd challenging Cal, asserting: ‘Judge Cal, you’re under arrest! You are surrounded. There’s no escape’. And it is in challenging Cal’s monopoly on violence that Dredd then triggers a crazed reaction from the insane tyrant. For Cal attempts to quell the

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67 Wagner (n 12).
68 Rancière, Dissensus (n 13) 143.
69 Ibid.
70 Wagner (n 12). See also the comment of another Judge: ‘That tyrant Cal is making a mockery of the law!’
71 Benjamin (n 15) 239.
72 Ibid, 241. On this point of violence which threatens the posited law, see Giorgio Agamben’s account of Carl Schmitt’s reading of Benjamin’s ‘Critique of Violence’: G Agamben, State of Exception (Kevin Attell tr, The University of Chicago Press 2005) 52-64.
75 Wagner (n 12).
rebellion by declaring: ‘Citizens of Mega-City One, I sentence you to… DEATH!’76 (see Figure 12.2).

<FIGURE 12.2 HERE>

This death sentence, imposed on 800 million people without charge or trial, then further intensifies the ‘critical art’ in the story because it acutely satirises the executive violence found at the high water-mark of the Obama Administration’s drone programme; it presents an unadulterated image of ‘artistic shock’77 regarding the impact which unfettered executive actions deliver, notwithstanding their seemingly legal basis. For, recalling from Greenwald’s article on the Administration’s drone programme, ‘[t]he most extremist power any political leader can assert is the power to target his own citizens for execution without any charges or due process’.78 Here the Administration personifies what Derrida has previously identified as the ‘voyou’, ‘the rouge’, of the international community:79

[T]hose states that are able or are in a state to denounce or accuse some ‘rogue state’ of violating the law, of failing to live up to the law, of being guilty of some perversion or deviation, those states that claim to uphold international law and that take the initiative of war, of police or peacekeeping operations because they have the force to do so, these states, namely, the United States and its allied states in these actions, are themselves, as sovereign, the first rogue states.80

Derrida’s critique of the voyou (originally voiced in the aftermath of ‘9/11’) was aimed at previous US Administrations, and their ideologies and foreign policies.81 Nevertheless the critique doubtless still applies in 2014. Of particular importance in Derrida’s critique is the blur between military operations (‘war’) and policing tactics (‘police or peacekeeping operations’) both of which are backed by lawful executive power (‘the force to do so’).82 For we note that it is through this hybrid violence that the Administration exercises its fatal power, as Benjamin had previously warned. Because it is through a specific government faction that the most repression and violence occurs, that ‘institution of the modern state: the police.’83 Through the police, and indeed with ‘global policing’,84 violence is simultaneously everywhere and nowhere:

76 Ibid.
77 Rancière, Dissensus (n 13) 143.
78 Greenwald (n 19).
79 Derrida (n 14) 64-70.
80 Ibid 102.
81 Ibid 95-103.
82 Ibid 102.
83 Benjamin (n 15) 242.
84 UNCHR, ‘Arbitrary Executions’ (n 24) para 103.
The ‘law’ of the police really marks the point at which the state, whether from impotence or because of the immanent connections within any legal system, can no longer guarantee through the legal system the empirical ends that it desires at any price to attain. Therefore, the police intervene ‘for security reasons’ in countless cases where no clear legal situation exists, when they are not merely, without the slightest relation to legal ends, accompanying the citizen as a brutal encumbrance through a life regulated by ordinances, or simply supervising him. Unlike law, which acknowledges in the ‘decision’ determined by place and time a metaphysical category that gives it a claim to critical evaluation, a consideration of the police institution encounters nothing essential at all. Its power is formless, like its nowhere-tangible, all-pervasive, ghostly presence in the life of civilised states.85

Benjamin’s words echo powerfully today, some ninety years after they were originally penned. But they also echoed powerfully when the first Judge Dredd story was published in 1977.86 For at that time, during the ascent of Thatcherite and Reaganite policies of state control, Judge Dredd satirically portrayed the police as an institution which ‘combine[d] the roles of law-maker, policeman, jury, jailer and (frequently) executioner’,87 to the point that death sentences were readily being dealt to ‘perps’ in the name of justice. The comics were therefore warning of, and critiquing, the very same rampant authoritarian police violence which Benjamin had written of in 1921. Accordingly the very fabric of their aesthetic is one which, in the name of ‘critical art,’ has always ‘negotiate[d] between the tension which pushes art towards “life” as well as that which, conversely, sets aesthetic sensorality apart from the other forms of sensory experience’.88 Said differently, the comics have always embodied legal and political critiques (as expressed by Wagner above)89 because they have engaged in ‘the reconfiguration of worlds of experience based on which police consensus or political dissensus are defined’.90

And yet here, in the story ‘The Day the Law Died’, Judge Dredd can be seen to offer a heightened critique of the Administration’s drone programme. For not only does it extend the critique of authoritarian social order by inverting Dredd’s own rigid adherence to the law into resistance against it as the ““great” criminal”, but it also pours scorn on a state acting as a voyou through its sheer executive actions of targeted assassinations, where those actions

