

The Legal Surrealism of George Herriman's *Krazy Kat*

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Introduction – Karl Llewellyn's Dangling Review

No lawyer should leave this gathering of Herriman's 'comics' unstudied. I mean *unstudied* ... this is a book which men of the law need to work over not a single time for amusement, but many times, for study.

Karl Llewellyn 'Review: *Krazy Kat*'(1947: 338).

In 1947, three years after George Herriman's death ended *Krazy Kat*'s thirty-one year run, the prominent legal realist and theorist Karl Llewellyn published a brief but effervescent review of a *Krazy Kat* collection in the *Columbia Law Review*. The page count of the new collection was playfully listed as 'unnumbered; many, but not enough' (Llewellyn 1947: 337), subtly indicating that neither the review, nor the material it addressed was typical law journal fodder. In that era, it was rare for the world of comics and mass culture to surface in the annals of a law review. The article's placement between one review of a book on cartel agreements and another review of a report on the Permanent Court of International Justice's future only amplified the uncanniness of the two-page piece.

Llewellyn begins his review in grand measures, elevating Herriman to

the milieu of Honoré Daumier, William Hogarth, and Charles Dickens as an artist who both understood the vital place law held within humanity and communicated it with ‘bite’ – in other words, with power, weight, and effect – giving *Krazy Kat* an artistic import of historical scale. The review then proceeds to *Krazy Kat*’s three main characters. First, Llewellyn gives effusive praise for the strip’s embodiment of law and order, Offissa Pupp: ‘Never before in history, before Herriman’s Offissa Pup [sic], has an artist *done*, for lawyer and for layman, the true essence of our job, for all of us to see together’ (1947: 337). For Llewellyn, Offissa Pupp demonstrates that the law must both love its public and act preventively in its guard. Next, Llewellyn considers *Krazy Kat* him or herself (Herriman intentionally left *Krazy*’s gender indeterminate, although for the purposes of this article I will refer to *Krazy* as ‘her’).² Llewellyn finds *Krazy* to be both of this world and transcending it, a living saint (1947: 338). Finally, Ignatz Mouse is painted as a beloved incarnation of ‘Rugged Individualism ... and the prey of two plain facts’ (1947: 338): one, that criminals inevitably reduce themselves to a singular method or ‘line’ of crime under the conditions of order; and two, that love is an undeniable and essential part of all ‘right’ law and justice. Then suddenly, with a caveat that *Krazy Kat* is a collection ‘which men of the law need to work over not a single time for amusement, but many times, for study’ (1947: 338), Llewellyn is finished, and the law’s attention to *Krazy Kat* evaporated entirely.

Llewellyn’s review was hardly the first instance of an intellectual waxing poetic about *Krazy Kat*, but it is remarkable that Llewellyn is as equally absent from the regularly cited list of *Krazy Kat* intelligentsia fans as *Krazy Kat* is absent from the many works considering Llewellyn’s legal theories and contributions. Most pieces about the comic inevitably mention Gilbert Seldes’ *The Seven Lively Arts* of 1924, wherein Seldes lauded *Krazy Kat* as ‘the most amusing and fantastic and satisfactory work of art produced in America today’ (1924: 15). Seldes’ comments are part of the book’s broader claim that the so-called low arts of mass culture deserved as much critical attention, recognition, and respect as the self-proclaimed high arts. The edition of *Krazy Kat* that Llewellyn reviewed included a forward by E. E. Cummings (1946) which highlighted Herriman’s themes of democracy, individualism, and love. Many literary and artistic

giants such as F. Scott Fitzgerald, James Joyce, H. L. Mencken, Ernest Hemmingway, Pablo Picasso, Frank Capra, William de Kooning and Jack Kerouac were all public admirers of the strip (McDonnell et al 1986, Boxer 2007), prompting Irving Howe to label *Krazy Kat* ‘the one comic strip intellectuals admitted to liking’ (1948: 49). Perhaps it should be expected that Llewellyn would be unmentioned in the significant discourse and writing surrounding *Krazy Kat*; in the struggle to gain symbolic capital for the comic medium (in which *The Seven Lively Arts* played an integral part), it was by reference to the opinions of the holders of cultural capital, such as avant-garde artists and writers, that valorisation of the medium could be achieved. A scholar of jurisprudence simply lacks the same cultural weight, even if he also happens to be a poet.³

