# Don’t Blink: Monstrous Justice and the Weeping Angels of *Doctor Who*

Penny Crofts

## Introduction

The *Doctor Who* episode ‘Blink’ introduced the Weeping Angels,[[1]](#footnote-1) aliens that when perceived look like statues of angels covering their eyes in sadness, but in the blink of an eye can touch their victims and send them to another time. The plot centres on Sally Sparrow (played by Carey Mulligan), a young woman who has never met the Doctor and only interacts with him for a few moments. She is a photographer, and when we first see her, she is breaking into an old, abandoned house. In the background is a beautiful statue of a crying angel. Sally’s attention is drawn to a wall with words that are barely visible behind peeling wallpaper. She peels back the wallpaper in time to see that the words are a message addressed to her, telling her to duck. She does so, just in time to avoid being hit by a rock flying through the window – and just in time for us to notice that the beautiful statue has moved toward her.

A Weeping Angel – when seen – appears as a statue, carved into the shape of an angel, usually with its hands daintily covering its eyes as though it were weeping. When observed, it is serene and lovely. However, though still as stone when observed, a Weeping Angel is capable of extremely quick movements when not observed. If you blink, a Weeping Angel will have silently come up beside you. If the Weeping Angel touches you, then you are gone. Weeping Angels thrive by consuming all of the energy from the future lives of their victims. They deposit their victims in a past time, not a time through which they have already lived. Their victims feel no pain and the rest of their lives are theirs to live as they are able in their new temporal and spatial locations. The Doctor states that they are ‘the only psychopaths in the universe to kill you nicely’.[[2]](#footnote-2)

The Weeping Angels render strange and threatening the familiar sight of statues of females in classic poses. Weeping Angels are portrayed not just as stone ornaments, but as mobile monsters that can take us away from ourselves. The Weeping Angels are visible only when quantum locked, but otherwise cannot be seen by their victims or the television audience as they move on their prey. As their name would suggest, these figures normally take the appearance of a statue of an Angel. However, as the conclusion to the episode ‘Blink’implies, it is potentially *any* statue that can be a ‘Weeping Angel’—with the Doctor providing the viewer a warning interposed with images of a variety of famous and publicly displayed statues. This chapter seeks to take up this warning by exploring the nature of the Weeping Angels in relation to the most ubiquitous statue for law and cultural legal studies—*Justicia* herself, adorning courthouses and courtrooms around the world. This chapter interrogates the intersections and dissonances of the Weeping Angels and *Justicia* to gain insight into the relationship between the visible emblem of *Justicia* and conceptions of justice, and its relationship between law and legal institutions. This alignment implies further, however, that like the Weeping Angels, *Justicia* may appear serene, beautiful and part of the ornamentation of buildings of law and justice, but in fact embodies a certain monstrousness that challenges our normal understanding of law. As such, by reading *Justicia* alongside the Weeping Angels, this chapter forms part of the project of cultural legal studies that identifies both how texts of popular culture (here, *Doctor Who*) and images of law (*Justicia*) intertwine in our envisioning of legality. Throughout this chapter I use the word *Justicia* to refer specifically to statues of justice, and the word ‘justice’ to refer to all that *Justicia* represents and connotes. Historically, *Justicia* was one of four cardinal virtues, and in contemporary representations she is a blindfolded statue. Section 1 contextualises my analysis of the Doctor Who episode ‘Blink’ within the cultural jurisprudence of science fiction and monstrosity. Section 2 considers the implications of the similarities between the Weeping Angels and *Justicia* – both are statues of females with their eyes covered, representing abstract concepts. Given these commonalities between the Weeping Angels and *Justicia*, section 3 considers the possibility of monstrousness that contests our conceptions of law’s capacity to render justice.

## 1. Science Fiction & Monstrous Justice

Law and science fiction both present and promise stories of utopian and dystopian alternatives—they both create worlds. They are both bound by self-constructed rules which must be consistent with the narrative world created. Science fiction is often concerned with the relationship between state legitimacy, violence and justice, whether portraying the state’s ambition for the perfection of its monopoly on violence,[[3]](#footnote-3) or the breakdown of the state and the return to private violence.[[4]](#footnote-4) In law, justice is a story, a ‘narrative of jurisdiction that might constitute the texts that ground judicial commitments’.[[5]](#footnote-5) Both science fiction and law are a literature and tradition of our wishes and fears of how we see ourselves, and who we would wish or fear to become. Just as with law, science fiction generates in its audience a desire for justice, whether or not this is delivered. In most science fiction the narrative generally establishes a set of assumptions about what is just, which usually involves unmasking and punishing or resolving the villain/s and (sometimes) rewarding the good. Science fiction can also challenge its own portrayal of justice, particularly by shifting point of view and character development across a narrative arc, so that characters who initially appear evil may later be revealed as good. In *Doctor Who*,the series has at times challenged character and audience perceptions of a particular character as a villain,[[6]](#footnote-6) however the villains are almost always punished and the good are almost always rewarded. Science fiction enacts the possibility for justice to be delivered in imaginative ways, that can provide insight into the delivery of, and desires for, justice in the world.[[7]](#footnote-7)

*Doctor Who,* which first premiered on the BBC in 1963, follows the adventures of the Doctor, a Timelord who travels across time and space in what appears to be a blue police box, called a TARDIS. He usually travels with a companion of some kind, and after some running from a threat by an alien or aliens, the Doctor saves the day with a clever resolution of some kind. The ending of each episode tends to provide a satisfying sense of justice and rarely requires overt force or violence by the Doctor, but may be imposed by some other character. The series has generated a sizeable body of fan and academic literature. Within the series’ considerable oeuvre, the episode ‘Blink’ (2007) is a standout in terms of critical success and impact. It won the Hugo award for Best Dramatic Presentation, Short Form, and was nominated for the Nebula Award for Best Script. Its writer, Stephen Moffat, won the Best Academy of Film and Television Arts Craft and Cymru awards for best writer. The episode ‘Blink’ is highly unusual in the Doctor Who series in that the Doctor is barely present: he is literally stuck in another time.[[8]](#footnote-8) The primary protagonists are the intrepid Sally Sparrow and the terrifying Weeping Angels. ‘Blink’ is regularly regarded as the most horrifying and best episode of entire *Doctor Who* series.[[9]](#footnote-9) Throughout his career, the Doctor has faced a series of monsters, including the terrifying Daleks and the cyborg Cybermen. Whether technology-based or organic, these monsters are horrifying in and of themselves[[10]](#footnote-10) and/or because of their evil plans (such as planetary destruction or universal domination). Despite the range of monsters the Doctor has faced, in a poll conducted by BBC, taking votes from 2,000 readers of the *Doctor Who Adventures* magazine, the Weeping Angels were voted the scariest monsters of 2007 with 55% of the vote; the Master and the Daleks took second and third place with 15% and 4% of the vote.[[11]](#footnote-11) In a 2012 poll of over ten thousand respondents conducted by the Radio Times, the Weeping Angels were again voted the best *Doctor Who* monster with 49.4% of the vote. The Daleks came in second place with 17%.[[12]](#footnote-12) The Weeping Angels have since appeared in other episodes, but ‘Blink’ remains the scariest and best, encapsulating the beauty and horror of the Weeping Angels.[[13]](#footnote-13) It is this nature of the Weeping Angels—beautiful yet monstrous—that I would like to explore in relation to both the concept of the monstrous and that of justice.

