

## Remembering Keith Aoki's *Casual Legal Studies: Art During Law School*

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Keith was a student at Harvard Law School between 1987 and 1990, and he took a class in housing law and policy that I taught. For the class he wrote a paper that he later turned into an ambitious, published law review article, *Race, Space, and Place: The Relation Between Architectural Modernism, Post-Modernism, Urban Planning, and Gentrification*.<sup>1</sup> I got to know him pretty well as a student. I admired him for his unusually sweet, mild, self-doubting but persistent, passionate, and deeply altruistic character, and for his depth, emotional sensitivity, and intelligence. Yet, that's not the whole story. I admired him most of all for his "art in law school," and for the way he dealt with being a lefty artist in law school. I'm going to try a brief description of those aspects of Keith as I knew him during those three years.

There were three periods for his law school cartoons. First, there were the strips portraying the experiences of Mr. Death as a first year law student. Sometime during Keith's second year, I think, Mr. Death, without changing his appearance, became The Normative Chameleon (more on this character in a moment), and Keith began a new series in which he mimicked the characters and general visual styles of the great American comic book artists of the post-World War II era — the artists who drew Dick Tracy, Archie, Little Orphan Annie, classic horror comics — as well as some famous ads of the 1950s (ninety pound weakling gets sand kicked in eyes, loses girl to bully, transformed by Charles Atlas body-building course). In Third Aoki, he broadened the range of allusions (including, for example, Goya's *Horrors of War*,<sup>2</sup> and David's *The Death of Marat*<sup>3</sup>), and developed a

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<sup>1</sup> 20 FORDHAM URB. L.J. 699 (1993).

<sup>2</sup> FRANCISCO DE GOYA, LOS DESASTRES DE LA GUERRA [THE HORRORS OF WAR] *passim* (1863) (published posthumously), available at <http://digitalgallery.nypl.org/nypldigital/id?1109921>.

new, more surreal, pastiche style, perhaps a little influenced by Barbara Krueger.

First Aoki begins with Death overwhelmed by the amount of reading, the incomprehensible vocabulary, and the scariness of cold calling, moving slowly into a critique of the boredom and the ineffective pedagogy of first-year teachers, counting down the days to the end of the year. Death is drawn as a skull, a little like the expressionist head in Munch's *The Scream*,<sup>4</sup> and he is a modernist figure, alienated and depressed and self-doubting and resentful rather than politicized, reactive rather than analytical.

In the second year, Keith picked up on the intense, even wild politics that characterized both the faculty and the student body in those years. The most dramatic events were student sit-ins in the Dean's office and the denial of tenure to Clare Dalton, a feminist "crit," signaling the beginning of the attempt of the faculty center and right to curtail the influence of critical legal studies, then at its brief peak. The push-back culminated in their triumph, Derek Bok's appointment of Robert Clark as Dean, and his entry into office at the beginning of Keith's third year.

In Second Aoki, Keith's style took a post-modern avant-garde turn, with visual and textual quotations, borrowings, photographic fragments mixed with drawing, and mock footnotes at the bottom of cartoon frames. The texts consist of the deliberately obsessional repetition of catch phrases that the left and right were using against each other. The phrases are both serious and surreal, since Keith repeats them so often that they just "float," having lost their initial context, whatever that might have been.

Death becomes The Normative Chameleon, channeling the left/right ideological fragments as two contradictory internal voices, one urging him to be "oppositional" and save his soul from the "servile," "sycophantic" path offered by the other voice, which urges him to "stop whining," "get with the program," and enjoy the fantastic perks that will come of his elite HLS status. My guess is that Normative Chameleon is an Unger phrase — like many of Keith's favorites — but the idea is that Death is internally torn between the two normative injunctions, finding himself adopting whichever suits the color of the

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<sup>3</sup> Jacques-Louis David, *La Mort de Marat* [*The Death of Marat*] (1793), oil on canvas, Royal Museum of Fine Arts of Belgium, Brussels.

