

Hell's Kitchen's Prolonged Crisis and Would-be Sovereigns: Daredevil, Hobbes, and Schmitt

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Comic book heroes often have their origins in *noir* depictions of failed or failing states. The danger involved and the seeming anarchy that necessitates superheroes recall Hobbes's description of a state of nature and Leviathan as resolution. But comic book heroes generally inhabit states that are better identified by the Hobbes-inspired Carl Schmitt. Indeed, this article argues that while the Hell's Kitchen of *Daredevil* comics has some characteristics of a state of nature, it is better characterized by the protracted crisis of state that Schmitt sees in liberal democracies. Hobbes and Schmitt elucidate the crisis that generates the need for a superhero but fail to explain why the superhero does not simply take over the city. This is better explained by American concepts of heroism which emphasize redemption and walking away from power (Lawrence and Jewett 2002).

WHO ARE DD AND THE KINGPIN?

This article draws on two particular storylines from *Daredevil*, a long-running Marvel Comics series. Matthew Murdock is a lawyer who as a child lost his sight in an accident involving radioactive waste that significantly enhanced his other senses. As Daredevil, his most regular enemy is Wilson Fisk, the Kingpin who runs organized crime in the Hell's Kitchen neighborhood in which Murdock was raised and lives. In Frank Miller and David Mazzucchelli's "Born Again" series (#226–233, [1984–5] 2010), Murdock's former lover, Karen Page, has become a heroin-addicted actress in snuff films so desperate that she sells Daredevil's secret identity. It winds up in the hands of the Kingpin who decides to destroy his rival slowly and the series shows Murdock becomes increasingly paranoid before eventually recovering his wits, friends, rescuing Karen, and defeating the Kingpin.

The second storyline, the omnibus collection of Brian Michael Bendis and Alex Maleev's collaboration (#41–81 [2002–6] 2004, 2006), begins with the Kingpin in jail and several different groups and villains involved in a turf war, trying to fill the "power vacuum" resulting from his disappearance. After defeating a number of pretenders, Daredevil declares himself the Kingpin and threatens sanctions for those who do not follow his rules (Bendis and Maleev [2002–3] 2004, 23–24). In the process, he meets and marries Milla Donovan and is pursued by the FBI who are investigating Murdock for vigilantism. In ending a crisis by seizing authority and resolving an obedience protection dilemma, Daredevil appears to be a

Hobbesian sovereign, something that Hell's Kitchen seems to need.

STATE OF NATURE OR STATE IN CRISIS

The relationship between protection and obedience was fundamental for Hobbes. In the state of nature, there is no single figure feared by all and without such a figure, the can be no justice because all judgment can only be partial and therefore not binding. Without universal judgment (what can be done, said, should be punished), a condition of lawlessness and danger pervades (L, I, 13, 77–9) and the state of nature easily descends into a state of war, a war of all against all, the greatest harm which can be faced (L, II, 17, 113). Life becomes "solitary, poor, nasty, brutish, and short," industry becomes imperiled and planning for the future impossible (L, I, 13, 78). To escape the state of nature men establish a Leviathan.

Men form a covenant with one another to overcome the state of nature, ceding their rights and recognizing the Leviathan as the absolute authority over the territory. The centrality of the Leviathan is evident in that "during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man." (L, I, 13, 77–78). Thus, the consent of the people is secondary to the Leviathan's presence and ability to compel. The Leviathan must have absolute sovereignty: the absolute obligation of subjects terminates only when the sovereign is no longer able to protect (L, II, 136). Similarly, Hobbes considers dividing sovereign power as a great "sedition," writing "For what is it to divide the Power of a Common-wealth, but to Dissolve it; for Powers divided mutually destroy each other." (L, I, 19, 200).

Carl Schmitt agrees that sovereignty must be absolute and indivisible, but he finds Hobbes inconsistent on this point, particularly in his treatment of religion (Schmitt 2008b). Hobbes—whose Leviathan wielded sword and crozier—considered clerics to be among the greatest threats because they insisted on a spiritual authority independent of the sovereign (L, II, 17, 110, Hobbes 1990). Not only does Hobbes's sovereign judge law and sin, and therefore establish his own decalogue, but Hobbes refers to the Leviathan as a "mortal god" (L, I, 13, 79, II, 17, 106).¹

The Leviathan is not only a mortal god but a public one and the miracles recognized by the sovereign are "public" and not "private." Hobbes's interest, according to Schmitt, is thus "*Auctoritas, non Veritas*. Nothing here is true: everything here is command." The sovereign's subjects must agree publicly to

the miracle but need not believe it true (Schmitt 2008b, 55, 56). This opens a crack in the sovereign's authority; his command over judgment is limited to that which is public, anticipating a liberal and limited state (Bobbio 1993, 29), ultimately undermining the sovereign's authority. It is for this that Schmitt takes him to task.

