

THE X-MEN MEET AN INSURMOUNTABLE FOE: THE SPLIT IDENTITY OF FAN CULTURE AND THE RHETORIC OF ACTION FIGURES

Introduction

A 2003 *Wall Street Journal* article reports that, on January 3, 2003, Judge Judith Barzilay of the U.S. Court of International Trade emerged from her chambers with a controversial decree: “The famed X-Men, those fighters of prejudice sworn to protect a world that hates and fears them, are not human.”¹ Judge Barzilay’s ruling in the case of *Toy Biz v. United States* concerned the perceived humanity not of the fictional superheroes themselves but of the action figures on which they are based. At that time, U.S. Customs stipulated a 12% import duty rate on dolls (that is, figures with unequivocally human characteristics) and only a 6.8% rate for toys, a category which included doll-like figures of nonhuman entities such as monsters, animals, robots, and—as a result of Judge Barzilay’s ruling—Marvel Comics superheroes. The crux of the case was purely economic; Toy Biz, a subsidiary of Marvel Enterprises Inc., wanted reimbursement for the 12% duties it had been forced by Customs to pay. Yet to comics fans and professionals with a deep understanding of *X-Men*’s allegorical underpinnings—Reynolds notes that the series “can be read as a parable of the alienation of any minority”²—the ruling had serious ideological ramifications. Brian Wilkinson, editor of a popular X-Men fan website, is quoted in the *Journal* article lamenting, “Marvel’s super heroes are supposed to be as human as you or I... And now they’re no longer human?”³

While it’s easy to balk at the fact that an issue as ostensibly silly as a toy’s humanity can be presented as a wild polemic, the case evokes a number of questions pertinent to the study of fan culture and representation: What does a superhero action figure represent and to whom? What about superheroes is so appealing to manufacturers and consumers? How and why are pieces of molded plastic humanized? What is the function of the action figure in shaping (or contradicting) the mythos and iconography of the superhero?

Simply: Where does the appeal of the superhero action figure lie, and what does an action figure do that the comic book or movie iteration doesn't? To those who would respond to Judge Barzilay's ruling with indignation—e.g. the hyperbolic few quoted in the *Journal* piece—or mere annoyance—the likely reaction of most fans—action figures are more than just merchandised trifles. They are potent talismans whose power lies in the very human ability to fashion personal identity, reflecting and shaping fan culture in ways distinct from the comic books on which they are based.

The Split Identity of Fandom

It is not unlikely that anyone interested enough to have read this far keeps action figures in their home or office. Probably they're mere decoration. Maybe they're gifts from friends or colleagues who have noted an idiosyncratic interest in "kids' stuff" like comic books and superheroes. It can be assumed (hopefully) that most adults don't play with action figures in the way that children do. However, ownership and display are themselves forms of adult play—both social and introspective—and many experts in various fields, such as anthropology, design, visual rhetoric, and cultural studies have noted the ways personal and public space shapes and reflects personal identity.⁴

Comic shops possess a very specific ambience that caters precisely to their target demographic. (What comic fan hasn't been swept into Flaubertian reverie by that familiar newsprint smell?) Walking into a typical shop, one finds much more than just cardboard boxes filled with comic books. Trading cards, hardbound art books, posters, statues, action figures, and other assorted memorabilia lend shops a clubhouse quality. Images are pasted on the walls like stained glass windows; merchandise is locked behind attractive display cases like sacred artifacts on altars. Is it any wonder, what with their mythic qualities and fantastic back stories, that superheroes lend themselves so easily and so pervasively to extensive merchandising and collecting, not unlike the way paintings and statues of Christ decorate the homes of the religiously devoted? Comic book readers and superhero fans achieve a sort of baptism through consumption, a pull list substituting for a fountain of