85 Benjamin (n 15) 243. See also J Derrida, ‘Force of Law: The “Mystical Foundation of Authority”’ in Acts of Religion (M Quaintance tr, G Anidjar ed, Routledge 2002) 277 for Derrida’s reflections on Benjamin’s account of the police: ‘the police invent the law, publish ordinances, and intervene whenever the legal situation is unclear to guarantee safety—which is to say, these days, nearly all the time’.
86 P Mills and J Wagner, ‘Judge Whitey’ in J Wagner and others, Judge Dredd: The Complete Case Files 01 (Rebellion 2005). ‘Judge Whitey’ was the first Judge Dredd story published 5 March 1977.
88 Rancière, Discontents (n 13) 46.
89 Wagner (n 43).
90 Rancière, Politics of Aesthetics (n 13) 60.
exhibit the horrific proliferation, and oppressive telos, of the ‘all-pervasive’ police-state Benjamin warned of. Hence this particular story in the comics vividly (visually)\textsuperscript{91} engages with the cumulative elements of oppressive policing and unfettered violence which reside in the Obama Administration’s drone programme and its ‘birds of prey and angels of death’: ‘Predator, Global Hawk’, ‘Reaper’.\textsuperscript{92}

However, it is noted that Rancière’s theorisations of ‘critical art’ acknowledge the concept’s limitations. For as much as it aims to ‘produce a new perception of the world’ and to ‘create a commitment to its transformation’,\textsuperscript{93} it is limited by a ‘vicious circle’ which impinges on it.\textsuperscript{94} Consequently, although it is tasked to ‘produce forms of political awareness and mobilization’,\textsuperscript{95} the practice may nevertheless produce art which does not illustrate ‘political energies of refusal’.\textsuperscript{96} And yet, Rancière quickly dispels the notion that this paradox cancels the potentiality of ‘critical art’ (‘the critical work is not annulled by this contradiction’\textsuperscript{97}) because this form can always still challenge ‘our’ assigned places in a given state of things'.\textsuperscript{98}

**Conclusion**

Recalling Lawson’s article we note her specific criticism against academics claiming they had ‘boldly go[ne] where no one ha[d] before’ by studying popular culture.\textsuperscript{99} However, this chapter has sought to contribute to an area of interdisciplinary legal scholarship which, as aforementioned, is notably under-represented.

In doing so it has argued how the ‘critical art’ inherent in the *Judge Dredd* comics can comment upon the Obama Administration’s drone programme. For the programme arguably induces its own parallel account of the comics’ distinctive ‘claustrophobic, teeming, urban nightmare, where all citizens are potential perpetrators, where the line between guilt and innocence is determined only by the Judges, and where [the Administration] judges without


\textsuperscript{92} Chamayou (n 30) 4.

\textsuperscript{93} Rancière, *Dissensus* (n 13) 142.

\textsuperscript{94} Rancière, *Discontents* (n 13) 46.

\textsuperscript{95} Rancière, *Dissensus* (n 13) 143.

\textsuperscript{96} Rancière, *Discontents* (n 13) 46. See also, at 45-46: ‘Insofar as it asks viewers to discover the signs of Capital behind everyday objects and behaviours, critical art risks being inscribed in the perpetuity of a world in which the transformation of things into signs is redoubled by the very excess of interpretative signs which brings things to lose their capacity of resistance’. And see M Lazzarato, ‘Art, Work and Politics in Disciplinary Societies and Societies of Security’ in É Alliez and P Osborne (eds), *Spheres of Action: Art and Politics* (A Toscano tr, Tate Publishing 2013) 88, 90.

\textsuperscript{97} Rancière, *Dissensus* (n 13) 143.

\textsuperscript{98} Ibid.

\textsuperscript{99} Lawson (n 1).
mercy’. Indeed such a commentary was intended by the comics, as their ‘critical art’ aimed to satirically ‘transpose us to “America” to play out the futuristic drama of the complete realisation of Thatcherite law and order politics, on a global scale’. As such the high water-mark of the Administration’s programme is uncanny next to Judge Cal’s city-wide decree of execution, his ‘death sentence’, in ‘The Day the Law Died’: ‘THE WHOLE CITY IS SENTENCED TO DEATH!’ Through this warped match the horror of a legalised cynegetic war is revealed. And it is precisely such a ruthlessly extreme act of power, executed by a sovereign, which Derrida claimed must face the penetrating critique of deconstruction, for he claimed that ‘never has any philosophy as such contested the legitimacy of the death penalty’. This piece now closes by recalling Derrida’s framework for examining this violent exercise of sovereignty because, for him, the death penalty always takes place through a totalitarian hybrid action, where the judge, the jury, and the executioner, are one:

But this accusation, this charge … by a state power, as sovereign … like all sovereignty, is marked by the right of life and death over the citizen, by the power of deciding, laying down the law, judging, and executing the order at the same time as the condemned one.

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