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Published in:
Law and Literature

DOI:
[10.1017/9781108386005.018](https://doi.org/10.1017/9781108386005.018)

Publication date:
2018

Document Version
Peer reviewed version

[Link to publication in Discovery Research Portal](#)

Citation for published version (APA):

Nabizadeh, G. (2018). Trauma, Narrative and Literary or Legal Justice. In K. Dolin (Ed.), *Law and Literature* (pp. 273-290). (Cambridge Critical Concepts). United Kingdom: Cambridge University Press.
<https://doi.org/10.1017/9781108386005.018>

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Chapter 17: Trauma, Narrative and Literary or Legal Justice

Golnar Nabizadeh

Introduction

Shoshana Felman suggests that the two world wars and other disastrous events of the twentieth century ‘brought to the fore the hidden link between trauma and the law’, and that this link was “dramatized” for the twenty-first century in the aftermath of the destruction of the World Trade Towers, through the event’s widespread transmission on our television screen.¹ Traumatic events such as these shape social, economic, and political contours, and domains of inquiry such as the law come to bear the imprint of those contours in their genealogy. Significantly, the law has come to increasingly recognize victims’ claims through the understanding that testimony may be communicated in more complex ways than previously understood. Within this context, the term ‘dramatized’ reminds us that the ways in which traumatic events are remembered, forgotten, or silenced, depends on the stories that accumulate within the breach that instantiates trauma, and how these narratives are focalised.

There are tensions between the law on the one hand, and the recognition of trauma on the other; in many cases, the law traumatises, grounded in violence as Felman suggests, while in others, evidentiary requirements may occlude some trauma—or traumatized—narratives.² Yet this tension can also produce a valuable impulse, so that the recognition of trauma—and those affected by it—propels legal reform. As Steven Winter suggests, one of the ‘most important aspects of the field of law and humanities is its insight into the constitutive and contingent character of our communicative practices’, and as such, trauma and the law continue to abrade against one another, gathering meaning through this process.³ Felman’s focus on the impact of trauma on

judicial proceedings—captured most evocatively in her writing on the Eichmann, and O.J. Simpson trials respectively—intersects with the work of literary and legal scholars exploring the possibilities of narrating trauma within the “theatre of justice,” to use Yasco Horsman’s term, among them Mark Sanders, Michael Rothberg, Cathy Caruth, and Dori Laub. Indeed, in twentieth-century critical literature on trauma there is a remarkable tradition of thinkers who have written on what can be loosely described as trauma theory such as Freud, Walter Benjamin, Paul Ricoeur, Hannah Arendt, and Theodor Adorno, whose respective works have in turn helped shape the field of law and literature.

Derived from the Greek term for wound, trauma (both psychic and physical) occupied a central role in the analysis of historical and cultural events in the twentieth century and continues to do so in the twenty-first. In *Beyond the Pleasure Principle* (1920), Freud posited that trauma, through the process of introducing an overwhelming shock to the subject, creates a problem whereby the subject struggles to master “the amounts of stimulus which have broken in and of binding them, in the psychical sense, so that they can be disposed of.”⁴ The excessive stimuli disrupt the subject’s conventional relationship to his or her world and must in turn be somehow discharged. In modern parlance, post-traumatic stress disorder (PTSD) was first used to diagnose Vietnam War veterans who experienced “uncontrollable symptoms such as depression, anxiety, nightmares, flashbacks, and insomnia,” and its diagnosis continues to be refined in medical and cultural texts, such as the *Diagnostic and Statistical Manual of Mental Disorders* (DSM), currently in its fifth edition.⁵ The literary analysis of trauma has often posited the latter as a phenomenon that devastates the lifeworld, and which paves the way for intrusive psychic phenomena to replay the impact of shock within the subject. Taking after Freud, Felman has suggested that “trauma—individual as well

as social—is the basic underlying reality of the law”, because of the way that individuals are regulated through the operation of the social order from infancy.⁶ Given that communal, social, and individual traumata shape cultural frameworks in surprising, productive, and profound ways, it is not surprising that literary narratives, hinged as they are on the art of representation, offer fruitful ways through which we might imagine and formulate what constitutes trauma. How then, do literary narratives articulate this deviation, and how does the law grapple with the same?

In response, this chapter will pursue two distinct, yet interrelated avenues of inquiry: first, what is the relationship between trauma and narrative in contemporary legal proceedings; and second, how do graphic novels and comics communicate, and articulate demands for literary justice when the legal domain fails, in part or altogether, to afford a platform for testimony? The scope of this enquiry is necessarily limited, but will proceed in three steps: first, by exploring the relationship between trauma, comics and visual archives, before turning to contemporary analyses of trauma narratives in modern legal proceedings. Finally, close readings of comics from the twentieth and twenty-first centuries—specifically Safdar Ahmed’s “Villawood: Notes from an Immigration Detention Centre” (2015), Winsor McCay’s “Little Sammy Sneeze” (1904-06), and Henry Yoshitaka Kiyama’s *Four Immigrants Manga* (1931), demonstrate the narrative strength of the comics medium for illuminating the intersections between trauma narratives and the law.