holy water. Because of their rarefied air, comic shops can come across as intimidating and even ridiculous to those who are not regular customers, those not yet inducted into the vaunted fold through weekly Wednesday drop-ins or the acquisition of pull lists. Assorted ephemera accumulate to express particular messages to customers and browsers, that is, alternately, *Welcome!* or *Keep out!* If fans are informally initiated into comic shops, then the very rite of initiation is, by definition, the exclusion of the uninitiated. John Bloom, writing of baseball card collectors, remarks on the dichotomy of the collector's public and private selves: "[M]ost collectors could draw a stark line between their private collections and... their public lives. On the other hand... the *public* spaces in which collectors met one another and intermingled were extremely important."⁵ I stress "public" here to emphasize that comic shops are not hermetically sealed worlds but rather public spheres—mechanisms of a community's social functions. Furthermore, it should be noted that "collector," for the purposes of this essay, is defined not specifically as the type of individual whose basement is filled with every action figure ever made still mint-in-box but rather in a more pragmatic sense: an owner of an action figure or related tchotchke who fashions that object's utility by means of ownership.

Susan Stewart, in *On Longing*, writes:

The collection is a form of art as play, a form involving the reframing of objects within a world of attention and manipulation of context. Like other forms of art, its function is not the restoration of context of origin but rather the creation of a new context, a context standing in a metaphorical, rather than a contiguous, relation to the world of everyday life.⁶

Action figures, then, can function and are *made to function* apart from their comic books of origin. That is to say, they can create their own narratives. Hand someone who's never heard of the X-Men, a Wolverine figure and he or she will probably get the point; he's a strong guy in a pointy mask and yellow spandex with retractable claws. The metaphor of the X-Men

in comic books and the metaphor of the X-Men as action figures is not necessarily the same. In this sense, it may easily be argued that X-Men figures are not metonymic like baby dolls because they have no real-life form from which they are derived. It is simply plain common sense that there is nothing inherently human about a hunk of plastic. On the other hand, Stewart aptly suggests the sovereignty of an individual's use of collections. In the case of action figures, for instance, one can arrange a diorama in which Batman and Wolverine beat up the Joker, despite the fact that the two heroes exist in two entirely different comic book universes. Like most people, my mind's eye, consciously or unconsciously, will often identify and focus on the human characteristics of objects such as the ghost-face of a three-pronged electrical outlet or the human form that beckons forth uninvited and unsolicited from a splatter of paint. The appeal of a movie like *Toy Story* is not dissimilar to the distinct joys of the action figure. Not only do we identify with toys; we tend to think that they identify with us.

It makes sense, then, that at this point in the timeline of comics criticism, the key to superheroes' enduring appeal is their identifiable humanity, not especially their supernatural abilities. Even heroes who are literal gods and demigoddesses, such as Thor and Wonder Woman, hinge on double identities that, rather than work against or apart from each other, depend on the successful amalgamation of human and superhuman halves. Superheroes are idealized in that they generally possess unrealistically stringent moral compasses and fantastical abilities, but to serve humans they must become and act human. This dichotomy defines virtually all works of the superhero genre, evidenced in everything from the earliest *Action Comics* strips to pop-rock band Five for Fighting's enduring schmaltz ballad "Superman." However, Jewett and Lawrence have pointed out that by acting as the sole, vigilante enforcers of their communities, superheroic characters also suggest "a pop-fascist dimension in that these unelected, law-transcending figures exercise superpowers to overcome foes."⁷ The issue has an analogue to one explored in Roland Barthes's "The Jet-Man": the inherent inhumanity of the *super* in superhero. The Jet-Man, writes Barthes, "is defined less by his courage than

by his weight, his diet, and his habits.”⁸ The Jet-Man is unrecognizable as a man in his jet-suit and more akin to a machine. He is, essentially, a plastic god. Early Marvel characters, on the other hand, ascended in popularity because they possessed relatable characteristics such as Peter Parker’s adolescent insecurity. Still, Peter Parker and Spider-Man are essentially split in the same way that Barthes’s Jet-Man and jet pilot are. After all, myriad figures have been made of Superman, but we could probably count on our fingers how many have been made to resemble meek Clark Kent.