Schmitt's analysis of the profound and prolonged crisis of Weimar Germany centered on his critique of liberal parliamentary democracies (1985). The liberal state aims to neutralize politics and ignores that the fundamental distinction in politics is that of friend and enemy (2008a), the Weimar Republic could not recognize as enemies certain groups (i.e., the Communist and Nazi parties) that threatened it from within. Further, parliamentary democracies are characterized by discussion not decision: there is no final judgment, only discussion which, by its nature, remains open. Finally, the liberal state is also a limited one, one in which state authority is deliberately divided. Schmitt argued that the Weimar Constitution had confusing and overlapping rules about emergency powers that tended to encourage deadlock rather than open a space for overcoming the crisis (1985). In other words, the crisis of the state is prolonged and unsolvable because there is no obvious constitutional claimant who can be sovereign because the multiple potential agents (president, parliament) do not make the decision to use the emergency powers to protect the state. Schmitt's solution was to restore the Weimar Republic by recognizing the crisis of legitimacy of the liberal state and its internal enemies. While the bureaucracy and military could still be counted on, the most fundamental part of Schmitt's formula was for the president

That the Kingpin is able to coordinate crime, extract fees from criminals and merchants, and punish those within and outside of his web of relations similarly suggests a state incapable of extending protection to its population. Indeed, through coercion and bribery, the Kingpin is also able to ensure a certain obedience. His ability to exert complete obedience is limited by the efforts of Daredevil and, to a lesser extent, the state.

Both Murdock's tragedy and the Kingpin's success are due to a state that cannot assert its supremacy over other coercive agents. The Kingpin bribes and threatens not only merchants and criminals, but politicians as well. Rather than emerging out of an anarchic state of nature, he thrives in a weak but persistent state. One FBI agent explains, "what made Wilson Fisk a genius is that he incorporated his business so completely, so strategically into the fabric of this city . . . that it was near impossible for us to find a way to point to the place where legitimate and illegitimate businesses separated" (Bendis and Maleev 2004, 12). The merger of legitimate and illegitimate business and authority is more Schmittian than Hobbesian.

In Hell's Kitchen, as Hobbes expects, prior to the emergence of a Leviathan, each person follows his or her own judgment and accepts no one agent's judgment as universal and final. While the state, Kingpin, and Daredevil all elicit fear and awe, citizens vary in terms of whom they fear. Without a single Leviathan, Hobbes expects life to be "solitary, poor, nasty, brutish, and short" and, indeed, most *Daredevil* comics depict life in Hell's Kitchen as being exactly that. But there is only a war of some against some, not all against all. and there are episodic and intense moments of hope. Hope emerges not

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to assume emergency powers, to declare illegal the Communist and Nazi parties, and to use whatever coercion was necessary to restore the state.

HELLS' KITCHEN AS A STATE OF NATURE?

The Hell's Kitchen in *Daredevil* often looks like a Hobbesian state of nature. The characters are rational, make calculations based on fear, threat, opportunity, and, for some, the pursuit of glory. Matthew Murdock's father, a prize fighting boxer, for example, accepted money to lose fights so that he could provide for his son, although he was murdered for refusing to throw a fight. His death is both the result of failing to perform a contracted service as well as the failure of the state to reign in organized crime. When Murdock explains "Hell's Kitchen . . . worst neighborhood in Manhattan. Good place to be killed. I was born here," he is referring to both his birth as Matthew Murdock and his rebirth, following the death of his father, as Daredevil (Miller and Mazzuchelli 2010, 71). This rebirth is the result of an impotent state.

with structural change of the establishment of a Leviathan or a compact but, generally, with the mere defeat of a particular villain, usually the Kingpin.

ONE, TWO, THREE LEVIATHANS

The state in *Daredevil* cannot make a legitimate claim for the protection-obedience relationship envisioned by Hobbes. Its agents are either thwarted or serve the Kingpin ("Born Again" begins with a police officer betraying Murdock because the Kingpin is paying his son's expensive medical bills). Its agents are also helped and thwarted by Daredevil. The national director of the FBI explains that Daredevil is a criminal because he "does our job for us" and interferes with their work (Bendis and Maleev 2006). The state's agents are incapable of consistently constraining the behavior of both the Kingpin and Daredevil, and they can compel neither fear nor awe from the citizens of Hell's Kitchen consistently.