Despite Llewellyn’s clear influence and legacy in the legal realm, no ‘man of law’ has taken up his challenge to truly study *Krazy Kat*. Likewise, no account of Llewellyn’s work mentions *Krazy Kat*, even in passing. At the time of Llewellyn’s review, law’s failure to take *Krazy Kat* seriously was part of a broader reluctance, or even refusal, to critically analyse any particular piece of mass culture. Law, of course, was not unique in its treatment of mass culture.⁴ Yet, as other disciplines began to embrace popular culture, legal studies still retained an isolation based, according to Anthony Chase, on a professionalised predilection for both ‘pure academic subjects’ and the power provided by ‘monopolies of credibility’ (1986: 541). Since Chase wrote in the mid 1980s, legal studies have begun to make up for lost ground. Despite this, *Krazy Kat* – “the Leonardo da Vinci” of the comics’ (Carlin 2005: 35) which has generated extensive commentary in literary, cultural studies, and comic circles – has remained untouched by legal writing, despite one of the twenty most-cited legal scholars of all-time⁵ pronouncing that no lawyer should leave *Krazy Kat* ‘unstudied’.

Nonetheless, Llewellyn’s attempt at an analysis of *Krazy Kat*, while admirable, remains deeply unsatisfactory. The theme of transcendent love, while widely commented upon in other sources, does not capture the complex and surreal play between law, transgression and its subjects that, when undone, creates a chain reaction to nothingness – as evident in figure 1. Llewellyn’s reflections on individualism and order seem

wholly inadequate for the macro-yet-subjective presentation of law underpinning the strip. While Llewellyn's review appears to pick up on disparate nodes, or riffs, of law in *Krazy Kat*, it fails to capture the whole expression of the law in Herriman's comic. Llewellyn seems to have been sensitive to the relations that were animating the strip, yet his review fails to address the stage upon which they are played, an omission which is made glaring when Herriman disrobes law into a quiet, starry desert (figure 1).

I contend that the surreal riffs and fugues of law in *Krazy Kat* are best understood through a hybridized framework of legal formalism, legal realism, and the Surrealist union of contradictions which I have termed legal surrealism. Concurrent with *Krazy Kat*'s three decade run in American newspapers, André Breton and the Surrealists were challenging objectivity, rationality, and nihilism on the aesthetic and cultural battlefield in Europe. It was also at this time that Karl Llewellyn led the legal realist charge against the abstracted logic of formalism in American law. To reveal the legal surrealism of *Krazy Kat*, these three meaningfully coincidental worlds – comic, cultural, and legal – will be interwoven to produce a sort of Magritte *lumière des coincidence*.

In part 1, I will introduce the world of *Krazy Kat* and the comic medium, focusing on its political economy and form. I will also explore the idiosyncratic symbolic relation between law and desire native to Herriman's work. In part 2, I will examine the ideas and aesthetics of the Surrealists, paying particular attention to the aspects of their work which managed to migrate across the Atlantic. Here, I will also explore in what vein *Krazy Kat* has been labelled surreal by critics, not in the hope of proclaiming *Krazy Kat* a Surrealist work but rather to pinpoint a frame wherein Surrealist ideas may illuminate the comic. In part 3, I will outline the ideas surrounding the rise of legal realism against legal formalism in America, laying bare the legal surrealist space that was created in the process. Overall, my hope is to capture the legal surrealist composition of *Krazy Kat*, a vision that foregrounds the aporia within law as an essential and inherent aspect of its surreal structure.