So it is not surprising that the controversy regards a Marvel group of superheroes over any DC Comics heroes, for the critical consensus regarding the Silver Age of comics—that DC was defined by short, goofy morality plays featuring characters that talked and acted like bland *Leave It To Beaver*-type automatons while Marvel offered heroes whose emotions and neuroses were comparably realistic—is, to an extent, residual in popular opinion.⁹ (Simply, the distance between the X-Men and readers of *X-Men* is significantly shorter than the distance between Superman, and say, two Jewish immigrant kids from Cleveland. Where Superman, especially in his earlier incarnations, earns the admiration owed to an infallible, benevolent God-figure, soliciting feelings of “I wish I could be that,” the X-Men narrative serves as a choose-your-own-alienation allegory for everything from adolescence to racism; whatever identity or identity ambiguity the reader is facing reflects back on him or her.

The *X-Men* fan chagrined by Judge Barzilay’s ruling seems, then, to be split in an fashion analogous to the fictional characters he admires; it is precisely the fantastic, nonhuman features of the action figures which appeal to him and yet which also result in the toy’s inhumanity. Yet the joy of fantastic characters has as much to do with their prosaic, human qualities as their supernatural abilities. An action figure’s human features function as an entry point through which a fan can perform identification with extraordinary beings. Jeffrey A. Brown’s scholarship on comics’ influence on identity, an integral part of which consists of interviews with individuals whom Brown identifies as typical comic book fans, is of note here. In one revelatory conversation, a Chicago-based, African-American teenager and

self-proclaimed “fanboy” identified as Bruce explains his penchant for the DC Comics superhero Static, a teenage, African-American stationed in an American metropolis (as well as the basis of a now defunct animated TV series and a line of toy figurines given away with meal purchases at Subway restaurants): “Yeah, yeah, of course I love the series. The hero is a black teenager from a major city who is into comics and role-playing games and is sometimes considered odd. . . . The only difference between Virgil [Static’s alter ego] and me is that he got lucky and woke up with superpowers one day.”¹⁰ Like many comics fans, Bruce’s choice of favorite hero in and of itself is based not on the potency of abilities, flair of costume or even production quality of narrative but rather the ease of identification; it is unsurprising, then, that not once in his conversation with Brown does Bruce specifically mention Static’s electrical superpowers. If Static were revised to operate more like Barthes’s Jet-Man automaton while still possessing familiar physiological characteristics, there is little doubt that his appeal to Bruce would dissipate. Similarly, rhetorically and legally stripping the X-Men toys of their humanity is tantamount to erasing the eyes and mouth of a simple smiley face; what once offered an identifiable if figurative reflection of the self now becomes an alienating, abstract form.

A number of fans Brown comes across exhibit keen awareness of the difference between what they consider their public and comic fan selves, including Darnell, who describes the split as such: “I’m like super-Darnell, who has this hidden comic book fan side as his secret identity.”¹¹ The resultant personality dissonance reveals the pervasive influence of the dichotomies at root of virtually all American superheroes. While the X-Men characters don’t lead double lives, acting their opposites in daily life while disappearing into phone booths or caves every time danger occurs, they do utilize certain signifiers, such as costumes and code names like Cyclops and Professor X, to separate themselves into superhero and citizen halves. Because fans’ enjoyment of mainstream comic books is inextricably tied to close identification with superheroes, the common binaries on which superhero narratives hinge—e.g. superiority/inferiority, strength/weakness,

masked/unmasked, and good/evil—influence the way they view themselves, which helps to explain why the ruling in the Toy Biz case may have been seen as antagonistic in its contradiction of the *X-Men* narrative canon.