Trauma and the Law

In *The Juridical Unconscious*, Shoshana Felman suggests that a new jurisprudential dimension arises out of the encounter between the law and trauma, and draws attention to the ways in which law can be a vehicle for injustice through “structural blindness”

to issues such as gender and trauma. Specifically, Felman emphasizes her interest in missed encounters between the law and would-be testimony, and the way in which these gaps and silences perform their own narrativity.⁷ In a practical sense, interdisciplinarity between legal studies, narrative and memory studies has recognised the impact of trauma not only on the ability of witnesses, for example, to provide testimony, but also on the complex ways in which memories are encoded. In common law countries, precedent accretes not only through the repetition of principles, but also their adjustment where the facts and circumstances of a case are considered to properly call for distinction. More radically, there are occasions when the impact of traumatic events is such that the genealogy of the law—what we might consider its structural DNA—must metamorphose to attempt to meet the demands of trauma.

This is one of Felman’s central theoretical concerns in *The Juridical Unconscious*, and one that highlights the significance of recognizing narratives that at first may appear muddled, unhelpful, or tangential, but yet which carry within them an important meaning or communication. For Felman, the missed encounter illuminates the limits of the latter as it abuts against silenced narratives to “*reveal* precisely cultural aspects of its traumatic meaning.”⁸ Taken this way, the cultural interpretation of trauma narratives offers valuable insights into the human condition by taking time to interpret their abstruse and often difficult meanings.⁹

Contemporary approaches to the law demonstrate a keen awareness of how memories may be variably shaped. For example, in its report on uniform evidence law, the Australian Law Reform Commission (ALRC) stated, “[t]here is evidence to suggest that traumatic memory in this sense has its own features distinct from memory for emotional events.”¹⁰ In another report on family violence, the ALRC drew on an earlier report by Professor Robert Chisholm which considered the “victim’s dilemma” in

proceedings where the complainant seeks orders in respect to family violence. Chisholm suggests that the victim's dilemma may be compounded because "the trauma of family violence may lead the victim to be somewhat unorganised, anxious or depressed, and, for such reasons, an unimpressive witness."¹¹ Taken together, one can see how the shock of trauma, and the potentially ongoing effects of traumatic memories might complicate the ability of a witness (or bystander) to provide testimony—or in other words, to *narrate* the scene of trauma within the confines of conventional narrative structures, legal or otherwise. Indeed, the legal domain is not alone in its anxiety about the expression of trauma narratives deviating from veracity; as Leigh Gilmore explains, the autobiographical tradition has typically shared this concern:

Telling the story of one's life suggests a conversion of trauma's morbid contents into speech, and thereby, the prospect of working through trauma's hold on the subject. Yet, autobiography's impediments to such working through consist of its almost legalistic definition of truth-telling, its anxiety about invention, and its preference for the literal and verifiable, even in the presence of some ambivalence about those criteria (129).¹²

Gilmore's reference to the "almost legalistic definition of truth-telling" in autobiographical stories demonstrates the broad cultural reach of testimony as a legal construct. The purpose of this chapter, then, is to consider how these conjunctions between law and literature permit, if not demand, us to carefully think through how trauma might be narrated and how we, as listeners and adjudicators, may test the frameworks against which we test the value of that narration.

Shoshana Felman's re-reading of Hannah Arendt's description of K-Zetnik (Mr Yehiel Donor) in *Eichmann in Jerusalem* provides a striking case in point. K-Zetnik was a writer (or chronicler—to use terminology closer to his own) who fainted while providing testimony at the Eichmann trial, his pseudonym standing for "concentration camp victim."¹³ Contrary to Arendt's dismissive approach to K-Zetnik, Felman's

reading of the faint suggests that his inability to testify demonstrates the trauma writ large through his body as well as his words, thereby recognizing the significance of his narrative. Moreover, for K-Zetnik, the past is not, as the law would have it, in the past, but rather urgently present. This is evident in his testimony, which shifts from past to present tense as he remembers the ongoing absences left by his fellow inmates at Auschwitz: “[t]hey left me, they kept leaving me, left...for close to two years they left me and always left me behind...I see them, they are watching me, I see them—.”¹⁴ At this point, the prosecutor interrupts in an attempt to redirect the witness’s evidence, but K-Zetnik continues to affirm the presence of the absent others through his address, before falling into a faint.