Legal Surrealism of Crazy Kat

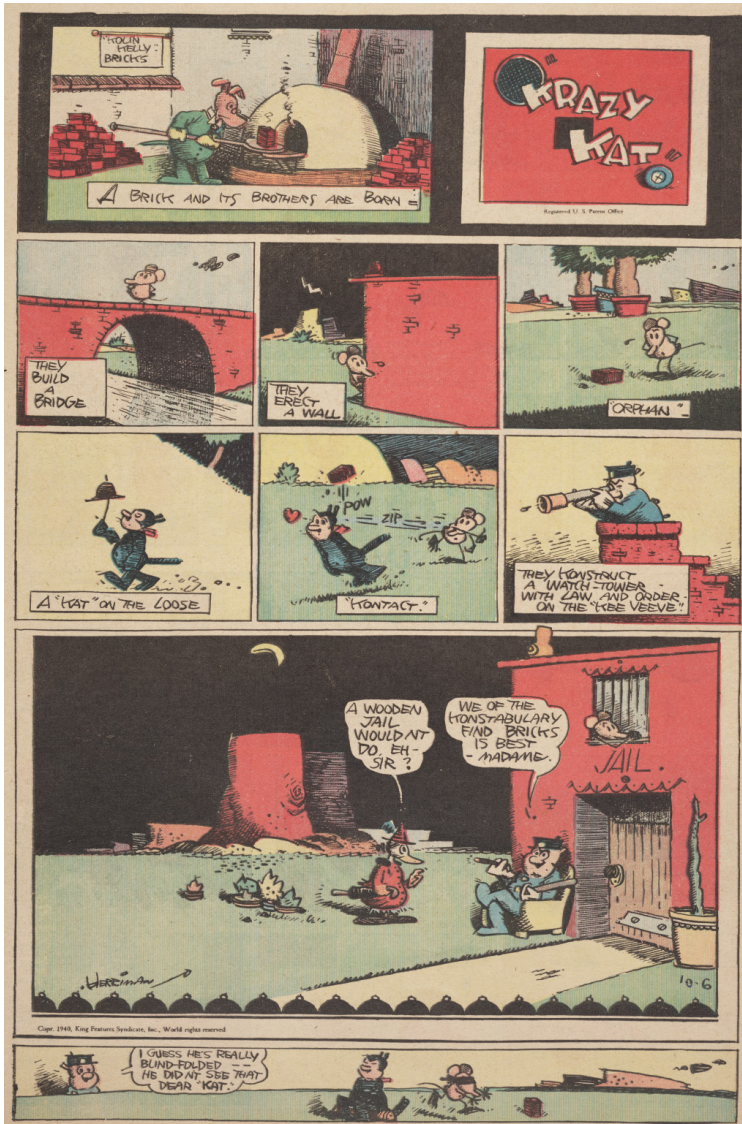


Figure 2: (Herriman 6 October 1940: 150)

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1 *Krazy Kat* at Eternal Play

Law and desire appear to stand in an antithetical or dialectical relationship to each other. Law struggles to control, direct, or repress desire, and desire attempts to express itself by eluding the strategies of lawful control. This agonistic relationship between law and desire is, in effect, a *play* of forces.

Mark C. Taylor, 'Desire of Law, Law of Desire' (1990: 1269 emphasis shifted from forces)

In the earliest versions of *Krazy Kat*, desire was depicted as uncomplicated and unidirectional. The kat and mouse, time-honoured foes, first appeared underfoot, nestled at the bottom of Herriman's *The Dingbat Family* on July 26, 1910. Below the Dingbat's shenanigans, a small mouse scurried over to a stone and simply tossed it at the kat, hitting her in the head and leaving her perplexed in the final frame. The straightforward humour flipped the traditional cat-and-mouse game, creating an appealing David and Goliath narrative of undiluted slapstick. From these origins, *Krazy Kat* would eventually expand beyond the confines of *The Dingbat Family* to its own eponymous strip on October 28, 1913, and continue well beyond *The Dingbat Family's* end in 1916.

Krazy Kat did not debut fully formed; in Herriman's words, '*Krazy Kat* was not conceived, not born, it jes' grew' (qtd in McDonnell et al 1986: 54). It was a month after the kat and mouse's debut that Herriman introduced another key element, when *Krazy* planted a kiss on Ignatz while he slept; a kiss of which Ignatz would never become aware: 'I dreamed an angel kissed me' (McDonnell et al 1986: 55). *Krazy*, who had developed a sweetness and innocence of character, had fallen in love with Ignatz and *wanted* to be hit, interpreting each act of violence as a sign of undying affection from her 'li'l aingil'. With these small changes, Herriman had expanded and reciprocated the desire which drove the action of *Krazy Kat*.