Although the anti-hero and rogue archetypes have gained more prominence in the wake of watershed works like Frank Miller's *The Dark Knight Returns* and Alan Moore and Dave Gibbons's *Watchmen*, both of which intentionally and artfully poke at and play with facile absolutist notions of crime and justice, the most convenient mode of classification in comic book characterization remains dyadic: good guys and bad guys, protagonists and antagonists. The comic book narrative, like much of American culture, may be seen to engender in its audience a dualistic worldview, if only within the context of fandom. The difference between good and evil is presupposed; the characters and their actions fit within their prescribed categories; an antihero is merely a good guy with questionable methods. Writer Steve Gerber, in an issue of *Howard the Duck*, famously lampooned the tendency for comics narratives to reduce conflict into sequences of random violence by depicting a "BRAIN-BLASTING BATTLE SCENE, pitting an ostrich and a Las Vegas showgirl against the MIND-NUMBING MENACE of a KILLER lampshade in a DUEL TO THE DEATH."¹² Likewise, Anne Allison has argued persuasively that the success of imported Japanese toy properties has traditionally relied on narratives of good and evil: "This is, in part, why *Power Rangers* (a story in which heroes fight evil enemies) did so well here, as did transformers, toys that change shape as if they were embodying clear-cut shifts, such as good and evil, a story line given transformers for their U.S. ad campaign precisely to enhance their appeal to American kids."¹³ Considering the deep-rootedness of such conflict schemas, it comes as no surprise that the reported fan reaction to the ruling in the Toy Biz case indicated a sense of oppression. In the *Journal* article, fan and editor Christian Cooper responds to the court decision with a sense of foreboding, as if it signals the beginning of a washing out of the human idealism of superheroes: "Here's a guy who changes his clothes in a phone booth and flies through the air....Does that mean he's now an animal?"¹⁴

Comics fans, when viewing themselves through the lens of comics culture, have been trained to reduce conflict into simple good vs. evil clashes not only as an effect of the diegetic devices most storylines employ but also as a result of a long history of stigmatization that dates back to Frederic Wertham's infamous *Seduction of the Innocent* and movements of the late 1940s and early 1950s to censor or ban the perceived lascivious material in comic books.¹⁵ In a study of the regular customers of an Iowa City comic shop, Matthew J. Pustz encounters a graduate student named Catherine with an special sensitivity to being identified as a fan by non-fans. She says:

There are lots of secret signals that I have to wait for to discover if it's an okay thing [to talk about being a comic book/science fiction fan]... For example, if they can usually give me some sort of counter, like "I read issue X of whatever," or "Golly, I watch public television late, and I've seen this show," then it's okay for me to talk about a little bit... And the reason I don't bring it up first is that... I don't want to be classified a geek.¹⁶

The kind of social rejection that occurs in the comic book narratives like the *X-Men* plays out in real life as well, mirroring and fueling the insularity of comic fandom. Esotericism is a point of both pride and shame in fan circles. Comics knowledge can be empowering for some; as one fan declares, "When I'm talking comics, I'm the authority."¹⁷ On the other hand, even an authority like Pustz himself, having dedicated significant time to comics scholarship, admits, "For a number of years, I did not tell anyone I read comic books."¹⁸ To be certain, comics have come a long way in terms of respectability since the days of Wertham's wrath. The very existence of Pustz's book is a testament to that. Graphic novels are increasingly found on the shelves of reputable bookstores and routinely taught in college classes, but then again, even almost two decades after *Maus* was awarded the Pulitzer Prize, mainstream media outlets continue to publish features whose hook lines are variations on "Comics: they're not just for kids anymore!" as if this were a

revelation to a great many, and furthermore, even outlets that explicitly target comics readers like *Wizard Magazine* often feature mocking depictions of the fanboys whose readership they solicit.

Comics fans remain an insular group in the sense that, as with any subculture, comics fandom has its own cultural sphere, entrance into which requires significant effort. Jewett and Lawrence, in their work on Captain America, have pointed out that the successfully functioning superhero is both *a part* of his community and *apart* from it.¹⁹ The villains in comic book stories are very rarely threatening to only the superheroes themselves; rather, the villains attack the societies (and the values of those societies) that have adopted the superheroes. On a textual level, the X-Men are taken in by Xavier's School for Gifted Youngsters, but on a macrotextual level, the X-Men have been welcomed into and nurtured by a community of fans.