But what do we mean by monstrous? The central characteristic of the monster is the transgression of borders of humanity. Monsters are conceptualised as beyond understanding, as incomprehensible to human beings. Derrida framed the idea of transgression in terms of undecidability;[[14]](#footnote-14) Mary Douglas considered pollution and contamination fears of disorder from an anthropological perspective;[[15]](#footnote-15) Kristeva explored the idea of abjection in *The Power of Horror*:

It is thus not lack of cleanliness or health that causes abjection but what disturbs identity, system, order. What does not respect borders, positions, rules. The in-between, the ambiguous, the composite.[[16]](#footnote-16)

Foucault explicitly considers the production of monsters in *Abnormal*:

Essentially, the monster is the casuistry that is necessarily introduced into law by the confusion of nature… it is a monster only because it is also a legal labyrinth, a violation of and an obstacle to the law, both transgression and undecidability at the level of the law.[[17]](#footnote-17)

For Foucault, the production of monsters should be understood as a double breach of nature and law. According to Foucault each age had its ‘privileged monster’[[18]](#footnote-18) – bestial human in the Middle Ages, Siamese or conjoined twins in the Renaissance period, and the hermaphrodite in Classical Age.[[19]](#footnote-19)

Whilst there are significant differences between these theories, each of these perspectives stressed the idea that the disorderly, abject, or undecidable disturb, transgress or undermine identity, system, and order. The Weeping Angels, however, are unusual because although terrifying, they are not abject or disorderly, at least in their normal appearance. Monsters generate fear and fascination because they not only break rules and cross borders, but because they also challenge the border itself, by being both and neither one thing and another. Monsters resist and refuse easy categorization. They are disturbing hybrids that refuse to participate in the classificatory ‘order of things’, problematizing and challenging classifications built on hierarchy or binary oppositions.[[20]](#footnote-20) Monster theory celebrates and fears monsters as agents of change – representing and enacting both threat and promise. Derrida wrote:

The future is necessarily monstrous: the figure of the future, that is, that which can only be surprising, that for which we are not prepared… is heralded by species of monsters. A future that would not be monstrous would not be a future; it would already be a predictable, calculable, and programmable tomorrow.[[21]](#footnote-21)

Monsters break apart the ‘either/or’ syllogistic logic with a kind of reasoning closer to ‘and/or’. For example, vampires are the living dead – they are neither/both dead and alive. In ‘Blink’, the Weeping Angels are trans-category – they are in/animate; alien yet familiar; im/mobile. They are impossible to conceptualise at all, except when they are quantum locked and thus cease to function. They disrupt our epistemological assumptions that to see is to know.

In this sense, can justice be conceived as similarly concerned with transgressions or violations of borders and legal conceptual schemes, and therefore also as monstrous?[[22]](#footnote-22) Does the figure of the monster provide a response to Goodrich’s plea for different images of justice and for us ‘to be playful, foolosophical with *Justicia*..’ For us ‘to be weened, made a little less dependent, a touch more irreverent, when it comes to justice and the politics of law.’[[23]](#footnote-23) This chapter takes up this focus on both the monstrous and justice as transgressing law and nature, by exploring the intersections and dissonances of the portrayals of the Weeping Angels and *Justicia*, and what this means for the threat and promise of (monstrous) justice. The most striking parallel between the Weeping Angels and justice is that they are both abstract conceptions represented in stone as women, usually (but not always) with their eyes covered – whether by a blindfold or hands. As statues they are aesthetically pleasing, conveying an impression of serenity, loveliness, beauty and shyness, encouraging touch of their smooth stone exteriors. They are also ostensibly safe – despite *Justicia* being frequently armed with a sword – because inanimate. Given their allegorical representations and accoutrements, should our response to justice be the same as that excited in the viewer by the Weeping Angels? Can and should we regard justice as monstrous due to transgression and undecidability – breaching and obstructing law, capturing multiplicity and difference? On this account, does justice, like the Weeping Angels horrify? What are the implications of labelling justice monstrous? Justice is not just plural, contested and abstract. It can be frightening, immediate, real, irreducible and horrible. In what follows, I explore in turn the implications for conceptions of justice by its representation in stone, the significance of gender and blindness, and the links between aesthetic beauty and horror.

## 2. Visual representations of the ‘creatures of the abstract’

The Weeping Angels are described by the Doctor as ‘creatures of the abstract’. Nonetheless, they have concrete effects – they transport their victims to another time. When functioning as Weeping Angels all we see are their effects, and those effects are the disappearance of a character. The figure of *Justicia*, also, is intended as a representation and claim of the abstract conception of justice. It has survived into modern times from a time when allegorical personifications were common.[[24]](#footnote-24) We usually think of allegory as a representation of an abstract idea, but allegories can also be a system of complex visual signs. *Justicia* is one of the Cardinal Virtues, along with Prudence, Fortitude and Temperance that originated in Ancient Greece. Each virtue had a choice of attributes and props across the centuries to identify them and elucidate their meaning.[[25]](#footnote-25) Originally the accompanying attributes would have been easily read and understood[[26]](#footnote-26) – but apart from *Justicia* we have lost the ability to read the attributes of the Cardinal Virtues (who would now recognise Temperance holding a bridle?) and other groups of Virtues and Vices.[[27]](#footnote-27) Of the Cardinal Virtues, only *Justicia* has remained legible – that is – her attributes are easily recognised and understood – scales, blindfold and sword.[[28]](#footnote-28)

*Justicia* has been depicted since classically roman times,[[29]](#footnote-29) and was so ubiquitous in courthouses and law schools from the Renaissance that Capers has suggested that it had the weight of a ‘given’.[[30]](#footnote-30) Ruth Weisberg suggests that the reason why *Justicia* has remained legible, whilst the personification of the other Cardinal Virtues is largely forgotten, is because *Justicia* is attached to the law courts and the administration of justice.[[31]](#footnote-31) Statues of *Justicia* are placed outside courtrooms to indicate or claim that here is a place where justice is or will be done.[[32]](#footnote-32) Here *Justicia* is a representation of a particular type of justice, an authoritative image of law, a state sanctioned expression of judicial values and governmental aspirations.[[33]](#footnote-33) However, the image of *Justicia* is itself subject to subversive interpretations, other visions of justice. For example, theorists like Norman Spaulding have emphasised the tendency to place *Justicia* outside courtrooms, we must *pass* justice in order to enter courtrooms.[[34]](#footnote-34) He argues that this reflects the ambivalence about whether law and justice occupy the same space. On this account, justice is both divided from, and related to, the authority of law.

The Weeping Angels and *Justicia* tend to be rendered in stone, suggesting stability, constancy and durability. For *Justicia,* the representation in stone is consistent with claims made of justice, such as that by Aristotle distinguishing between natural justice and conventional justice: ‘[t]hat which is by nature is unchangeable and has everywhere the same force while they see change in things recognised as just.’[[35]](#footnote-35) This statement is part of the natural law tradition that conceives of justice as timeless, permanent and universal. It asserts that the principles of natural law, including justice, guide how human law should be created and interpreted. On this account, natural justice is appropriately portrayed by the stone of *Justicia* – representing the claimed attributes of justice as timeless, permanent and universal. Her austere neutrality expresses durability and inspires deference and faith. But part of Aristotle’s account is a recognition and assertion of another type of justice, conventional justice, which itself is contingent, variable and context driven.

The Weeping Angels, however, raise questions about the celebration of a justice that is immobile, concrete and unchanging. When unperceived the Weeping Angels are swift assassins, but perceived, even by each other, they turn to stone. The Doctor states that ‘their greatest asset is their greatest curse’. Whilst a stone cannot be killed,[[36]](#footnote-36) the Weeping Angels are unable to do anything whilst frozen. However, *unlike* Justicia, the Angels *do* move—but it is only when we are not looking at them. It is the observation of them that quantum locks them and makes them immobile. This may suggest that there is something about the nature of looking at or for justice that locks it, renders it immobile and rigid, whilst in the process of turning away from a direct look at it, justice can be enacted. Accordingly, does justice require, at least in our modern times, a *failure* to observe it, a looking away from the rigidity of the law and allowing justice to occur in the space beyond it?

Representing and celebrating justice in the stone of *Justicia* outside of courtrooms may communicate and mirror a static and conservative form of justice. The conservatism and reductivism of the immobilisation of representations of justice is powerfully demonstrated in Mulcahy’s analysis of Thomas Stirling Lee’s bas reliefs of *Justicia* carved in Istrian marble on the side of St George’s Hall (1841-7).[[37]](#footnote-37) These images provide an example of alternative, more sensual visions of law than those usually portrayed by *Justicia*. The first panel depicts ‘The Childhood of Justice’ and shows *Justicia* as a naked child being led by Conscience, instructed by Wisdom and followed by Joy. The second panel depicts ‘The Girlhood of Justice’ showing a naked juvenile *Justicia* standing between Wealth and Fame. In these panels, *Justicia* is robbed of the usual props associated with authority and high status, and proffers a more complex account of justice than we are accustomed to. Here *Justicia* is not an authoritative Goddess but a vulnerable adolescent in need of tutoring not yet capable of authoritative judgment. She is a reflexive adjudicator rather than one unthinkingly bound by formal and rational rules.