<sup>4</sup> Compare LUKE COLE & KEITH AOKI, *CASUAL LEGAL STUDIES: ART DURING LAW SCHOOL 57* (1989), with Edvard Munch, *Shrik* [*Scream*] (1893), oil on canvas, Munch Museum, Oslo (showing similar styling).

leaves around him. (The Chameleon is also the descendant of The Reptile, and of Lizard, two earlier crit lower animal totems.)

As Second Aoki begins, Dick Tracy, Little Orphan Annie, and Daddy Warbucks are speaking the bizarre lingo of the campus culture wars as they played out in law school, with fragments from Richard Posner spouted by Popeye, the voices of senior faculty channeled by Archie yelling at Jughead to give up his “mushified,” “self referential,” “puerile,” oppositional nonsense. The overburdened and demoralized first year student has moved to the left and engaged, but remains a modernist character (in the sense of the modernist avant-garde of the early twentieth century). He is all doubleness and ambivalence, with an ironic or hilarious edge, reveling in the absurdity of it all, but with a left, partisan bight. (Dr. Doctrine, identified in a cartoon footnote as Owen Fiss, wields “the deadly neutral-principles spell” but is blasted at the last minute by “the arch villain crit” with his “dreaded deconstruction ray.”)

As Keith enters Third Aoki, his political edge gets sharper, the art more original and elaborate, more eclectic and allusive, and Keith the postmodernist begins to bring the “auteur” onto the scene. This period begins at the end of his collaboration with Luke Cole<sup>5</sup> and continues into the supplement to *Casual Legal Studies* he self-published a year later.<sup>6</sup> Here is the text of one of the last second-year cartoons, with the words spoken by Death, become The Normative Chameleon, and now the cartoonist himself:

Damn!! Time for another cartoon!! And me without a single idea!! Looks like the comic strip muse has flown the coop for good this time, leaving me high & dry!!

Deadlines!! Not to mention I've got a whole semester's worth of reading to catch up on — lessee what this book has to say — after all, I gotta start somewhere!! Hmm . . . *Old Colony Trust Co. v. Commissioner*?!? Bah! Who needs this incomprehensible vague tax baloney anyways . . .

OMIGOD! WHADDAMI gonna draw?

Hmm. . . maybe I could try an' bash Bob Clark worse than Luke has??? Nah!! I'll give Bob Clark and David Duke a break this week!

. . . Or maybe I could get down to some idle, ennui-laced,

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<sup>5</sup> See COLE & AOKI, *supra* note 4.

<sup>6</sup> KEITH AOKI, *CASUAL LEGAL STUDIES* (Supp. 1990).

cryptically sarcastic, self-referential, post-modernist, confused, incoherent, generally alienated and impotent comment on the pointless vicissitudes of law school life! Nah . . . maybe I could verbosely rant and rave about the “elite cadre of madisonian notables”, institutional fetishism, illegitimate hierarchy, gaps, conflicts & ambiguities . . . Nah, you’ve heard it all before . . .

Or I could appropriate assorted cartoon figures and have them mouth my own alienated, disaffected[,] puerile bashings about how the socratic method is like an involuntary, immoral, and coerced rhetorical proctological exam! Nah! Not this week . . . Or I could try and run the soiled, tattered & torn crit banner up the flag pole (again) an’see who salutes?

Nah!! I give up!! I surrender!!! Hey! Law school doesn’t suck, it’s “great”!! Professors aren’t sadistic gasbags, they’re “great”!! My fellow students aren’t servile toadies, they’re “great”!!!! There’s absolutely nothing at all wrong with HLS!!

Of course, if you believe this, then you probably also believe that the moon’s made of green cheese . . . .<sup>7</sup>

As the text indicates, up to this point Keith’s friend and collaborator, Luke Cole, has done most of the bashing of the new Dean, Bob Clark, chosen just as Luke was graduating and Keith was finishing his second year. In passing, because this is about Keith, just a mention of Luke, another favorite student, another sophisticated, committed, brilliantly talented progressive, the creator and organizer of the legal campaign against environmental racism, like Keith with a strong aesthetic streak, and like Keith fated to die (in a car accident in Kenya) before he should have died, to put it as mildly as possible.