Considering fan culture, Marvel's reaction to the ruling that the X-Men are not human seems more than a little off-target: "Don't fret, Marvel fans, our heroes are living, breathing human beings—but humans who have extraordinary abilities. . . . A decision that the X-Men figures indeed do have 'nonhuman' characteristics further proves our characters have special, out-of-this world powers."²⁰ In other words, the X-Men are human even though their nonhuman characteristics prove that they're not. Obviously it would be foolish to expect immaculate logic from a corporate press release, but what is of note in this particular announcement is that it unintentionally espouses a philosophy akin to an X-Men villain, who may argue that though the many members of the X-Men are human-looking enough to pass cursory inspection, their mutations dehumanize or animalize them, and so they must be cured or extinguished. Presenting the same logic while viewing the X-Men through the prism of allegory can easily result in racist, sexist, classist, and/or *anti-fan* dogma. At the time of the case, then-*X-Men* writer Chuck Austen complained that he had "worked hard for a year. . . to emphasize the X-Men's humanity, to show 'that they're just another strand in the evolutionary chain.'"²¹

Interestingly, Austen's and Marvel's response to the controversy reveals a limitation of *X-Men's* social prejudice allegory. In the Marvel

universe, evidently not all humans—especially those with “nonhuman characteristics”—are created equal. To presuppose the heroes of the *X-Men* as evolutionarily evolved—as opposed to the *Fantastic Four*, for example, who obtain their nonhuman abilities through a freak accident—or, to be more precise, *more* evolutionarily evolved than the average human, is to establish a narrative in which biological superiority and inferiority of one group over the other exists on a genetic level. Whether the X-Men are misunderstood because they are better or worse than humans is practically irrelevant; they are biologically different and biologically segregated. Certainly this was a matter of concern prior to the case of *Toy Biz v. United States*, but it took a line of toys for Marvel, in its backhanded way, to acknowledge it, and for it to stir fans’ unrest. It’s no wonder that the case of *Toy Biz v. United States* received the attention it did; Judge Barzilay’s ruling, reinforced by this press release, not only dehumanizes the characters, but more so, it by proxy threatens the sense of inclusion and shared humanity of fans who identify deeply with the X-Men and project their personal plights through allegorical readings of the comic series and its related media adaptations.

The Function of Action Figures

Comics fans getting up in arms over matters like character development is nothing new or uncommon. What makes this case unique—and notable enough to have been covered by as mainstream a publication as the *Wall Street Journal*—is the place of action figures within convergent and divergent cultural spheres, and the specific role that such toys play in fan culture, which is threefold: action figures are public; they are objects of collection and thus constitute a specific form of social play; they require participation.

Action figures are public in that they conflate the interior and exterior realms of the comic book fan—that is, they are as ubiquitous in the aisles of mainstream outlets like Toys “R” Us and Wal-Mart as they are in comic shops. In a sense, action figures are the public face of a—though not private—potently subcultural community. Like film and television adaptations, action figures reach and appeal to audiences with no attachment to or familiarity with

the source material, stoking conflicting desires for validation and unimpeded authenticity. “Many fans,” notes Pustz, “enjoy being misunderstood. Many Americans find a certain pleasure in obscurity....At the same time, though, many of these same readers would like to see comic books...achieve wider acceptance in American culture.”²² Issues regarding alternately the struggle for acceptance and thrill at one’s unique place in society are obviously central to fans’ immersion in the *X-Men* series. Furthermore, because they lack the reified narratives that distinctly shape film and television adaptations, action figures are inherently ambiguous in *what they mean* and *how they mean*. That is, they can be used incorrectly, can be owned in ways that fans deem inauthentic, and can undermine fan sense of identity. There is no better example of incorrect use than Barzilai’s deeming the X-Men inhuman. To misunderstand X-Men action figures is to damage the identities of X-Men characters. To damage the identities of X-Men characters is to damage the identities of X-Men fans.