Although there is no necessary relationship between *Justicia* and the concept that she represents, the image of *Justicia* has been used to reflect upon, critique, and express conceptions of justice at different times and places. That is, there is life and power invested in the image/allegory of *Justicia*.[[38]](#footnote-38) *Justicia* was a symbolic figure of an ideal order from Roman times onwards until the 19th century when the actual legal order excluded women from practicing or being involved in justice.[[39]](#footnote-39) It gave an illusion of bringing a feminine hand to justice when in fact female hands were absent.[[40]](#footnote-40) As women and men of all colours gained recognition as rights holders, entitled to sue and be sued, to testify, and to judge, a female figure of Justice became less an abstraction and more a representation of a person. But who should decide how ‘she’ –*Justicia*– is to look? *Justicia* was called upon as an icon for feminists insisting on legal rights to equality,[[41]](#footnote-41) and was represented as ‘Mulatto’ in South Carolina. The different appropriations and meaning of *Justicia* highlight not only her accessibility, but also her plasticity. Although portrayed in stone *Justicia* is ‘sufficiently pliable’ that she can serve multiple purposes.[[42]](#footnote-42)

### *Blindfolds and the visibility of justice*

Although depictions vary across time, place and artistic impulse, contemporary imagery tends to cover the eyes of *Justicia* with a blindfold. This covering of the eyes is another attribute in common with the Weeping Angels. In both sets of images, the covering of the eyes has multiple meanings. The name of the Weeping Angels comes from the assumption that they are covering their eyes in sadness, weeping at the follies of the world and the distance of humans from grace. However, the Weeping Angels are actually covering their eyes to avoid seeing each other – if they see each other then they are permanently turned to stone.[[43]](#footnote-43)

Historically, justice was not always depicted as blindfolded. This can be seen in Cesare Ripa’s depictions of justice. Ripa was one of the most influential of popular European emblem books of the 16th and 17th century. He provided elaborate descriptions of the literary references and symbolic attributes associated with Virtues, Vices and Passions, as well as the arts and sciences. His work, *Iconologica* featured memorable and dramatic woodcut figures with epigrammatic verses on moral themes. Ripa’s worldly justice is shown with closed eyes, while divine justice had ‘acute vision’ and ‘piercing eyes’.[[44]](#footnote-44)

The blindfold, as well as blindness, was in Christian and Western traditions in earlier centuries wholly negative.[[45]](#footnote-45) This was predicated on classical and biblical texts that repeatedly cast light as representing truth and darkness as misguided.[[46]](#footnote-46) Blindness could preclude a person’s entry into holy areas and to be struck blind was a form of punishment imposed by God. The blindfold was a sign of censure - when humans punished each other, they sometimes put blindfolds on their victims. When he discovered his wrongdoing, Oedipus put out his eyes; Ulysses puts his stake into the eye of the Cyclops and blinds him; Jesus was made sport of by being blindfolded, mocked and beaten.[[47]](#footnote-47) Those who were blind or blindfolded had profound limitations.[[48]](#footnote-48) In biblical terms, a blindfold denoted a wilful refusal to comprehend the light of redemption. Renaissance images placed a blindfold on Eros to mark the misguided nature of love, engendering foolishness and confusion. Fortuna was often blindfolded to denote irrationality and blindness. Blindfolds also adorned images of executed criminals, shown hanging and disgraced. Historically, the dominant motif was that blindness was linked with distress, to the extent that classicists have claimed that blindness was ‘always associated with evil.’[[49]](#footnote-49) The only exceptions to this general negativity associated with blindness were the sightless seers of Homer.

By covering their eyes, the Weeping Angels not only protect themselves from being quantum locked, but also camouflage themselves, highlighting the ubiquity of statues with covered eyes. Why then, did a blindfolded *Justicia* gain currency and what did this mean? Positive explanations of the deliberate occlusion of sight have been proffered, particularly that the blindfold purported impartiality. The blindfold may serve as a buffer so that judges are not tempted away from using reason. For example, Ripa posited that only one of his seven Justices was to sport a blindfold. This was the type of Justice that is exercised in the Tribunal of judges and secular executors:

She is wearing white because judges should be without the stain of personal interest or of any other passion that might pervert Justice, and this is also why her eyes are bandaged – and thus she cannot see anything that might cause her to judge in a manner that is against reason…[[50]](#footnote-50)

Here, blindfolding was a symbol of law’s commitment to rationality and even-handedness, consistent with Lutheran theology – truth was to come from inner light (as with Homer’s seers). The blindfold represented inner wisdom, lack of distraction, incorruptibility, and encouraged abstention from corrupt, self-interested dealing.[[51]](#footnote-51) The once-hostile gesture of affixing a blindfold has been attributed to scepticism about law and judges in the context of both the Reformation and the Inquisition.[[52]](#footnote-52) In the 19th century, the blindfold was used to denote a new idea about the position of the judge – independence. Judges were untethered from the governments that employed them and were no longer servile to God and to rulers.

The image of the blindfold continues to provoke commentary about what it denotes about the relationships between sight, knowledge, wisdom, judgment and justice, and the role of law. In modern accounts, the blindfold has been utilised to represent positive aspects of justice. For example, Rawls’ highly influential account of justice relied upon a ‘veil of ignorance’ to put one into an ‘original position’ that precluded knowledge about one’s own class, social status, intelligence, abilities etc. Veiled, one could develop principles without knowing whether one was ‘advantaged or disadvantaged … by the outcome of natural choice or the contingency of social circumstances.’[[53]](#footnote-53) But the blindfold has also been appropriated by the law’s critics. Given the emphasis upon sight in law expressed through various optical metaphors in legal doctrine and popular discourse about justice,[[54]](#footnote-54) theorists have relied upon the image of the blindfold to interrogate the implications of occluded vision. In Bruegel’s *Justicia* printed in 1559, Justice personified stands on a pedestal blindfolded, sword in one hand, scales in the other. All around her ‘justice’ is being done – one man is beheaded, while another is strapped to a bench while boiling liquid is poured down his throat, others are hanging from the gallows.[[55]](#footnote-55) Here the blindfold can be regarded as signalling *Justicia’s* indifference and/or weakness. *Justicia* is represented as a bystander – there is a divorce between the symbol of justice and the action surrounding *Justicia*. But given that the action was presumably made in *Justicia’s* name, *Justicia* could be regarded as either complicit for allowing it to happen, or ineffective in preventing it.[[56]](#footnote-56) The political and legal theorist Judith Shklar extended this analysis to passive injustice – looking away from injustice,[[57]](#footnote-57) averting eyes from wielders of violence.[[58]](#footnote-58) Here *Justicia* is representative of law as an apparatus of complicity, a failure to act, collaborating with injustice.

The efficacy of the horror of ‘Blink’ is in part due to its presentation and use of the idea of different sightlines or viewing positions. The perspective of the protagonist Sally Sparrow is predominant, but the audience sees more than Sally. Her vision is limited in time and place, whilst the audience is more able to perceive the threat of Weeping Angels and also see what happens to characters after they have been touched by an Angel. The audience can see the Weeping Angels closing in on Sally, whilst she is unaware of the threat. We never see from the perspective of the Weeping Angels – they remain unknown and unknowable. ‘Blink’ thus emphasises how different viewers have different knowledge and perspectives. The image of *Justicia’s* blindfold has been used to denote the perspectives of different viewers. Cartoonists regularly rely on a blindfolded *Justicia* to denote injustice.[[59]](#footnote-59) The image of the blindfold has been utilised to critique colour-blind justice. Capers argues that *Justicia’s* blindness blinds the spectator, it ‘lulls and tricks us into not seeing our own blindness.’[[60]](#footnote-60) Procedural rules limit the sorts of information available to jurors, imposing a kind of blindness in decision-making – which depending on perspective can be positive or negative.[[61]](#footnote-61) Peter Goodrich has argued that ‘the eyes are the gates of justice and that if they are closed, if Justice can neither see nor be seen, then access is denied.’[[62]](#footnote-62) If the eyes are windows to the soul, why then is *Justicia* blindfolded – so she cannot see our souls and we cannot see hers? Both the images of the Weeping Angels and *Justicia* denote multiple meanings of the covered eyes.