In this extract, the phrase “left me” is repeated several times, and with the benefit of hindsight, its hypnotic rhythm seems to provide a linguistic clue that its speaker is about to take leave of the courtroom setting as he remains entrenched within the scene of the trauma. His faint housed within it a paralytic stroke, and Felman suggests that for K-Zetnik, the trial “re-enacts the trauma” of his time in Auschwitz, so much so that when the trial judge urges the witness to “obey—strictly to answer questions and to follow legal rules” in his response, this “impacts the witness *physically* as an invasive call to order by an SS officer.”¹⁵ Felman notes that contrary to Arendt’s assumptions in *Eichmann in Jerusalem*, K-Zetnik was a reluctant witness, urged by the chief prosecutor to testify before the court as he was one of the few witnesses to have actually met Eichmann at Auschwitz.¹⁶ As the court ordered a recess, the presiding judge Moshe Landau stated “I do not believe we can go on”, echoing the witness’ own grievous state. In this example, one can discern the limits of the law as it meets trauma, and the ways in which this limit can be productively interpreted (in this case by Felman) to carve out a broader understanding of how narrative can function through multiple

layers of signification. Importantly, while K-Zetnik's testimony may at first appear to resist the demands of the law for 'useful' testimony, this very resistance speaks to the enormity of the scene he attempts to narrate. And this is where the conjunction of law and literature articulates a verdant field of inquiry.

As legal scholar Thomas Giddens elucidates, "[a]s a broadly aesthetic or humanities-based approach to legal studies, engagement with various forms of art as alternative discourses on legal and jurisprudential issues is a key feature of law and humanities", and continues that "the relationship of the visual to the textual, of the aesthetic to the rational, and of all of these to the 'legal' are central concerns in law and humanities' interdisciplinary blending."¹⁷ Focusing on the work of comics allows us to investigate an alternative discourse on the law, and offers a vitalising field within which to explore the relationship between law and literature, thanks to the diffusion and interplay of meaning between aesthetics, text, and narrative that comics perform through their particular strategies of representation.

Comics and Narrating Trauma

The confluence between law and visual apprehension is not a new phenomenon. From the early modern figure of Justitia to the use of diagrams to explain the rules of evidence in law schools, the visual aspects of law (and legal theory) have long been an implicit aspect of its discourse. As Costas Douzinas and Lynda Nead argue, far from being a hermetic and predominantly linguistic domain of meaning, "law has always had a visual policy" and that its "force depends partly on the inscription on the soul of a regime of images". They continue that "[t]he power of spiritual, edifying icons is celebrated in every courtroom: in the wigs, robes, and other theatrical paraphernalia of legal performance and in the images of justice that adorn our public buildings."¹⁸ The visual

signification of the law—both within material and imaginary regimes—helps to substantiate its jurisdiction as it were.

To choose another example, Peter Goodrich notes Andrea Alciato's invention of the 'emblem book' in 1531, whose publisher concluded that the book's didactic messages would be enhanced through the inclusion of woodcut illustrations alongside 97 of the 104 maxims.¹⁹ The co-mixing of words and images provided the reader-viewer of the emblem book ample affective space within which to contemplate the meaning of the illustration, not only in its relation to the text but also as a visual evocation of the law. The etymology of the term 'emblem', from the Greek for 'to throw in' or 'insert', along with its Latin inflection meaning an "inlaid ornamental work" already gestures towards the significance of the artifact as a signifier of iconic and iterative value. In the emblem book, images were used to assist the reader in imagining and understanding the rules or conventions described therein. If we move our gaze to contemporary literary narratives, and specifically, graphic novels and comics, we can see that the interdependent valences of image and text are still being utilized to great effect. Here I am not attempting to draw a direct link between the emblem book and comics, but only to observe the ongoing relationship between narrative, affect, and visual representation.

In the West, comics have enjoyed a marked resurgence since the 1970s, particularly in the rich proliferation of autobiographical narratives. Works such as Justin Green's *Binky Brown Meets the Holy Virgin Mary*, as well as Keiji Nakazawa's *Ore Wa Mita (I Saw It)*, both published in 1972, offered remarkable accounts of trauma of different orders; Green's on the vicissitudes of growing up with what came to be diagnosed as obsessive-compulsive disorder, whereas Nakazawa describes the disorienting torment of his first-hand encounter with the atomic bomb dropped on

Hiroshima. In turn, Art Spiegelman's Pulitzer-Prize winning *Maus* (1980-91), itself highly influenced by Green's *Binky Brown*, utilised the comics format to visualise and imagine aspects of his father's experiences in Auschwitz—what Marianne Hirsch calls 'postmemory'—and inspired the creation of many works that have since joined the pantheon of autobiographical comics.²⁰ Each of these titles explores the laws of cultural convention, such as Binky Brown's anguished questioning of his Catholicism, through to the implementation of racial profiling in Spiegelman's *Maus*. Beyond the genre of autobiographical comics, traditional superhero comics from DC Comics and Marvel have used disaffection with the law and justice to explore questions about justice, truth, and legality in series such as Superman, Batman, and Justice League of America.²¹ In these works and others, readers can see the ways in which their creators use the power of images to undermine, complicate, or reinforce other layers of narrative signification.