Despite the danger, the people have never compacted and sought a Leviathan. This might be surprising given that they

have the advantage (that Hobbes's citizens did not) of multiple mechanisms for relatively cost-free coordination (free media, regular elections, and so on). But a Leviathan need not come from compact, it can be imposed, and the Kingpin might be such a figure. As one villain explains, the Kingpin offered protection from Daredevil (and to a lesser degree the state)—in exchange for obedience—to all the other criminals (Bendis and Maleev 2004, 10).

The protection obedience relationship is central in the underworld so it is hardly surprising that the Kingpin might emerge as a possible Leviathan. But it is not clear that he is truly a Hobbesian Leviathan. In "Born Again," after discovering Daredevil's secret identity, Kingpin plans the careful and slow destruction of Murdock. He gets a detective to report Murdock for witness tampering, the IRS to freeze his assets, he blows up Murdock's home, and has him attacked by common thugs and super-villains. Murdock enters into a paranoia that drives his girlfriend into the arms of his best friend. The Kingpin is able to make Murdock's life poor, nasty, and brutish. The Kingpin seems similarly absolute when his being sent to jail creates a power vacuum (Bendis and Maleev 2004). That is, removing the one figure who could command obedience leads to a violent and destabilizing set of skirmishes of positioning by drug dealers, ninjas, and super-villains, setting up a period of intense violence and crime.

But both storylines also show serious limitations to the Kingpin's potential sovereignty. In "Born Again," Daredevil is able to break up the Kingpin's criminal network, driving even the most loyal of his henchmen away from him (Miller and Mazzuchelli 2010, 176) and the reason for the vacuum of power is that the Kingpin has been imprisoned by the state, because of Daredevil's actions. Although he eventually gets himself out of jail, by entering into a deal with the national director of the FBI to turn over evidence that can put Murdock in jail for being Daredevil, the Kingpin must compete with other coercive agents.

Kingpin may not be a Leviathan but he is a systemic threat who is able to work from within a liberal democracy to undermine it—as Schmitt would expect. He mocks the FBI agents for spending millions of dollars and countless manpower hours moving him from prison to prison so that he can be kept safe (Bendis and Maleev 2006). He contrives a deal with the FBI guaranteeing him full immunity for giving up Daredevil but insists on doing it before a member of the press who the Kingpin bullies into giving up his sources. Further, the national director of the FBI admits that while he knows exactly who the Kingpin is and what he has done, he has no evidence which could convict him and, therefore, he feels forced to accept the deal the Kingpin has proposed.² In short, the Kingpin uses the court (a symbol of the ultimate legitimacy of procedure), the FBI (the state's premier punitive agency), and the press (the hallmark of a liberal democracy) to ensure the continuation of his illegal activities. A weak, liberal democratic state enables the Kingpin to continue his activities.

IS DAREDEVIL A LEVIATHAN?

Powerful though he may be, weak though the state may be, the Kingpin is prevented from absolute sovereignty primarily

by Daredevil. This begs the question as to whether it is not Daredevil who is the Leviathan who brings peace and security to Hell's Kitchen. He does consistently thwart criminals—common, unorganized, super-powered, organized—and, in so doing, contributes to reducing danger and crime in Hell's Kitchen. As a lawyer, he offers defense to those that the state (usually wrongly) accuses and he offers protection.

In "Born Again," the story of one man (Murdock) resisting the powerful grips of a crime lord is a greater story of the restoration of a once great neighborhood. Murdock, who becomes more disheveled, grumpy, and unshaven throughout the series, recovers and, on the last page, having defeated the Kingpin, a clean-shaven Murdock walks with his recovering addict, recently redeemed ex-girlfriend glowing in white clothing. Both are smiling in a city bathed in light colors, suggesting a powerful sense of hope after the darkest days faced by the two characters and the neighborhood are over (2010, 177).