## 3. Aesthetic beauty and horror

Only some individuals or groups are at any given historical moment demonised by the term monster. Heroes like Superman and the Doctor are also unnatural and inexplicable, so there is more to a monster than the transgression of laws and classificatory systems. Monster status is always an effect of interpretation, and ‘central to the interpretative task… is an assessment of any threat posed to, and the possibility and degree of their incorporation within, the legal order.’[[63]](#footnote-63) In his seminal analysis of horror, Noel Carroll argues that monsters are produced not only because they are transgressive but because they elicit an affect of horror, a mixture of fear and disgust.[[64]](#footnote-64) I will explore why the Weeping Angels excite such horror even though they seem almost benign and beautiful when compared with other baddies, and apply these insights to the question of whether we should fear justice.

### *Fear of the monstrous*

A central aspect of horror is fear. Horrific monsters are threatening – whether physically, psychologically, morally or socially. They are destroyers – frightening in their capacity to harm. Alex Sharpe also emphasises this notion of threat in his legal history of monsters arguing that the legal distinction between monstrosity and ‘mere’ deformity. Why, compared with other monsters represented Doctor Who such as the Daleks (exterminate) or the Cybermen (take over a victim’s soul and body) is this modus operandi of the Weeping Angels of moving their victim to another time so frightening? The Weeping Angels are particularly terrifying because of the unknown – one moment a person is there, and in another they have disappeared without any explanation or noise. The Weeping Angels are a nightmare-like private threat, rather than the politically organised Daleks and Cybermen.

By removing victims to another time, Weeping Angels threaten to destroy personhood. Dislocation in time is a common trope in science fiction, and often portrayed in positive terms.[[65]](#footnote-65) But the Weeping Angels are scary because they act without negotiation or consent, and there is no way back to the life that the Weeping Angels have taken you away from. This shows the significance of time in the construction of personal identity. Alasdair MacIntyre maintains that persons construct their identities via coherent narratives. People integrate the various facts and roles of their lives together into meaningful, continuous timelines by filtering relevant from irrelevant features followed by foregrounding the most relevant elements and allowing the rest to fade into the background. This means that a person is a ‘storytelling animal’, whose ability to understand herself depends on her ability to understand what narratives are available through her life.[[66]](#footnote-66) In effect, we create our personal identities by the stories we tell about ourselves and others about what we care about, in a particular time and context.[[67]](#footnote-67) By ripping Kathy out of her location in time and space and placing her in another point of time, the Weeping Angels are tearing Kathy away from everything she cares about. She finds herself instantly in a land as foreign to her as another country, without any access to those things she cared about, that were important to her. By removing Kathy away from all those things that mattered to her, the Weeping Angels have ‘demolished a large part of Kathy’s identity;’[[68]](#footnote-68) they have removed Kathy from herself.

The Weeping Angels inflict an inexplicable type of violence upon characters, not only upon the person transported back in time, but also the people that they leave behind. The tragedy of the loss of what might have been is demonstrated by the transportation of Billy, whom Sally meets only a few minutes before he becomes a victim of the angels. At the time that they meet, it is implied that this is Sally’s future husband. Billy is sent to 1969 London where he lives a normal lifespan, and later dies on the same day he first met Sally. The tragedy is thus for what might have been, even though both Sally and Billy have created (second) lives for themselves. The Weeping Angels highlight the extent to which we are time and place bound. A person’s identity is not just bound up with their physical body or even a particular mind, but with who and what a person cares about. Thus the Weeping Angels are feared because of the potential harm they can inflict. They threaten the dissolution of personal identity – they can rob a person of who they are, hence the Doctor regarding this fate as a form of ‘death’.

The harm inflicted by the Weeping Angels raises questions about the modus operandi of justice and the extent to which justice generates fear through threats to personhood. The idea of *Justicia* as exciting fear is not necessarily problematic – the wicked should fear justice. For example, in his description of seven Justices Ripa emphasizes fear. Thus Rigorous Justice was described as:

A skeletal figure like that used to depict death, in a white robe… we can see her face, feet and hands with a bared sword and scales. … This figure teaches us that rigorous justice does not pardon any crime, no matter the excuse given… just like death, who is not touched by excuses and who has no regard for the station or quality of that person… The fearsome aspect of this figure demonstrates that this sort of Justice is frightening to the people and that there is no occasion for the law to be interpreted lightly.[[69]](#footnote-69)

The tendency to provide *Justicia* with a sword also denotes a threat of the force of law, of law’s violence.[[70]](#footnote-70)

The Weeping Angels suggest that *Justicia’s* threat extends beyond the wicked and could affect anyone. If justice is done through the law, then we should examine the ways in which a subject experiences legal subjectivity. The legal subject does not pre-exist law, but is constituted and constructed by and through language. The law provides a means by which messy human emotions and/or actions are redrawn/reconstructed/translated into legal categories. It provides a basic model of our understanding of other people and for our understanding of ourselves. By emphasising particular attributes, and ignoring or excluding other attributes as irrelevant the law may undermine, transform or remove what a person cares most about. Our personal identities depend, at least in part, on there being a comprehensive thread of narrative in our lives, about past, present and future. Much has been written about the restriction, selection and exclusion of the narratives of participants in the courtroom.[[71]](#footnote-71) The legal system, in the process and claims of doing justice, removes participants from their everyday lives and forces them to fit within a particular legal narrative or not be heard. This results in a disruption to an integral aspect of what it means to be human. Our narratives of what matters to us, often at moments of great stress and importance, are forced to fit within general formulae not of our making.

The effect of the Weeping Angel’s touch—removing a person from a particular time and all that they care about—reflects also the touch of justice, which ‘kill(s) you nicely’. One reading of the historical shift in punishment away from capital and corporal methods towards imprisonment is as a progress towards treating the criminal more ‘nicely’. At the same time, however, imprisonment can be understood as contributing to a destruction of personhood. It removes a person from time and space – it disrupts their normal life trajectory without the benefit of amnesia:

In jail, I lost everything that made me *me*: my family, dog, business, house, studies, friends, freedom, clothes, make-up, choices. All I had was myself, my mind and my heart.[[72]](#footnote-72)

Although imprisonment is regarded as more benign than physical punishment the Weeping Angels encourage us to question whether this is necessarily so. Imprisonment removes a person from their life, they might be permitted limited contact with family and friends, but this is in an restricted, artificial environment, a prisoner is removed from many of the cares of his or her life prior to imprisonment. Even though a sentence may be finite, the long-term stigma of imprisonment may be such that hopes and stories are disrupted.

Likewise, the Weeping Angels keep their victims physically and mentally unchanged while shattering their identity as the persons they were, shattering their sense of self temporally. Virtually no-one’s identity-defining cares are ahistorical. We invest ourselves contextually, and the Weeping Angels pluck us from our contexts and deposit us elsewhere. Arguably the same is done in the name of justice – whether through restrictions on narratives of integral significance to our personhood telling us what is important, (ir)relevant, or through imprisonment removing us from the cares by which we defined ourselves. Both the Weeping Angels and the judiciary avoid shedding blood literally, but the removal of a person from themselves could be regarded as a fate worse than death, and theorists such as Cover have used the imagery of ‘blood on their hands’ to capture effects of judicial decision-making.[[73]](#footnote-73) Accordingly, the experience of being touched by justice is potentially the same as being touched by a Weeping Angel.