If the phrase “action figure collection” calls to mind images of the dank basement lair of a pale, unfit comics reader who never ventures outside, it is a result of stereotypes that underserve and misrepresent the communal activity that collecting requires. Folklorist Jack Santino, applying Frederic Jameson’s analysis of the postmodern condition to Barbie dolls and other toys, writes:

[W]hile these mass-produced artifacts can be viewed as mere simulacra of directly engaged, participatory ritual and celebration, these objects are used. While these artifacts may function as a substitute for sociability, they are just as often the medium or the excuse for it.²³

Action figures are imbued with a synecdochical sense of ownership lacking in the flat paper images of the comics medium; when it comes to comic collections, one owns an *issue* of *Wolverine*, but when it comes to action figure collections, one owns a *Wolverine*. Action figures carry a special cachet in the collector’s realm. Action figurization is an act of validation for both character and fan. A popular thread on one online collector’s forum is concerned with wish lists of characters that “will almost certainly never be

made.”²⁴ Adaptation from two-dimensional, ink-and-paper character to *action* figure connotes rarefication, a strengthening of the link between object and identifier.

To repeat: action figures are used to shape the identities of superheroes and their fans. What has gone unemphasized, perhaps, is that while the identities of superhero action figures are not fixed, they do possess the illusion of stasis. The physical identity of a typical action figure is not malleable in the way that a Barbie doll is, for example, and accessories are typically limited to peripherals like weapons and vehicles. Compared to Barbie, who transforms from a McDonald’s cashier to a princess to a streetwise rapper with simple wardrobe changes, superhero action figures don’t do much. What is the charm in these hunks of plastic? They generally have limited and unrealistic articulation. They can’t move on their own. Unlike Barbie dolls, they have few accessories and no dream houses with which to interact. Some action figures aren’t even made to balance on their feet. They simply stand or lie there inertly or look out blankly from sealed plastic domes. How does one *do* action figures? How does one *use* them? Stewart would argue that the purpose of a collection is “the creation of a new context.”²⁵ That is to say, action figures become useful as objects when fans subvert their inertness through play. It may seem a collector would not play with a plastic molded Wolverine or Storm *X-Men* figure in the traditional sense of a childplay, but in fact action figures encapsulate two differing forms of basic play: construction and imitation. Play with Legos and building blocks, for example, centers on construction, while play with baby dolls and Tonka trucks requires imitation. Action figures are imitative in that they typically resemble human or anthropomorphic forms (although not enough, of course, to legally qualify as dolls), but like comic books, they also benefit from the endless constructive freedom of narrative, effectively allowing heroes and villains to behave in any way the owner sees fit, whether it contradicts the comic book narrative or not. A child can make it so that Batman has beaten Aquaman to a pulp, just as I can arrange the Jimmy Olsen and Superman figures on my desk in a position that suggests copulation and supply my own smooching sounds.

Quite simply, play is participation in narrative, a skill exercised routinely by comics fans, by means of, for example, conventions, online forums, fan fiction, and collecting. A fan's sense of rights over comic property is, to a fan, virtually indistinguishable from that of the writers or artists who created the comic book characters, or even that of the corporations with legal entitlement to such properties. Brown has acknowledged "the sense of continuity between [fans'] selves and the comics' creators."²⁶ The social play of collecting and god-play of diorama are methods of extending and manipulating beloved comic book narratives in order to stake ownership thereof. What distinguishes comic book properties from other types of collections is that the metanarrative of collecting reenacts the narrative process of comic books. Characters who emerged in the 1930s and 1960s have followed their central narratives into the present day, and just as ongoing storylines are in this sense perpetual, the collector's relationship with her collection is constantly evolving, with more emphasis on creation and contextualization than completion. In response to the question "When will you be done?" one collector on an online forum proclaims, "I don't think I'll ever be done. I also don't think we should be talking about 'escape plans.' After all, we collect toys because we like to, right? I mean, there are the collector's [sic] that collect out of some sort of OCD impulse to have *everything*, but most of us collect what we enjoy."²⁷ The collection lives and changes with the collector, and it is this sense of evolution that may imbue the collection with a significance that apparently static artifacts (i.e. those that are made by their owners not to function as pieces of a collection) lack.