In the independent comics genre, works such as Joe Sacco's *Palestine* (1996) and Emmanuel Guibert and Didier Lefèvre's *The Photographer: Into War-Torn Afghanistan with Doctors Without Borders* (2006), demonstrate the impact of domestic and international law in relation to humanitarian crises, and the direct consequences of the law in the lives of Palestinian, and Afghani people. The co-constitutive relationship between words and images in comics generates a richly layered reading practice that is ideally suited to depicting how ideas about the law, and literary justice, can diverge and converge across different contexts. As Giddens explains, the interaction between words and images "is a key dimension of the [comics] medium, both giving the form a special epistemological orientation and enabling its analysis to engage with important questions in relation to legal theory."²² Importantly, as these elements work together, they retain their signifying power as discrete bundles of information, generating meaning as they maintain a productive narrative tension. Moreover, this interaction of

word and image allows comics creators, and their readers, to encounter spaces in which the lacunae that seemingly mark the rendition of trauma can literally take shape on the page. For example, in Sacco's *Palestine*, the retrospective authorial voice is contained within boxes placed at unusual angles within the page, requiring the reader to pay close attention to the text as it jostles (and is jostled by) the images it accompanies. The reader must constantly adapt his or her eye line to take in the political realities of living under Occupation, and this reading practice provides a haptic, representational, analog of the complications that mark the lives of many Palestinians.

The “symbolic space” of comics is fashioned out of panels and the spaces in-between them (the ‘gutter’) on the page.²³ Perhaps most importantly for the purposes of looking at trauma, the arrangement of the panels allows the artist to play with the representation of time, such that the panels mark time through their physical dimensions and rhythmic properties. For example, a panel with an extended width might be interpreted as incorporating a longer duration in time, than a panel of equal height but shorter width. Similarly, a panel without a frame may be regarded as having broken through framing conventions, as a visual representation of the disorienting or dissociative impact of trauma on the individual subject. This device is present through variable aesthetic designs in the work of artists dealing with traumatic events such as *Maus*, Marjane Satrapi's *Persepolis* (2003/04), GB Tran's *Vietnamerica* (2010) or *Stitches* (2009) by David Small. Another element that unites these works is that they are hand-drawn by their creators, and bear these indexical marks within their respective narratives. This is significant not only because of the creativity that the medium generates, but also in the way that these images diversify the visual archive—or create one where other visual records such as photographs or video are prohibited. In this way,

we can wonder what it means to bear witness through the comics form where other material forms of memorialisation are difficult or impossible.

Comics present a productive capacity to shape, process, and materialise trauma narratives because of the medium's ability to hold and represent narrative complexity. One of the practical ways in which comics can resist the limits of the law is by circumnavigating prohibitions against making photographic or audiovisual recordings. Where comics are hand-drawn, they can provide historical and archival value to documenting events where other modes of record are absent. For example, Art Spiegelman has noted the impact of encountering hand-drawn images by prisoners at Auschwitz, and other concentration camps, as he conducted research for *Maus*, stating that these images signposted a "return to an earlier function that drawing served before the camera—a kind of commemorating, witnessing, and recording of information."²⁴ Effectively, these drawings provided some of the few literal insights into camp life, a form of visual record in the absence of others. *Maus* would go on to generate an enormous amount of critical and popular debate about trauma and forms of representation in graphic narratives.

The value of hand-drawn images remains just as urgent in contemporary contexts. For example, in Australia, the judges of the 2015 Walkley Awards awarded Safdar Ahmed, a Sydney-based artist and academic, first prize in the category of 'All Media Artwork' for his online graphic narrative "Villawood: Notes from an Immigration Detention Centre."²⁵ In their comments, the judges noted that "[p]hotos are not permitted within Villawood Detention Centre, so Ahmed has conveyed through his graphic novel style the conditions within the Detention Centre" to produce "a moving documentation of their plight, and a damning condemnation of Australia's detention system."²⁶ Hand-drawn images, then, continue to function as a vital form of

expression, particularly where there is a dearth of other points of contact or communication, or indeed, where other forms of visual record such as photographs are used to promote fear and suspicion.