### *Disgust for the monstrous*

Carroll has argued that we feel horror of monsters not only due to fear, but also disgust. He argues that monsters are something that humans do not want to have contact with – we recoil from them and feel nauseated by them, even when the threat of harm has been removed. They ‘make one’s skin creep’.[[74]](#footnote-74) However, the Weeping Angels question this assumption of disgust as a necessary component of horror. The Weeping Angels are attractive, aesthetically pleasing, inviting us to look and touch them: they are ‘monsters of beauty’.[[75]](#footnote-75) Both Weeping Angels and *Justicia* have classic female forms – neither excite disgust. Their beauty can be contrasted with another type of statue – gargoyles. Although gargoyles have had multiple meanings, their ugliness was intended to represent evil, a comforting notion that evil was easily recognised through external stigma. They have been explained as scaring people into coming into churches by reminding them of evil in the world, or to assure that evil was not inside the church. When the Weeping Angels are on the attack, they become increasingly horrifying, caught in threatening poses with arms raised and vampiric teeth exposed. But by the time their victims and the audience see beneath their beauty it is too late.

Given their ostensible beauty, why then are the Weeping Angels so horrific? This is because they work their evil by using a natural process, blinking, in order to attack humans. The Weeping Angels impose a burden on potential victims to save themselves – that is, one must not blink in order to save one’s identity. ‘Blink’ reminds viewers of the anxiety most humans feel about controlling their bodily functions and extends it unnaturally over something we know that we can never wholly control.[[76]](#footnote-76) The Weeping Angels play on archetypal fears of what might happen when we are not looking. They are ostensibly inspired by the childhood game ‘statues’, where whilst one child is turned away, the other children move towards him or her. The Weeping Angels are particularly unsettling for the viewer, as through editing and our natural compulsion to blink, we feel as though the Weeping Angels have moved while we have blinked. We feel empathy for the plight of the fictional victims. Monsters that turn the vulnerabilities and inadequacies of their victims against themselves, making their survival depend on their accomplishing an impossible task, directly linking the sense of impotency to the monster’s ability to harm, are truly horrific.[[77]](#footnote-77)

Can and should we consider justice in the same terms? We do not tend to see law or justice at work. The law affects, constructs and drives our actions, yet the law tends to operate without being seen. We are governed and yet we do not know about it. The law is relatively invisible in its operation, and like the Weeping Angels, it moves without being seen. This is particularly exacerbated by the modern shift of formal administration dissolving into techniques of summary execution.[[78]](#footnote-78) In addition, if to err is human, should we fear justice because it requires us to exercise control over something that we cannot? On Derrida’s account, justice demands the impossible of judges. We fear monsters because they expose our powerlessness.

The Weeping Angels also horrify because of their inexorability and limited modus operandi – they consistently and solely send their victims to another time, and each angel can only send victims to one time.[[79]](#footnote-79) This raises questions about the limited modus operandi of what is permitted, expected and available to contemporary justice. This restriction upon the modus operandi of justice can be seen in our limited depiction of *Justicia*. As noted above, historically justice and *Justicia* were depicted in many different ways and .regarded as one virtue among many.[[80]](#footnote-80) Now, standing alone outside courtrooms, the singular legible survival of representations of the Virtues, justice is regarded as transcendent and intrinsic, foundational and all-encompassing. Her ethical primacy and descriptive adequacy are unchallenged.[[81]](#footnote-81) Does the increasingly narrow, singular depiction of *Justicia* reflect and reinforce the restricted repertoire and thus inexorability of justice?

In ‘Blink’, a neat form of justice is ostensibly delivered – the Doctor uses the Weeping Angels’ powers and weaknesses against them. He gets Sally Sparrow to unwittingly send the TARDIS back in time so that the Weeping Angels surrounding her and the TARDIS are entrapped staring at each other. The *Doctor Who* series delivers a kind of faith driven ‘trust me’ philosophy of justice.[[82]](#footnote-82) In every episode, the Doctor comes up with a plan that delivers some satisfying form of closure. This theory of justice is demonstrated in ‘Blink’. The Doctor does not tell Sally Sparrow his plan to send the TARDIS back in time, leaving her behind. When she realises what is happening she feels betrayed, but ultimately realises, along with the audience, that it is a clever solution. Sally Sparrow is saved and the Weeping Angels are quantum locked. The Doctor provides no explanation, and his reasoning becomes apparent only after the TARDIS has gone. The *Doctor Who* series is based on the premise that the Doctor knows best. However, in recent episodes the Doctor’s hero status questioned, as his victims challenge his extreme actions. The Weeping Angels are like our own private monsters haunting our nightmares, and the Doctor delivers a form of justice that satisfies a nightmare logic that does not require reason or negotiation. Moreover, we realise at the end of the episode that the Doctor did not know what he was doing either – he received only a partial explanation from Sally later in time. Which then raises the question of where and how Sally obtained her information and knowledge that she later gives to the Doctor. By playing with the concept of time, the Doctor’s knowledge and authority is based on a kind of circular logic requiring infinite regression.[[83]](#footnote-83)

The ending of ‘Blink’ demonstrates that justice *may not be* timeless and eternal – it is situational and perspectival. What is justice for one group, may not be justice for another. From the perspective of the viewer of *Doctor Who*, the horror that is felt in response to the Angels, the concern for Sally and her companion, the desire for the Doctor to ‘save them’, means that the episode satisfies our expectations. The Weeping Angels are quantum locked until the end of time. The Doctor provides a singular form of justice that satisfies Sally and the audience, but we still know next to nothing about the Weeping Angels, and whether this was a just solution or not.

Monster theory emphasises that regarding a threat as monstrous justifies and requires extreme measures. It raises the question of whether in the process of stopping monsters we have become monstrous ourselves.[[84]](#footnote-84) From the perspective of the Angels, what is the nature of justice? Are they able to do other than what they do? Such a response is rationalist in its approach—one that the Doctor often adopts. Instead of allowing the monster to remain in the space of the abject and that which makes us afraid, it is brought into the light and rendered visible and logical. Yet, at the same time, the monsters that the Doctor faces—and the Angels in particular—are some of the most horrifying fare on television. In our modern, rational age, we watch that which horrifies as entertainment—but what does it mean that our imaginary is still filled with monsters? How does this feed our legal imaginary and our vision of justice—is justice thus *not* the figure of the austere and serene *Justicia*, but rather the Angel’s face distorted, mouth open in a frozen scream of rage, arms outstretched towards us? Maybe the monster, therefore, reflects justice more than *Justicia* does.

This brings us back to the title of the episode, ‘Blink’, and the Doctor’s instruction ‘Don’t Blink’—if we *don’t blink*, if we continue to see, we are able to elide and escape that which haunts us. By bringing into the light the operations of the monster—and of justice—we are able to escape that which makes such things horrific or monstrous. The exhortation from the Doctor *not* to blink is therefore an exhortation to keep everything in sight, drawn to the rational gaze and observation. Yet, of course, the exhortation *not* to blink is an impossibility—the vision of a completely rational justice is one that is beyond the human, that is monstrous in itself.

### Conclusion

The commonalities of the Weeping Angels and *Justicia* suggest that if the Weeping Angels are monsters then justice, too, can and should be regarded as such. Justice transgresses cherished categories and challenges systems of law, and it generates horror because of the potential to inflict harm and its inexorability. The Weeping Angels can be regarded as another, more terrifying face of justice, reminiscent of the mythological Furies, motivated by vengeance, hunting blood.[[85]](#footnote-85)

Theorists emphasise not only the threat but also the promise of monsters.[[86]](#footnote-86) Monsters capture difference and multiplicity rather than sameness, they are impure and hybrid creatures. Justice as monster is a challenge to legal taxonomies, understandings, and categories, particularly those premised on binary thinking. On this account justice is a rebuke to boundary and enclosure, imperilling traditional methods of organising knowledge and human experience. The category of monster offers a site from which to launch a counter or ‘reverse-discourse’[[87]](#footnote-87) concerning the term of key legal distinctions. Sharpe argues that in response to monsters we might adopt a strategy of demonsterisation – one that seeks to resist legal attempts to place particular bodies outside of law and nature. Alternatively, Sharpe suggests that we might aim to lay claim to and embrace the very ground that the monster occupies:

However, they amount to the same thing. For challenge to legal constructions of nature, and to legal taxonomies, premised as they are on binary thinking, necessarily paves the way and creates a space for hybridity, and therefore the monster.[[88]](#footnote-88)

This regards *Justicia* as monster as disruptive, threatening and promising the possibility of change. It is scary because of the potential suspension and change to cherished categories and borders. The closing scenes of ‘Blink’ emphasise and threaten that the Weeping Angels could embody any statue, taking over the imaginary that informs our operations of law and justice. That is, the figure of *Justicia* outside our courtrooms may, in fact, be a Weeping Angel, a figure of monstrous justice herself.