Ignatz, compelled by his complementary hatred, continued to pelt the kat's head despite her affection, but had developed a predilection

towards a particular projectile: the brick. For Adam Gopnik, this brick (and *Krazy Kat* itself) is Edenic; Ignatz cannot inflict pain in this comic land as ‘each brick is transformed in midair into a bouquet’ (1986), bouncing off Krazy’s head as a little heart forms from impact. A social relation of pure desire is thus anchored to the brick but the brutality it could represent is entirely vitiated.

The law appears to have grown into a recurring interest within *Krazy Kat* when Bull Pupp, originally a secondary character, became gainfully employed as Offissa B. Pupp, thus forming the third point of the ‘essential triangle’ (Gopnik 1986) of *Krazy Kat*’s drama. At first glance, Pupp is personally inspired to thwart Ignatz’s brick throwing because he is in love with Krazy. However, he is also clearly invested in what Gopnik describes as an aesthetic commitment to abstract formal justice and order, representing ‘Law as pure form’ (1986). Offissa Pupp added a new intrigue and punchline to the slapstick: Ignatz would now need to evade the law to succeed in his destructive goal, and his usual rendition into Coconino County’s single, unwavering jail would serve as the fitting final note to the tumult of Krazy, Ignatz, and Pupp’s relationship. This simple plot – cat loves mouse, mouse hates cat, mouse eludes dog to throw brick at cat, dog enforces the law by putting mouse in jail – would become the recurring structure of Herriman’s three decade comic-fugue.

When *Krazy Kat* began, comics were considered disposable culture, designed to be consumed and thrown away with the daily news. A single day’s strip needed to concurrently stand alone and be familiar, paralleling the consumption practices of the newspaper. Since the news was published daily, a new comic was needed daily; since the news carried on indefinitely, a comic needed to do the same. For this reason, Robert Warshow wrote in 1946 that ‘the comic strip has no beginning and no end, only an eternal middle’ (1946: 65). Warshow’s article was intended to criticize what he called ‘*lumpen* culture’, or nihilistic works which break down all cultural or societal distinctions. However, if we eliminate the class-based value judgement of aesthetics in his critique – removing, in Franklin Rosemount’s words, ‘the ill-

concealed sneer of the snob' (1987: 122) – then an important point emerges about comics of the era, particularly *Krazy Kat*. In comics, the plot is not the unanticipated narrative of the work, not a linear force leading a beginning rationally to its determined end. Instead, plot operates as a preamble of conditions, the stage upon which the comic actors play. Daily strips foreground the *relationship* itself, for it is that dynamic which provides the infinite variation necessary for a strip to remain engrossing within the confines of a singular plot repeated indefinitely. The plot is mere expectation to be mined and undermined for comic effect whereas the dynamic itself, or the play of relations, is the message of a turn of the century comic. Each day, the forces the plot has established are unleashed, and each day they play out anew within the borders of its panels.

Krazy, in her naive innocence, sees Ignatz and Pupp's relationship not as 'a deadly war' as Seldes imagines (Seldes 1924: 17), but one of play: 'it must be a l'il game, [Ignatz] an' Offissa Pupp is playing – so I wunt inta-fee' (Herriman 3 November 1935: 194). Herriman replaced the traditional game of cat and mouse with the game of law and mouse, like many police serial dramas before it, but with one key difference. Instead of the cat and mouse game driving the plot – whereby a capture typically solves the mystery and relieves the climatic tension of the story – here the law and mouse game is simply an ontological condition, an unending, surreal desert of metaphysical recurrence. The turn of the century comic took the decisive rationality of plot and turned it into the recurring setting for eternal play.

Herriman is constantly highlighting that Ignatz and Pupp are *at play*, and as a comic strip, this play expresses the dynamic between Offissa Pupp's pure law and Ignatz's insatiable transgressive desire. Of course, this desire is not limited to Ignatz; both Ignatz and Krazy share the same desire, represented in the image of the brick-turned-bouquet. Thus, the desire represented by the brick must be considered broadly social, both an active and passive force that cannot be reduced to any individual. The action of *Krazy Kat*, whenever Offissa Pupp is involved, is thus the interplay of desire and law, the animating force of the strip.