With Luke out of the picture, Keith does indeed set out to “bash Bob Clark worse than Luke has,”<sup>8</sup> but he does it by developing a caricature version of Clark that is more complicated and ironic than the typical left editorial cartoonist would or could offer. He understands Clark not as the bad-parent object of student rage, and not just as a right-winger, but as a quite individuated, uneasy but assertive propagator of an arbitrary mixture of “facts” and decisive action.

By internalizing and then manically exaggerating the rhetoric of the conservatives, Keith makes them seem more absurd than evil, quirky as much as diabolical. I think these cartoons are simply brilliant,

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<sup>7</sup> COLE & AOKI, *supra* note 4, at 57 (italicization and sentence case added).

<sup>8</sup> *Id.*

reminiscent of Rodchenko's 1920s Russian constructivist propaganda art before socialist realism, and then Stalin's purges, brought it to a screaming halt. Keith seemed to me way too modest, too worried that it would turn out to be all just in-jokes of a little milieu of late 80s elite law pros and law students trying to be radical and aesthetically avant-garde at the same time. Navel gazing, as leftism was dying on the vine out in the larger Reagan/Bush-iverse. But I think Keith's contribution deserves immortality.

Here is the text of my favorite (note that the italicized text is my own narration):

*The Battle for the Body of Jerome Frankenstein*<sup>9</sup>

THE CAST: "Our 'fearless leader' — 'Beirut' Bob Clark (the mad empiricist)." "Louie K. as 'Beirut' Bob's obsequious underling." "Confused, disoriented, disempowered Harvard Law School students interested in cushy, insulated corporate jobs doing narcotically fascinating but morally vacuous scut work (aka 'grunts', 'cannon fodder', 'galley slaves', etc.) as 'The Mob.'"

*Bit players, each of us with a little circular cameo, are Mort Horwitz, Roberto Unger, and myself.*

*Down the left margin in big dripping horror letters are the sensational themes:*

EXISTENTIAL  
DREAD!!

UNRESOLVED  
OEDIPAL  
CONFLICTS!!

RITUAL SLAYING  
OF THE ELDERS!!!

FALSE  
CONSCIOUSNESS!!

MEGALOMANIAC  
EGO TRIPS!

FETID ACADEMIC  
SWAMP  
GAS!!

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<sup>9</sup> KEITH AOKI, *The Battle for the Body of Jerome Frankenstein*, in CASUAL LEGAL STUDIES, *supra* note 6, at 7.

On the wall, are "Bob's mounted trophies," the heads of Clare Dalton, David Trubek, and the two administrators of the public interest law office, which Clark eliminated in his first month as Dean.

BEIRUT BOB, dressed in a soiled white doctor's tunic with the HL\$ Inc. logo,<sup>10</sup> and carrying the axe with "Standards" emblazoned across its blade that Keith has turned into his trademark, stands over a stretcher that bears the flat headed body of Frankenstein, as portrayed in comics and films, but wearing a T-shirt with the large letters "UCC" across the front, the symbol for the atom below it, and below that in smaller letters, the words "Legal Realism."

BOB soliloquizes. Now that I've transplanted Jerome Frank's poor shrunken head onto the bloated customary body of Karl Llewellyn, all that remains for me to do is sew on Milton Friedman's "invisible (right) hand" and my unholy creation will be ready to go.

LOUIE K interrupts. . . . But. Master, the vile, unempirical and pernicious scum that you call "criticalists", are storming up the hill with an angry mob . . . they look like they're out for blood!!

BOB. Stop your inane, hyperactive babbling, Louie, and shut up, Louie! I'm trying to concentrate — if it's blood those CLS trash want — I'll give it to them — theirs! They've apparently forgot that I am in possession of "The Cutting Edge of the Law!" Holds up his axe.

Meanwhile, the watching Mob are a group of nondescript stick figures with bubbles: "So what?," "Bonus," "Fly out," "Limo," "Dry clean," "Who cares?," "Power tie," "Frequent flyer," "M & A." Lost in the crowd of students is the skull-headed figure of Keith's alter ego, labeled *The Normative Chameleon*, but without a bubble.

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<sup>10</sup> HL\$ INC was also the mock "publisher" of *Casual Legal Studies*.