### References

Aquinas, Thomas St. *Summa Theologica*. Westminster MD: Christian Classics, 1225-1274/1981.

Biber, Katherine. "How Silent Is the Right to Silence." *Cultural Studies Review* 18, no. 1 (2012): 1-14.

Capers, Bennett. "Blind Justice." *Yale Journal of Law and the Humanities* 24 (2012): 179-89.

Carroll, Noel. *The Philosophy of Horror or Paradoxes of the Heart*. New York: Routledge, 1990.

Cazeaux, Clive. "Beauty Is Not in the Eye-Stalk of the Beholder." In *Doctor Who and Philosophy: Bigger on the Inside*, edited by Courtland Lewis and Paula Smithka, 313-24. Chicago: Open Court, 2010.

Cohen, Jeffrey. "Monster Culture." In *Monster Theory: Reading Culture*, edited by Jeffrey Cohen, 3-25. Minneapolis: University of Minnesota Press, 1996.

Cohen, Stanley. *Visions of Social Control*. Cambridge: Polity Press, 1985.

Cole, Phillip. *The Myth of Evil*. Edinburgh: Edinburgh University Press Ltd, 2006.

Collins, Jeff, and Bill Mayblin. *Derrida for Beginners*. Sydney: Allen and Unwin, 1996.

Collins, Kristin. "Representing Injustice: Justice as an Icon of Woman Suffrage." *Yale Journal of Law and the Humanities* 24 (2012): 191.

Cover, Robert. "The Folktales of Justice: Tales of Jurisdiction." *Capital University Law Review* 14 (1984-1985): 179-203.

———. "*Nomos* and Narrative." *Harvard Law Review* 97 (1983): 4.

———. "Violence and the Word." *Yale Law Journal* 95 (1986): 1601.

Curtis, Dennis, and Judith Resnik. "Images of Justice." *Yale Law Journal* 96 (1986): 1727.

Derrida, Jacques. "Force of Law: The 'Mystical Foundation of Authority'." *Cardozo Law Review* 11 (1990): 919.

———. "Passages - from Traumatism to Promise." In *Points... Interviews 1974-1994*, edited by E Weber, 372-95. Stanford: Stanford University Press, 1995.

Dimock, Wai Chee. *Residues of Justice: Literature, Law and Philosophy*. Berkeley, Los Angeles, London: University of California Press, 1996.

Douglas, Mary. *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo*. London: Routledge and Kegan Paul, 1966/2002. 1966.

Foucault, Michel. *Abnormal: Lectures at the College De France 1974-1975*. New York: Picador, 2003.

———. *The History of Sexuality Volume 1*. New York: Pantheon, 1978.

Friedman, Richard D, and Bridget McCormack. "Dial-in Testimony." *University of Pasadena Law Review*  (2002): 1171.

Goodrich, Peter. "The Foolosophy of Justice and the Enigma of Law." *Yale Journal of Law and the Humanities* 24 (2012): 141-78.

Halberstam, Judith. *Skin Shows: Gothic Horror and the Technology of Monsters*. Durham: Duke University Press, 1995.

Hogg, Russell. "Law’s Other Spaces." *Law/Text/Culture* 6 (2002): 29-38.

Kristeva, Julia. *Powers of Horror: An Essay on Abjection*. New York: Columbia University Press, 1982.

Lyotard, Jean-Francois. *The Differend: Phrases in Dispute*. Translated by Georges van den Abbeele. Minneapolis: University of Minnesota Press, 1988.

MacIntyre, Alasdair. *After Virtue: A Study in Moral Theory*. Second ed. Notre Dame, Indiana: University of Notre Dame Press, 1984. 1981.

Manderson, Desmond. "Trust Us Justice: *24*, Popular Culture, and the Law." In *Imagining Legality: Where Law Meets Popular Culture*, edited by Austin Sarat, 22-47, 2011.

Mezey, Naomi. "Law's Visual Afterlife: Violence, Popular Culture, and Translation Theory." In *Imagining Legality: Where Law Meets Popular Culture*, edited by Austin Sarat, 65-100. Alabama: University of Alabama Press, 2011.

Mulcahy, Linda. "Imagining Alternative Visions of Justice: An Exploration of the Controversy Surrounding Stirling Lee's Depictions of Justicia in Nineteenth-Century Liverpool." *Law, Culture and the Humanities*  (2011): 1-19.

Nussbaum, Martha. *Upheavals of Thought: The Intelligence of Emotions*. Cambridge: Cambridge University Press, 2001.

Panofsky, Erwin. "Blind Cupid." In *Studies in Iconology: Humanistic Themes in the Art of the Renaissance*. New York: Harper and Row, 1962.

Rawls, John. *A Theory of Justice*. Cambridge, Mass: The Belknap Press, 1971.

Resnik, Judith, and Dennis Curtis. "Re-Presenting Justice: Visual Narratives of Judgment and the Invention of Democratic Courts." *Yale Journal of Law and the Humanities* 24 (2012): 19-93.

Ripa, Cesare. *Iconologia*. New York: Garland Publishing Company, 1611/1976.

Saint, Michelle, and Peter French. "The Horror of the Weeping Angels." Chap. 26 In *Doctor Who and Philosophy: Bigger on the Inside*, edited by Courtland Lewis and Paula Smithka, 297-312. Chicago: Open Court, 2010.

Sharpe, Andrew. *Foucault's Monsters and the Challenge of Law*. London and New York: Routledge, 2010.

Shklar, Judith. "Giving Injustice Its Due." *Yale Law Journal* 98 (1991): 1135-51.

Spaulding, Norman. "The Enclosure of Justice: Courthouse Architecture, Due Process and the Dead Metaphor of Trial." *Yale Journal of Law and the Humanities* 24 (2012): 311-43.

Visser, Margaret. "Vengeance and Pollution in Classical Athens." *Journal of the History of Ideas* 45, no. 2 (1984): 193-206.

Warner, Marina. *Monuments and Maidens: The Allegory of the Female Form*. London: Weidenfeld and Nicolson, 1985.

Webb, Ed, and Mark Wardecker. "Should the Daleks Be Exterminated?". In *Doctor Who and Philosophy: Bigger on the Inside*, edited by Courtland Lewis and Paula Smithka, 177-89. Chicago and La Salle: Open Court, 2011.

Weisberg, Ruth. "The Art of Memory and the Allegorical Personification of Justice." *Yale Journal of Law and the Humanities* 24 (2012): 259-66.

Young, Alison. "The Waste Land of the Law, the Wordless Song of the Rape Victim." *Melbourne University Law Review* 22 (1998): 442.