The use of photographic evidence to establish the occurrence of particular events was, in an Australian context, the subject of a Senate Inquiry into “A Certain Maritime Incident”, popularly known as the ‘children overboard’ incident, which examined a chain of events in the lead-up to a Federal election in 2001.²⁷ Specifically, the inquiry investigated an announcement in October 2001 by the-then Minister for Immigration, Mr Philip Ruddock, that “a number of children had been thrown overboard” from a vessel, SIEV (Suspected Illegal Entry Vessel) 4, as it was intercepted by the Australian Defence Force. A photograph was released that appeared to depict this event, with the implication that refugees on board the SIEV 4 had thrown their children overboard in an attempt to obtain passage to Australia. Among its terms of reference, the Committee examined “Federal Government control of, and use of, information about the incident, including...photographs, videotapes and other images”, and eventually found that “[p]hotographs released to the media on 10 October as evidence of children thrown overboard on 7 October were actually pictures taken the following day, 8 October, while SIEV 4 was sinking.”²⁸ The manipulation of images is commonplace as Richard K Sherwin observes: “[i]mages are routinely produced and broadly disseminated in support of assertions of public necessity, emergency, and patriotism”, specifically referring to Colin Powell, the then Secretary of State’s “visually assisted performance at the United Nations” proving that Iraq was generating so-called ‘weapons of mass destruction’.²⁹ Against the would-be evidence of ‘compelling’ and bite-sized images such as those from Iraq and SIEV 4, comics often require readers to slow down their reading as images are generally read alongside text

or other information that complicate their ostensible meanings.

As Teresa Phelps suggests, the articulation of life narratives worldwide frequently “reveal human rights abuses that have been carefully hidden by a legal system”, and she refers to such examples as the storytelling of the Mothers of the Plaza de Mayo in Buenos Aires, the Stolen Generation in Australia, and detainees in Guantanamo. These examples illuminate the animating power of what Phelps calls “transformative storytelling”, which is equally apparent in the study of comics and graphic narratives.³⁰ As “an artistic organization of space”, comics create a space of play and innovation as each panel propels the action forward.³¹ For example, in “Villawood”, Ahmed describes his experiences working as a volunteer for refugees held within Villawood Immigration Detention Centre, and his story incorporates artwork drawn by refugees from Burma, Sri Lanka, Iran, and Afghanistan. In one passage, he quotes an Iranian refugee, who describes his plight seeking asylum as a “legal maze” where “[o]ur stories are doubted at every step by case managers, immigration officials and judges who make it their job to reject us”. Below this speech bubble, Ahmed draws an oversized gavel hovering above an individual lying on the sound block. Next to this image, the reader observes a small off-kilter frame that depicts the gavel finding its mark with a terrifying “THWACK” rendered in red. The reader’s interpolation within this sequence allows him or her to understand that the individual has symbolically been crushed under the gavel or force of the law. This simple sequence delivers its meaning through both a literal and metaphorical system of signification, and demonstrates the ability of comics to succinctly convey different orders of meaning.

Another example, such as an early comic strip by the artist Winsor McCay called *Little Sammy Sneeze* (1904-06), depicts how comics play with narrative and

expectations around how stories are framed and focalised. In this strip, the eponymous character's enormous sneeze develops over the course of each episode, its release often wreaking havoc on what is seemingly the main action, usually in the form of a benign social event. In one strip, however, McCay isolates the action of the sneeze, and demonstrates its power not only within the internal logic of the action but also on the framing of the story (Figure 1: *Little Sammy Sneeze*).

[Insert Figure 1: Winsor McCay, *Little Sammy Sneeze*, *New York Herald*, 24 September 1905.]

In this example, we can literally discern the incisive ability of comics to depict the disruption of convention by materializing this deconstruction through a visual meta-narrative. Further, this sequence generates meaning through its rhythm; as readers, we absorb the significance of not only each individual panel but also their overall progression, including the increasing size of Sammy's speech bubbles. That is, the final shatter of the frame acquires its particular meaning because we understand that in a conventional sense, comics panels are not meant to be broken. Unlike film, where each frame replaces its predecessor (although viewers may certainly replay, pause, and remember iconic scenes), in comics the frames generally sit adjacent to one another, so that the reader apprehends the contents of the page as a whole (what Molotiu calls "iconostasis"), as well as the individual units of time that constitute each panel.³²

Our understanding of this progression implicitly draws on another critical aspect of comics: the sustained presence of the past on the page. As we focus on the representation of trauma as a structure whereby the past does not remain occluded in time, but breaks forth onto the present, we can see how comics artists may choose to

play with the visual depiction of trauma by repeating images, or shuttling forth between the present and the past in their respective stories. Indeed, as Crawley and van Rijswijk suggest,

Graphic novels can resist law's demands for interpretative and normative finality by drawing our attention to the structural or endemic traumas which constitute legal subjectivity, and the representational practices through which meaning—and justice—become possible (95).³³

Indeed, the plasticity of the medium means that it holds open the possibility of visualising trauma through the perspective of subjects who have experienced its ruptures. Moreover, there is ample evidence that the ways in which communal, cultural, and personal traumas are represented in the comics medium—such as in Joe Sacco's *Palestine*, Art Spiegelman's *In the Shadow of No Towers* (2004), or Phoebe Gloeckner's *A Child's Life* (1998)—to mention only a few titles, literally draw attention to the challenges and opportunities of narrating subjectivity through creative and innovative practices.