Owing to its investment, financial and emotional, in comic book culture, as well as its unusually participatory nature, the fan community comprises a sort of cultural watchdog more sensitive to misrepresentation of comic book properties than even the oiliest of corporate lawyers. Because comic books are targeted at a very specific, easily identifiable niche market, readers and fans often view plot turns and design changes as direct results of their wishes and criticisms. The development of the medium hinges (and has hinged on) the decisions of readers (i.e. what to buy, which titles to read, and how to read)

as much as producers and creators. In 1967, for example, fans' disparaging reactions to the introduction of Mopee—an impish, Mxyzptlk-esque figure who takes responsibility for giving The Flash his superpowers—in the *Flash* series resulted in the character's near-instant elision from official continuity.²⁸ More recently, McFarlane Toys' *Spawn* Series 28 toy line was advertised as having been developed “directly from fan input.”²⁹ From the early days of the medium, comic book publishers have generally encouraged the blurring of admirer and authority through open dialogue, from the earliest letters columns and conventions to today's pervasive online presence of forums and communities. The sense of proprietorship fans feel toward their object of fandom is in many ways quite valid.

The seeming problem with the Toy Biz case is that it occurred outside the usual space of fan discourse—a legal courtroom—refusing the egalitarian opportunity for rebuttal that comic book decision-makers usually offer their fans. The X-Men characters' accessibility was undermined by an authority, a judge of the U.S. Court of International Trade, who existed outside of usual fan discourse, a sort of arch nemesis which even the X-Men themselves, bound to fictional narratives, could not overcome. Fans' usual attempts to become narrative proxies, advocating on behalf of the slighted X-Men, failed in a way that is atypical for comic book fans, their voices unacknowledged by those who wield the power to right the wrong of sapping the X-Men of their essential humanity.

Yet although Barzilay's ruling may have been initially presented as threatening to fan identity, the upshot was in fact the strengthening of the X-Men's social prejudice allegory. The supposed controversy functioned within the fan sphere much like any surprising comic book plot turn: as an impetus for fan discourse. Simply, it elicited a reaction that allowed fans entrance into a familiar and inviting narrative. If superheroes like the X-Men are defined by their nemeses, then giving fans their own figure of opposition only reemphasizes and recreates the appeal that comic book narratives hold. Regardless that their protests and grouching fell on deaf legal ears, in the villainous figure of Judge Barzilay, fans were provided oppression tantamount

to that faced by their beloved heroes, drawing the mutant struggle narrative outside of the limited canvas of comic books much in the same way that action figure collection does. The case of *Toy Biz v. United States* allowed fans to not just witness and create the *X-Men* narrative, but to live it.

Conclusion

Superhero fans are notoriously resistant to change, as evidenced by the uproar incited any time a major hero changes a costume or is miscast in a movie. Most children who play with action figures probably could not care less whether a Wolverine action figure's costume is authentic; that the Toy Biz figures, for their time, do a fairly good job of accurately portraying the X-Men characters as they appear in the comics points to an implicit desire to please the adult audience's stringent expectations. Because the figures come so close, because their identities match those of the comic books enough to satisfy hardcore *X-Men* readers without adopting the fixed objectiveness of static and utilitarian objects, because the action figures look cool enough to appeal to both kids in the toy store and collectors in the comic shop, the ruling of *Toy Biz v. United States*—that the X-Men toys are not human—matters. Whether *X-Men* comic books are read as an allegory of race, sexuality, disability, etc., all readings converge into that of the relationship between the *X-Men* reader and society, the narrator and his narrative. To be sure, the ruling is legal and rightful; insofar as the identities of the figures are open to interpretation, they may reasonably be deemed inhuman. To X-Men fans, however, the ruling is practically immoral. It constitutes a betrayal of a specific community by one of their own—the very manufacturers of their myths and idols—a betrayal tantamount to the mutant Magneto's undermining of the X-Men's goodwill efforts. The intense reaction of *X-Men* readers and collectors to the ruling, then, can be summarized thusly (echoing fan website editor Brian Wilkinson³⁰): If the X-Men are inhuman, then what of you and me?