Mark C. Taylor, in his writing on law in ‘Desire of Law, Law of Desire’, captures both the plot and animus of *Krazy Kat* beautifully when he notes the legal dialectic Stanley Fish glossed in arguing ‘The Law Wishes to Have a Formal Existence’:

In wishing to have a formal existence, Fish argues the law wishes its own autonomy ... it wishes to be only itself. This wish, however, is impossible. By wishing to be itself, the law is found *wanting*. To desire is to want and to want is to lack. The desire for autonomy, therefore, testifies to its lack. Never able to be only itself, that law is forever wanting. The lack of law is the opening of transgression. Transgression, which in one sense is what the law does *not* want, is also precisely what the law desires (1990: 1269).

This is why earlier, Taylor writes ‘to think the complicity of law and desire is, in the final analysis, to discover that *the* law does not exist’ (1990: 1269). In *Krazy Kat*’s terms, the pure law Offissa Pupp represents simply does not exist, and it demands the presence of Ignatz and Krazy’s repressed desire for it to make its desirous, formalist claim. Here, we are firmly in the territory of the *Krazy Kat* strip of figure 1. If the punishment disappears, so does the demarcation of transgression, which initiates a domino obliteration of the very tension between rules and transgression that holds the law together: No jail, no brick, no mouse, no kat, and finally no pupp, leaving only an empty landscape. The plot, which is the landscape of *Krazy Kat*, is an assembly of buttressing tensions which the comic draws from the nature of law itself.

As to the animus of *Krazy Kat* – Krazy, Ignatz, and Pupp’s eternally repeating play – Taylor is equally prescient:

To interpret transgression as the desire of law is to refigure the relationship between law and desire. Law and desire appear to stand in an antithetical or dialectical relationship to each other. Law struggles to control, direct, or repress desire, and desire attempts to express itself by eluding the strategies of lawful control. This agonistic relationship between law and desire is, in effect, a play of *forces*. Expression and repression are locked in endless struggle (1990: 1269).

Krazy Kat is thus specially equipped to express this ‘endless struggle’ of law because of its medium characteristics, which each day explore a new contour of a particular *relation*. In this sense, *Krazy Kat* concerns itself with the ‘other dimension of law’ that Pierre Legendre specifies as the ‘*atomic bond of law*’, that is the ‘primary material of man: *biology, the social, the unconscious*’ to which the law must address itself but from which the law must also be formulated (1998: 184-5). Herriman’s eternal triangle effectively locates the endless struggle of law at desire and law’s interstices. The transgression, the brick, the atomic bond, becomes the very thing from which the jail is built: when Miss Kwakk Wakk asks ‘A wooden jail wouldn’t do, eh – sir?’ Offissa Pupp replies ‘We of the Konstabulary find bricks is best – Madame’ (figure 2). The bricks in *Krazy Kat* bring together subjectivity, order, and power, demanding each force exert itself upon and through it without any resolution, only a cohesive tension. And so if the law and its subjects, order and desire, are intertwined in this sense – a co-defining yet contradictory ‘difference without which we cannot live’ (Taylor 1990: 1274) – then the brick is Herriman’s poetic *union* of law’s contradictions.

2 A Constant Cell on a Fluid Landscape

Underlying the Surrealists’ commitment to the irrational and the absurd was an intention to destroy the Western dualistic view of good and evil. Equally, they sought to destroy the existing dichotomy between reason and madness, sleep and waking, seriousness and humour. In fact, this paradox of the denial of opposites (or the necessary union of contradictions) is the dialectical key to Surrealism.

Suzi Gablik *Magritte* (1970: 56)

A common refrain amongst the commentators and critics of *Krazy Kat* is to note the presence of the surreal in Herriman’s work.⁶ However, use of the concept in *Krazy Kat* commentary has been desultory, and the lack of rigour has greatly diluted its conceptual value. The term ‘surreal’ is often used in relation to *Krazy Kat*’s landscapes, but most use it simply as a vague descriptor.⁷ Generally, term surreal is a cultural

shorthand, tapping into a vast reservoir of meaning without providing much precision, and in the process undermining any of the critical value that may come from describing *Krazy Kat* as surreal.