By deferring normative finalities, to use Crawley and van Rijswijk's phrase, comics allow other narrative possibilities to emerge, possibilities that may illuminate unexpected voice and ideas about justice. If we consider that in comics the past remains materially present, we can wonder whether comics might allow their creators and audiences to remember, and even mourn, traumas that might have been impossible, or illegal, to acknowledge in other forms of record. Michael Rothberg suggests that “[t]o mourn is to move on, but to render justice is to maintain the claims of the past on the present or to maintain the present's interest in the past.”³⁴ Here, Rothberg is referring to the analytical framework of critical melancholia, developed by scholars such as Judith Butler, Ranjana Khanna, and Mark Sanders, to think through ideas about

justice—and the claims of the past on the present. What might be termed structural melancholy complements Felman’s suggestion that in contradistinction to the “discipline of limits” or law, “[w]e needed art—the language of infinity—to mourn the losses and to face up to what in traumatic memory is not closed and cannot be closed.”³⁵ One can argue that comics precisely incorporate this melancholic condition into their structure, whereby the reader generally remains aware of the presence of the past alongside the present.

Four Immigrants Manga

A little-studied comic from the early twentieth-century, *The Four Immigrants Manga: A Japanese Experience in San Francisco, 1904-1924* by Henry Yoshitaka Kiyama, amply demonstrates the ways in which hand-drawn images can supplement historical archives. Described as a ‘documentary’ comic book, this work depicts the (mis)adventures of four young *Issei* (Japanese Americans)—who adopt the names Henry, Fred, Frank, and Charlie—following their arrival in San Francisco in 1904. Through Kiyama’s pen, the episodes provide a unique vantage on events such as the San Francisco Earthquake of 1906 (and a visit to the city by Dr Fusakichi Ōmori, a famous seismologist, in the quake’s aftermath), the Panama-Pacific International Exposition (1915), the arrival of Japanese migrants from Hawaii, as well as socio-cultural phenomena such as the popularity of so-called ‘picture brides’, and the rise of the Asiatic Exclusion League, which advocated the segregation of all ‘Asian’ children in San Francisco schools. Kiyama himself immigrated to the United States in 1904; the character of Henry appears as the author’s avatar, and like Kiyama, studies art at what was then the influential Mark Hopkins Institute of Art, before being rebuilt as the San Francisco Institute of Art in the aftermath of the San Francisco Earthquake.

One of the innovations of Kiyama's text is that the original comic was bilingual—written in Japanese and English. This feature allowed Kiyama to incorporate not only the relatively limited English with which the characters speak but to convey the mode in which they understand the language as spoken around them (most notably by their employers). Kiyama hand-lettered these 'foreign' words in broken English to distinguish them from the Japanese. This technique allowed Kiyama to literally draw attention to the other dialects that the characters encounter, such as a Chinese character that speaks Japanese hesitantly. I argue that the wavy, attenuated line of Kiyama's lettering depicts the hesitation, and the newness of the culture with which Henry and the other characters grapple. Significantly, the names that the main protagonists acquire once in the United States are hand-lettered, and the reader has the impression that the names are being sounded out in similar ways to the characters' testing of their new cultural and physical environments. In these ways, Kiyama depicts the vulnerability of unfamiliarity and the opportunity to test new contours via the indexical form of hand lettering in his comic. This vulnerability is also evident in the spoken dialogue of episode 49, entitled 'The Alien Land Act'. Here, Charlie and his wife eat dinner with their six children. After bidding the children goodnight, the couple discuss the impact of the *Alien Land Act* on the right of non-US citizens to own land (Figure 2: *Alien Land Act*).

[Insert Figure 2: *Alien Land Act*. Copyright and permission granted by Stone Bridge Press]

After noting that they are lucky because they can transfer title to their US-born children, Charlie notes, "In the twenty years I've been here, there've been laws passed

against immigrants from Hawaii, picture brides, and now even our *owning land!*” The final panel on this page depicts his wife responding despondently, “I guess we Japanese immigrants don’t have much of a future here, *do we?*”³⁶ It is unclear why Kiyama left the dates blank here, but the date should presumably read November 1920, when the Californian legislature passed a second set of laws that sought to eliminate loopholes associated with the original *Alien Land Act* introduced in 1913. In this sequence, the reader is offered an intimate rendering of the potential impact of the Act on Charlie’s family and the injustice of discrimination, as well as an idea about how he and his wife can retain title. Charlie’s observation in the final panel conveys his first hand experience of the impact of the law in a way that is immediately tangible. His wife appears to face the reader in this scene, and her expression subtly conveys the frustration and hurt of facing discriminatory laws, such as the provisions under the *Alien Land Act*.