1. *Doctor Who*, Series 3, Episode 10, “Blink”. Written by Stephen Moffat and directed by Hettie MacDonald (BBC, 2007). [↑](#footnote-ref-1)
2. Ibid. [↑](#footnote-ref-2)
3. For example, *Hunger Games* and *Divergent* both present a tyrannical state seeking to sustain its monopoly of violence. [↑](#footnote-ref-3)
4. See for example Mezey’s analysis of the western science fiction *Deadwood*. Naomi Mezey, "Law's Visual Afterlife: Violence, Popular Culture, and Translation Theory," in *Imagining Legality: Where Law Meets Popular Culture*, ed. Austin Sarat (Alabama: University of Alabama Press, 2011). [FOOTNOTE INCOMPLETE] [↑](#footnote-ref-4)
5. Robert Cover, "The Folktales of Justice: Tales of Jurisdiction," *Capital University Law Review* 14 (1984-1985): 179-203. [↑](#footnote-ref-5)
6. For example, in *Doctor Who*, Series 4, Episode 8, “Planet of the Ood” (BBC, 2008), Tenth Doctor (David Tennant) with Donna Noble (Catherine Tate), the Ood appear to be evil but are reacting to centuries of enforced slavery. The episode concludes with the human villain Halpen becoming an Ood and the Ood liberated from slavery and able to sing again. [↑](#footnote-ref-6)
7. See for example, Stanley Cohen, *Visions of Social Control* (Cambridge: Polity Press, 1985). Cohen draws upon science fiction to analyse penal theories and the administration of justice. [↑](#footnote-ref-7)
8. The Tenth Doctor, David Tennant, makes only very brief appearances with his companion Martha. [↑](#footnote-ref-8)
9. Michelle Saint and Peter French, "The Horror of the Weeping Angels," in *Doctor Who and Philosophy: Bigger on the Inside*, ed. Courtland Lewis and Paula Smithka (Chicago: Open Court, 2010). [↑](#footnote-ref-9)
10. For example, the Daleks were inspired by the Nazis. Their catch cry ‘exterminate, exterminate’ reflects their philosophy of genocide. Ed Webb and Mark Wardecker, "Should the Daleks Be Exterminated?," ibid. (Chicago and La Salle: 2011). [↑](#footnote-ref-10)
11. Michelle Saint and Peter French, "The Horror of the Weeping Angels," ibid. (Chicago: 2010). [↑](#footnote-ref-11)
12. Paul Jones (9 June 2012), ‘Doctor Who: Weeping Angels beat The Daleks to be voted fans' favourite ever monsters’ *Radio Times*. <http://www.radiotimes.com/news/2012-06-09/doctor-who-weeping-angels-beat-the-daleks-to-be-voted-fans-favourite-ever-monsters> (accessed 20/12/2016). [↑](#footnote-ref-12)
13. The Weeping Angels reappear in *Doctor Who*, Series 5, Episode 4 “The Time of Angels” and Episode 5 “Flesh and Stone” (2010) and *Doctor Who*, Series 7, Episode 5, “TheAngels Take Manhattan*”* (2012). [↑](#footnote-ref-13)
14. The classic monsters of horror films, zombies, have been used to explain Derrida’s ideas about undecidability. Zombies might be ‘EITHER alive OR dead. But it cuts across these categories: it is BOTH alive AND dead. Equally, it is NEITHER alive NOR dead, since it cannot take on the “full” senses of these terms… in terms of life and death, *it cannot be decided*’. Jeff Collins and Bill Mayblin, *Derrida for Beginners* (Sydney: Allen and Unwin, 1996), 17-20. [↑](#footnote-ref-14)
15. Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (London: Routledge and Kegan Paul, 1966/2002). [↑](#footnote-ref-15)
16. Julia Kristeva, *Powers of Horror: An Essay on Abjection* (New York: Columbia University Press, 1982), 4. [↑](#footnote-ref-16)
17. Michel Foucault, *Abnormal: Lectures at the College De France 1974-1975* (New York: Picador, 2003), 64-65. [↑](#footnote-ref-17)
18. Ibid., 66. [↑](#footnote-ref-18)
19. Sharpe disputes Foucault’s assertion of a linear development in monsters. He also notes that hermaphrodites were outside the monster category in English law. Andrew Sharpe, *Foucault's Monsters and the Challenge of Law* (London and New York: Routledge, 2010). [↑](#footnote-ref-19)
20. Jeffrey Cohen, "Monster Culture," in *Monster Theory: Reading Culture*, ed. Jeffrey Cohen (Minneapolis: University of Minnesota Press, 1996). [↑](#footnote-ref-20)
21. Jacques Derrida, "Passages - from Traumatism to Promise," in *Points... Interviews 1974-1994*, ed. E Weber (Stanford: Stanford University Press, 1995), 386-87. [↑](#footnote-ref-21)
22. Sharpe. See also Derrida’s notion of justice as transgressive of law and legal categories: Jacques Derrida, "Force of Law: The 'Mystical Foundation of Authority'," *Cardozo Law Review* 11 (1990). [↑](#footnote-ref-22)
23. Peter Goodrich, "The Foolosophy of Justice and the Enigma of Law," *Yale Journal of Law and the Humanities* 24 (2012): 176. [↑](#footnote-ref-23)
24. Ruth Weisberg, "The Art of Memory and the Allegorical Personification of Justice," ibid. [↑](#footnote-ref-24)
25. Other symbols associated with *Justicia* include that she is carrying a sword and scale. In addition, historically she also carried a book, a bundle of lector rods, a globe, serpent, dog or skull. Dennis Curtis and Judith Resnik, "Images of Justice," *Yale Law Journal* 96 (1986). [↑](#footnote-ref-25)
26. Marina Warner, *Monuments and Maidens: The Allegory of the Female Form* (London: Weidenfeld and Nicolson, 1985), 158. [↑](#footnote-ref-26)
27. Most of the other sets are also female, except for the Vices that were depicted as male. See Judith Resnik and Dennis Curtis, "Re-Presenting Justice: Visual Narratives of Judgment and the Invention of Democratic Courts," *Yale Journal of Law and the Humanities* 24 (2012). [↑](#footnote-ref-27)
28. Examples of the legibility of *Justicia* are demonstrated in forms of art where they are deployed in jest. For example, *Lady Justice Lucy* which stood in 2002 in front of William Mitchell College of Law in St Paul, Minnesota as part of that city’s celebration of the cartoonist Charles Schultz, was a statue of a chunky child, draped, blindfolded and holding sword and scales, and yet was still legible and an obvious reference to law. Ibid., 29-30. [↑](#footnote-ref-28)
29. Linda Mulcahy, "Imagining Alternative Visions of Justice: An Exploration of the Controversy Surrounding Stirling Lee's Depictions of Justicia in Nineteenth-Century Liverpool," *Law, Culture and the Humanities* (2011). [↑](#footnote-ref-29)
30. Bennett Capers, "Blind Justice," *Yale Journal of Law and the Humanities* 24 (2012). [↑](#footnote-ref-30)
31. Ruth Weisberg, "The Art of Memory and the Allegorical Personification of Justice," ibid.: 264. [↑](#footnote-ref-31)
32. For example, Resnik and Curtis note the use by the United States government of imagery of the court to gain legitimacy for ‘Camp Justice’ at Guantanamo Bay as a court, with the logo of the Office of Military Commissions echoing back to *Ma’at*, albeit substituting an eagle for a female with an ostrich feather in her cap. Judith Resnik and Dennis Curtis, "Re-Presenting Justice: Visual Narratives of Judgment and the Invention of Democratic Courts," ibid.: 87-90. [↑](#footnote-ref-32)
33. In the later episode, *The Time of Angels* (2011), the Weeping Angels are able to move through an image of a Weeping Angel. This reflects the assumption that placing *Justicia* outside a courtroom makes justice ‘present’. [↑](#footnote-ref-33)
34. Norman Spaulding, "The Enclosure of Justice: Courthouse Architecture, Due Process and the Dead Metaphor of Trial," *Yale Journal of Law and the Humanities* 24 (2012): 312-13. [↑](#footnote-ref-34)
35. See also Justinian:

    The laws of nature which are observed amongst all people alike, being established by a divine providence, remain ever fixed and immutable…