Happy ending, but there are no structural changes. At the story's close, "Few of the charges [against the Kingpin] stick. Those that do are skillfully cast into years of litigation. . . . Still, in the eyes of everyone except, as of yet, the Law—he is a villain." The Kingpin then narrates "The law. . . . At least I took that from him" (Miller and Mazzuchelli 2010, 176). Thus, even in the final triumph of good, the law—the means by which the liberal democracy commands—cannot hold him as an "enemy," it is incapable of recognizing and defeating its enemies, it knows counsel and discussion, not command (Schmitt 1985, 43; 2004)

This last issue in the series, "Armageddon," produces a victory of good over evil and the power of redemption, but the very next issue finds Daredevil battling another villain and, soon enough, he is back at war with the Kingpin. The Kingpin does not disappear: there is always an underbelly within the general population and the state where fear and greed can be manipulated into support for the Kingpin's exercise of violence. Thus, while Daredevil defeats the Kingpin, he never removes the possibility of a kingpin. Similarly, although the state makes periodic interventions to constrain superheroes and to make them subject to its authority, it repeatedly fails (Spanakos 2008). The division of sovereignty and the general unwillingness of superheroes to make the sovereign decision create a permanent situation of crisis that is more Schmittian than Hobbesian.

The Bendis and Maleev story shows Daredevil, finally, trying to eliminate the possibility of a kingpin. In a speech that sets the tone for the storyline, Daredevil tells a room of criminals "... if you people so badly need some sort of kingpin, someone to lord over you—well, from now on—it's me. I am not protecting this city anymore. I am running it (2004, 24). Daredevil's decision to become the new Kingpin brings about a dramatic decrease in crime, he uses settlement money from a class-action lawsuit to restore Hell's Kitchen, he is reconciled with his wife and the *noir* look of the comic is replaced with bright colors. Murdock even visits, in disguise, a support group whose members all testify to how their lives have improved because of Daredevil's decision to be Kingpin. Life is appreciably better.

But later, he insists that he never said he was the Kingpin: he simply did not want anyone else to be. That is, he

wanted the seat of power to be vacant. The idea that people are able to live lives better when a potential Leviathan refused to be Leviathan would be difficult for both Hobbes and Schmitt. Moreover, despite his success in overcoming the criminal underworld and his popularity among the citizens of Hell's Kitchen, Murdock is on trial for being Daredevil and he is pursued by the FBI (Bendis and Maleev 2006). Although he successfully resists arrest, he decides to allow the state to arrest him. He may have the ability to exert the authority and offer the sort of protection a Leviathan should, but he refuses to do so.

THE PROLONGED CRISIS AND THE AMERICAN SUPERHERO

Hell's Kitchen, then, meets much of the criteria for a Hobbesian state of nature but it is better characterized by the protracted crisis that Schmitt observed in weak, liberal, democratic states. It lacks the capacity to offer the protection obedience exchange that Hobbes prefers. The Kingpin has the will to make decisions and act, identify enemies, and concentrate authority, but Daredevil prevents him from ever achieving the sort of absolute sovereignty he seeks. Daredevil alone has the ability, willingness to act, and awareness of enemies necessary for both Hobbesian and Schmittian sovereign, but he consistently refuses to take the seat of power, preferring it to be vacant than to occupy it himself. Although their solutions are quite different, Schmitt and *Daredevil* comics both, however, assume a situation of political and moral lapse in need of redemption.

Narratives of redemption are especially important in American visions of heroism (Lawrence and Jewett 2002). For example, American myth-historical accounts render George Washington a nonpartisan and (unlike John Adams or Thomas Jefferson) general who assumes presidency during a moment of crisis and walks away after two terms, suggesting a lack of comfort and fear of power. Lawrence and Jewett read Washington as a modern-day Cincinnatus, a man who leaves his farm to become the dictator necessary to solve the "present crisis" before returning to his farm after his task is done and then receding "into obscurity" (Lawrence and Jewett 2002, 6, 130). Hobbes's Leviathan does not recede—he is the reason for the state and without him there is a state of nature. Both Schmitt's dictator and Daredevil are Washington-like in their taking on additional powers and responsibilities during a crisis for the purpose of the common good. Where they differ is that Daredevil only solves an immediate crisis, whereas Schmitt's dictator solves a crisis so as to restore a political order (Schmitt 1985). For Schmitt, liberal democracy faced a

perennial danger of losing legitimacy which required the episodic decision and action of a sovereign who used exceptional powers. This sovereign was internal to the system and, thus, aimed to restore the system. Daredevil's restoration is more ephemeral and less systemic. Importantly, he is external to the political system and has no formal, constitutional authority to protect it. Were he to resolve the crisis and remain in power, the restoration would not be Schmittian but Hobbesian; but a Hobbesian Leviathan seems unnecessary for a situation that is not a state of nature bordering on a state of war against all.

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NOTES

1. Importantly, this is one of only three uses of the word Leviathan in the book.
2. The FBI national director later gets around this deal.

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