One can argue that here Kiyama’s text performs the work of cultural witnessing—to use Felman’s term—that is, he lays before the reader legal and social challenges, as well as the overt racism endured by Japanese-Americans in ways that would have been exceedingly rare to encounter in popular forms of record in the early twentieth century. Brian M Hayashi echoes this sentiment, explaining that the *Four Immigrants Manga* is “a rare first-generation Japanese immigrant literary publication translated into English.”³⁷ As Gains and Cho explain, the *Alien Land Act* was eventually found to “be an unconstitutional infringement of the right of American citizens (the children born of alien parents in the United States).”³⁸ Through his rendition of a domestic scene, Kiyama’s work allows its readers to visualise the Act as not only a historical document of the law, but also its intimate, and tangible impacts on Japanese-American families in the early twentieth century.

Conclusion

The preceding discussion has identified only some of the attributes of comics that make them a highly productive medium through which issues of justice, human rights, and trauma are illuminated anew. The way that the comics bring together multiple and frequently divergent layers of signification allows artists and readers to experiment with how meaning is generated. The burgeoning field of Graphic Justice, which considers issues such as the use of comics to critique the law, the relationship between aesthetics and popular representations of the law, as well as using visual devices as a means of providing more clarity on legal processes for example, is a testament to the important interstices between cultural, visual, and jurisprudential domains of inquiry.

The law and literature project emphasises the importance of narration, and narrative strategies, to the understanding of the law. The work of witnessing, so central to the experience of trauma, has been recognised as a pivotal repository of meaning, shaped by an oft-precarious relation to language and speech. Within this breach, where the laws of speech may themselves falter, recognising other attempts at communication become even more pressing. The cross-modality of comics, where images and text representing the past, present, and future interact through conscious and unconscious points of contact, offers a single domain in which trauma, representation, narrative, and the law, can be explored and imagined. The refusal to close off narrative possibilities characterises many of the texts that have been considered here, and this resistance speaks of the tenacity, and hope, that surely mark endeavours to narrate literary and legal forms of justice.

¹ Shoshana Felman, *The Juridical Unconscious* (Oxford University Press: Cambridge and London, 2002), p. 2.

² Felman, *The Juridical Unconscious*, p. 270.

³ Austin Sarat, Matthew Anderson, and Cathrine O. Frank (eds), *Law and the Humanities: An Introduction*. New York (Cambridge University Press: New York, 2010), p. 21.

⁴ Sigmund Freud, *Beyond the Pleasure Principle*, p. 301.

⁵ Jeannie Suk, “Laws of Trauma” in Austin Sarat et al, *Knowing the Suffering of Others: Legal Perspectives on Pain and its Meanings* (University of Alabama Press: Tuscaloosa, 2014), pp. 212-35, p. 213.

⁶ Felman, *The Juridical Unconscious*, p. 172.

⁷ Felman, *The Juridical Unconscious*, p. 144.

⁸ See note 25 of Chapter 4, Felman, *The Juridical Unconscious*, p. 233. See also Christine Krueger, “Gendered Credibility: Testimony in Fiction and Indecent Assault” in *Reading for the Law: British Literary History and Gender Advocacy* (University of Virginia Press: Charlottesville, 2010), pp.157-85.

⁹ For further reading on this point see Dori Laub, “Bearing Witness or the Vicissitudes of Listening” in Dori Laub and Shoshana Felman in *Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History* (New York: Routledge, 1992), pp. 57-73.

¹⁰ *Uniform Evidence Law* (ALRC Report 102) (December 2005), p. 252. On the topic of ‘Trauma and Memory’ generally see [8.109]-[8.111].

¹¹ R Chisholm, *Family Courts Violence Review* (2009), pp. 27-8, cited in *Family Violence – A National Legal Response* (ALRC Report 114) (October 2010), p. 834.

¹² “Limit-Cases: Trauma, Self-Representation, and the Jurisdictions of Identity” *Biography* 24.1 (2001): 128-39. It is worthwhile noting that the category of ‘life-writing’, a term that has gained widespread use, signals a move away from these

conventions, as it recognises the inherent unreliability of the post-modern speaking subject, and the diffusion of the subject rather than a unified whole.

¹³ Felman, *The Juridical Unconscious*, p. 135.

¹⁴ Ellipses in original, Felman, *The Juridical Unconscious*, p. 136.

¹⁵ Emphasis in the original, Felman *The Juridical Unconscious*, p. 146.

¹⁶ Felman, *The Juridical Unconscious*, p. 143.

¹⁷ Thomas Giddens, “Comics, Law, and Aesthetics: Towards the Use of Graphic Fictions in Legal Studies.” *Law and Humanities* 6.1 (2012): 85-109, p. 87.