    Justinian, *Institutes*, trans R. W. Lee (sweet and Maxwell Limited). 41-43, 1.2. [↑](#footnote-ref-35)
36. The Weeping Angels deteriorate like stone over many years. This is portrayed in a later *Doctor Who* episode, “The Time of Angels”. [↑](#footnote-ref-36)
37. Mulcahy. [↑](#footnote-ref-37)
38. Ibid. [↑](#footnote-ref-38)
39. Women were excluded under the doctrine of coverture, from practicing law and from being jurors. [↑](#footnote-ref-39)
40. Capers. [↑](#footnote-ref-40)
41. Kristin Collins, "Representing Injustice: Justice as an Icon of Woman Suffrage," ibid. [↑](#footnote-ref-41)
42. Ibid., 192. [↑](#footnote-ref-42)
43. The Greek monster Medusa turned all who gazed on her directly into stone. She was beheaded by Perseus who looked at her reflection in his mirrored shield. [↑](#footnote-ref-43)
44. Cesare Ripa, *Iconologia* (New York: Garland Publishing Company, 1611/1976), 201. [↑](#footnote-ref-44)
45. E.g. Thomas St Aquinas, *Summa Theologica* (Westminster MD: Christian Classics, 1225-1274/1981). [↑](#footnote-ref-45)
46. *Job* 11:20: ‘Blindness will fall on the wicked’. [↑](#footnote-ref-46)
47. *Mark* 14:65: ‘Some began to spit on him, blindfolded him, and struck him with their fists.’ [↑](#footnote-ref-47)
48. E.g. *Exodus:* 23:8:‘bribery makes the discerning man blind and the just man give a crooked answer’. *Job*: 9:24: ‘the land is given over to the power of the wicked and the eyes of its judges are blindfolded’. [↑](#footnote-ref-48)
49. Erwin Panofsky, "Blind Cupid," in *Studies in Iconology: Humanistic Themes in the Art of the Renaissance* (New York: Harper and Row, 1962), 109. [↑](#footnote-ref-49)
50. Ripa, 203. [↑](#footnote-ref-50)
51. Thus a traditional pictorial representation of injustice shows a devil breaking the scales of justice and tearing the blindfold from her eyes. Judith Shklar, "Giving Injustice Its Due," *Yale Law Journal* 98 (1991). [↑](#footnote-ref-51)
52. Resnik and Curtis, 58-59. [↑](#footnote-ref-52)
53. John Rawls, *A Theory of Justice* (Cambridge, Mass: The Belknap Press, 1971), 12. [↑](#footnote-ref-53)
54. Thus one ‘appears before the law’, ‘justice must be seen to be done’. Acts of Parliament and the King’s Bench reaffirmed the right of confirmation, that ‘accusing witnesses be brought ‘face to face’ with the defendant’. Richard D Friedman and Bridget McCormack, "Dial-in Testimony," *University of Pasadena Law Review* (2002). The law also places great emphasis upon seeing evidence, for example, s 10A *Oaths Act NSW* requires that a driver’s license is seen. Signatures on legal documents must be witnessed. [↑](#footnote-ref-54)
55. *Justice*, etching, attributed to Phillip Galle, circa 1559, after the 1539 drawing by Pieter Bruegel the Elder. [↑](#footnote-ref-55)
56. Desmond Manderson, ‘Blindness Visible: Law, Time, and Bruegel’s Justice’. Lecture at ANU School of Literature, Languages and Linguistics, 31 March 2014. [↑](#footnote-ref-56)
57. Shklar. Shklar quotes Cicero: ‘Who does not oppose wrong when he can, is just as guilt of wrong as if he deserted his country.’ Cicero, *The Offices*, bk II at ch. 8; bk I at ch. 10 and ch. 7 (W. Miller trans 1951). [↑](#footnote-ref-57)
58. Cover, 200. [↑](#footnote-ref-58)
59. For example, in 1988, the *Los Angeles Times* ran the Paul Conrad cartoon in which Justice holds a coat hanger instead of scales to suggest the cruder methods used to induce abortions prior to the Supreme Court’s recognition that abortion rights were constitutionally protected. Justice, if banning abortions, is rendered blind to the harm of the coat hanger abortions that would ensue *Alternative to Roe vs Wade*, LA Times, Nov 21, 1988, 115. Resnik and Curtis, 62. [↑](#footnote-ref-59)
60. Bennett Capers, "Blind Justice," ibid.: 184. [↑](#footnote-ref-60)
61. Katherine Biber, "How Silent Is the Right to Silence," *Cultural Studies Review* 18, no. 1 (2012). [↑](#footnote-ref-61)
62. Goodrich, 155. [↑](#footnote-ref-62)
63. Sharpe, 15. [↑](#footnote-ref-63)
64. Noel Carroll, *The Philosophy of Horror or Paradoxes of the Heart* (New York: Routledge, 1990). [↑](#footnote-ref-64)
65. In the *Doctor Who* series time travelling is predominantly presented as desirable, exciting and empowering. [↑](#footnote-ref-65)
66. Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, Second ed. (Notre Dame, Indiana: University of Notre Dame Press, 1984), 201. [↑](#footnote-ref-66)
67. Saint and French, 304. Martha Nussbaum, *Upheavals of Thought: The Intelligence of Emotions* (Cambridge: Cambridge University Press, 2001). [↑](#footnote-ref-67)
68. Saint and French. [↑](#footnote-ref-68)
69. Ripa. [↑](#footnote-ref-69)
70. Robert Cover, "Violence and the Word," *Yale Law Journal* 95 (1986). [↑](#footnote-ref-70)
71. See for example Alison Young re the restricted narratives of rape victims. Alison Young, "The Waste Land of the Law, the Wordless Song of the Rape Victim," *Melbourne University Law Review* 22 (1998). [↑](#footnote-ref-71)
72. Danielle Stewart a former prison inmate quoted by Susan Chenery, “Out of the Void,” *Good Weekend, Sydney Morning Herald*, May 4, 2013, 10-15, 15. [↑](#footnote-ref-72)
73. Robert Cover, "*Nomos* and Narrative," *Harvard Law Review* 97 (1983). [↑](#footnote-ref-73)
74. Carroll, 32. [↑](#footnote-ref-74)
75. Clive Cazeaux, "Beauty Is Not in the Eye-Stalk of the Beholder," in *Doctor Who and Philosophy: Bigger on the Inside*, ed. Courtland Lewis and Paula Smithka (Chicago: Open Court, 2010), 317. [↑](#footnote-ref-75)
76. Michelle Saint and Peter French, "The Horror of the Weeping Angels," ibid., 307. [↑](#footnote-ref-76)
77. Ibid. [↑](#footnote-ref-77)
78. Russell Hogg, "Law’s Other Spaces," *Law/Text/Culture* 6 (2002). [↑](#footnote-ref-78)
79. There is some ambiguity beyond this core capacity, for example, the Weeping Angels appear to have power of electricity (they can switch off lights so that they cannot be seen), and in a later episode they can possess and speak through their victims. [↑](#footnote-ref-79)
80. Ripa, 202. [↑](#footnote-ref-80)
81. Wai Chee Dimock, *Residues of Justice: Literature, Law and Philosophy* (Berkeley, Los Angeles, London: University of California Press, 1996). [↑](#footnote-ref-81)
82. Desmond Manderson, "Trust Us Justice: *24*, Popular Culture, and the Law," in *Imagining Legality: Where Law Meets Popular Culture*, ed. Austin Sarat (2011). [↑](#footnote-ref-82)
83. Jean-Francois Lyotard, *The Differend: Phrases in Dispute*, trans. Georges van den Abbeele (Minneapolis: University of Minnesota Press, 1988), s 203, p 142.

    Attempts at legitimating authority lead to vicious circles (I have authority over you because you authorize me to have it), to question begging (the authorization authorizes authority), to infinite regressions (x is authorized by y, who is authorized by z), and to the paradox of idolects (God, Life, etc, designate me to exert authority, and I am the only witness of this revelation. [↑](#footnote-ref-83)
84. See in particular Cole’s analysis of anti-terrorist legislation. Phillip Cole, *The Myth of Evil* (Edinburgh: Edinburgh University Press Ltd, 2006). [↑](#footnote-ref-84)
85. Margaret Visser, "Vengeance and Pollution in Classical Athens," *Journal of the History of Ideas* 45, no. 2 (1984). [↑](#footnote-ref-85)
86. See for example, Cohen; Judith Halberstam, *Skin Shows: Gothic Horror and the Technology of Monsters* (Durham: Duke University Press, 1995); Sharpe. [↑](#footnote-ref-86)
87. Michel Foucault, *The History of Sexuality Volume 1* (New York: Pantheon, 1978), 101. [↑](#footnote-ref-87)
88. Sharpe, 12. [↑](#footnote-ref-88)