NOTES

1. Neil King, Jr., "Is Wolverine Human? A Judge Answers No; Fans Howl in Protest." *Wall Street Journal*. 20 Jan. 2003, Eastern ed.: A1.
2. Richard Reynolds, *Super Heroes: A Modern Mythology* (Jackson: UP of Mississippi, 1992), 79.
3. King, A1.
4. For examples, see: Roland Barthes, *S/Z: An Essay*. Trans. Richard Miller (New York: Farrar, Strauss and Giroux, 1974) and *Image – Music – Text*. Trans. Stephen Heath (New York: Farrar, Strauss and Giroux, 1977). See also: Marguerite Helmers and Charles A. Hill, *Defining Visual Rhetorics* (Mahwah, New Jersey: Lawrence Erlbaum, 2004); W.J.T. Mitchell, *Picture Theory: Essays on Verbal and Visual Representation* (Chicago: U of Chicago P, 1994); Barbara Maria Stafford, *Good Looking: Essays on the Virtue of Images* (Cambridge: MIT P, 1998).
5. John Bloom, "Cardboard Patriarchy: Adult Baseball Card Collecting and the Nostalgia for a Presexual Past." *Hop on Pop: The Politics and Pleasures of Popular Culture*. Ed. Henry Jenkins, Tara McPherson, and Jane Shattuck (Durham: Duke UP, 2003), 75.
6. Susan Stewart, *On Longing* (Baltimore: John Hopkins UP, 1984), 131-2.
7. Robert Jewett and John Shelton Lawrence, *Captain America and the Crusade against Evil: The Dilemma of Zealous Nationalism* (Grand Rapids: Eerdmans, 2003), 29.
8. Roland Barthes, "The Jet-Man." *Mythologies* (New York: Hill and Wang, 1972), 72.
9. Danny Fingeroth, *Superman on the Couch: What Superheroes Really Tell Us About Ourselves and Our Society* (New York: Continuum, 2006), 73-7.
10. Jeffery A. Brown, *Black Superheroes, Milestone Comics, and their Fans* (Jackson: UP of Mississippi, 2001), 106.

11. Ibid, 103.
12. Steve Gerber, Illus. Gene Colan, et al. "Zen and the Art of Comic Book Writing." *Howard the Duck* Sept. 1977. 8-9.
13. Anne Allison, *Millennial Monsters: Japanese Toys and the Global Imagination* (Berkeley: U of California Press, 2006), 243.
14. King, A1.
15. For more on the "youth crisis" which led to the establishment of the voluntary censorship board Comics Code Authority, see: Bradford W. Wright, *Comic Book Nation: The Transformation of Youth Culture in America* (Baltimore: Johns Hopkins UP, 2001); and David Hajdu, *The Ten-Cent Plague: The Great Comic-Book Scare and How It Changed America* (New York: Picador, 2008).
16. Matthew J. Pustz, *Comic Book Culture: Fanboys and True Believers* (Jackson: UP of Mississippi, 2000), 69-70.
17. Brown, 102.
18. Pustz, 199.
19. Jewett and Lawrence, 29.
20. King A1.
21. Ibid.
22. Pustz, 217.
23. Jack Santino, *New Old-Fashioned Ways: Holidays and Popular Culture* (Knoxville: U of Tennessee P, 1996), 149.
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25. Stewart, 131-2.
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27. DeLorean27. "When will you be done?" *Action Figure Insider*. Action Figure Insider, 13 March 2009. Online Posting. 2 March 2010.
28. Kelson Vibber, "Mopee." *Flash: Those Who Ride the Lightning*. 25 Jan. 2009. Web. 5 April 2010.
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