¹⁸ Costas Dounizas and Lynda Nead, *Law and the Image: The Authority of Art and the Aesthetics of Law*. Chicago: Chicago University Press, 1999, p. 9.

¹⁹ Peter Goodrich, “Screening the Law.” *Law & Literature* 21.1 (2009): 1-23, p. 10.

²⁰ See Marianne Hirsch, “The Generation of Postmemory”. *Poetics Today* 29.1 (2008): 103-28; and Hirsch, “Mourning and Postmemory” in *Graphic Subjects: Critical Essays on Autobiography and Graphic Novels*. Ed Michael Chaney (Madison: University of Wisconsin Press, 2011), pp. 17 – 44.

²¹ On the term, “autographics”, see Gillian Whitlock and Anna Poletti, “Self-Regarding Art.” *Biography* 31.1 (2008): v-xxiii. This term is taken up, among other scholars, by Joseph Darda, in “Graphic Ethics: Theorizing the Face in Marjane Satrapi’s *Persepolis*.” *College Literature: A Journal of Critical Legal Studies* 40.2 (2013): 31-51; Julia Watson. “Autographic Disclosures and Genealogies of Desire in Alison Bechdel’s *Fun Home*.” *Biography* 31.1 (2008): 27–58; and Golnar Nabizadeh, “The After-Life of Images: Archives and Intergenerational Trauma in Autographic Comics” in *Mapping Generations of Traumatic Memory in American Narratives*. Eds Dana Mihăilescu et al (Newcastle upon Tyne: Cambridge Scholars Publishing, 2014), pp. 171-91.

²² Thomas Giddens, “Comics, Law, and Aesthetics: Towards the Use of Graphic Fictions in Legal Studies.” *Law and Humanities* 6.1 (2012): 85-109, p. 89.

²³ Yasco Horsman, *Theatres of Justice: Judging, Staging and Working Through in Arendt, Brecht, and Delbo*. Stanford: Stanford University Press, 2011, p. 8

²⁴ *MetaMaus* (London: Penguin, 2011), p. 49.

²⁵ <https://medium.com/shipping-news/villawood-9698183e114c#.iv80bia2s>

²⁶ <http://www.walkleys.com/walkleys-winners/safdar-ahmed/> (Accessed 29 June 2016).

²⁷ 23 October 2002,

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Former_Committees/maritimeincident/report/index, Accessed 27 June 2015.

²⁸ ‘Executive Summary’

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Former_Committees/maritimeincident/report/a06.

²⁹ Richard K. Sherwin, “What Screen do you have in Mind? Contesting the Visual Context of Law and Film Studies.” *Studies in Law, Politics, and Society* 46 (2009): 3-31, p. 11. See also Sherwin, *When Law Goes Pop: The Vanishing Line Between Law and Popular Culture* (Chicago: University of Chicago Press, 2000).

³⁰ Teresa Godwin Phelps, “‘Reading as if for Life’: Law and Literature is More Important Than Ever.” *Law and Literature Reconsidered, Studies in Law, Politics, and Society* 43 (2008): 133-52, pp. 148-9.

³¹ Mieke Bal, *Travelling Concepts in the Humanities: A Rough Guide*, Toronto: University of Toronto Press, 2002, p. 97.

³² Molotiu defines ‘iconostatis’ as “the perception of the layout of a comics page as a unified composition”. In “Sequential Dynamism And Iconostasis In Abstract Comics

and Steve Ditko's Amazing Spider-Man” in Matthew J Smith and Randy Duncan (eds), *Critical Approaches to Comics: Theories and Methods*, New York: Routledge, 2012, pp. 84 – 100, p. 91.

³³ Karen Crawley and Honni van Rijswijk, “Justice in the gutter: Representing everyday trauma in the graphic novels of Art Spiegelman.” *Law Text Culture* 16.1 (2012): 93-118.

³⁴ Michael Rothberg, “After Apartheid, Beyond Filiation: Witnessing and the Work of Justice.” *Law and Literature* 21.2 (2009): 275-90, p. 277.

³⁵ Shoshana Felman, “Theatres of Justice: Arendt in Jerusalem, the Eichmann Trial, and the Redefinition of Legal Meaning in the Wake of the Holocaust.” *Critical Inquiry* 27.2 (2001): 201-38, p. 202.

³⁶ Italics in original, Kiyama, *Four Immigrants Manga*, p. 126.

³⁷ Brian M Hayashi, “Not so funny papers.” *Pacific Historical Review* 69.2 (2000): 217-78, p. 278.

³⁸ Brian J Gaines and Wendy K Tam Cho, “On California’s 1920 Alien Land Law: The Psychology and Economics of Racial Discrimination.” *State Politics and Policy Quarterly* 4.3 (2004): 271-93, p. 276.