To be fair, some critics have provided more exactitude, taking care to triangulate their use of the term surreal. For example, Carlin suggests *Krazy Kat* demonstrates ‘Herriman’s ability to suggest surreal landscapes that are neither grotesque nor sentimental’ (2005: 46) in the combination of discontinuity and shifting scenery. Carlin’s attention is largely drawn to the flux: ‘The backgrounds are desert scenes of the American Southwest that shift from panel to panel without apparent continuity in a way that makes them more surreal than representational’ (2005: 42). This characteristic of *Krazy Kat*’s Coconino County is perhaps best articulated by Jay Cantor in his literary continuation of *Krazy Kat* titled *Krazy Kat: A Novel in Five Panels*: ‘this was Coconino, and the boulder that Kiyote was to hide behind was a cloud by afternoon’, and then later, ‘Too late. The cloud had become a tree’ (1988: 148). However, beyond stating that this protean land is surreal, these critics still confine themselves to the level of mere description, giving a reader very little idea as to what, exactly, can be understood from the term.

Clearly, the surreal in *Krazy Kat* demands a more careful analysis. And the contemporaneous Surrealist movement – those who, according to Michel Carrouges, ‘unleash the spirit of negation like a corrosive acid that will dissolve social and cultural prejudices ... Yet at the same time ... are the demiurges of new worlds in perpetual expansion’ (1974: 3) – are well suited to provide some conceptual aid.

A few theorists have seized on this impulse to read *Krazy Kat* through a Surrealist lens, but have generally only succeeded in noting shallow similarities between the movement and the comic.⁸ Adam Gopnik is arguably the most successful at analysing Surrealism’s relation to *Krazy Kat* in his ‘The Genius of George Herriman’(1986). Gopnik writes in response to the editors of *Krazy Kat: The Comic Art of George Herriman*, who dismissed Umberto Eco’s claim that the landscapes in *Krazy Kat* appear surreal. Instead, the editors suggest that

Krazy Kat displays an inherent realism, citing as evidence Herriman's regular visits to the surreal-in-appearance Coconino County in Arizona (McDonnell et al 1986: 73). Gopnik's counter cuts to the heart of *Krazy Kat*'s aesthetic resemblance to Surrealism:

When Eco or anyone else refers to surreal elements in *Krazy Kat* he doesn't mean that the landscape looks strange. They mean that Herriman seems to respond, with uncanny coincidence of imagination, to the same mix of places, myths, ambitions, and goals that moves surrealism proper: the same fascination with aboriginal art, the same love of anthropomorphic bestiaries, the same feeling for eloquent illogic, the same love for desert landscapes (1986: par 24).

After drawing extensive parallels between Herriman, Max Ernst, and Joan Miró, Gopnik writes that their relation is like 'any two animals have who descend from a common ancestor' (1986: par 29). Surrealist ideas, then, will not explicate the action of *Krazy Kat* when applied blindly; rather, one should look to Surrealist techniques to uncover the particular aesthetics and mechanics of *Krazy Kat* wherein the comic's own structured meaning may lie. It is a search for common adaptations amongst genetic relatives.

The Surrealist movement, originally touted as 'a movement capable of proposing an afterlife for cubism, futurism, and Dadaism' (Durozoi 1997: 38), emerged from the ashes of Dada after it had collapsed under the weight of its own nihilism. According to Carrouges, Dadaism was 'a chemically unstable body since it was by definition the negation of any positions ... [and] by its very nature excluded all sustained action, all possibility of development' (1974: 5). However, its intellectual legacy of liberation 'from the bonds of habit' (Carrouges 1974: 5) allowed Surrealism to flow from its wake. The Surrealist movement officially announced its existence by opening the Bureau of Surrealist Research in Paris on October 11, 1924 (Durozoi 1997: 63). Three days later, the movement's *de facto* leader André Breton released *The Surrealist Manifesto*, proclaiming the Surrealists' project of resolving 'two states, dream and reality, which are seemingly so contradictory, into a kind of absolute reality, a *surreality*' (1972: 14). Surrealist techniques, such as

disintegration and automatism, attempted to circumvent the demands of conscious rationalism and emphasized the exploration of unconscious creativity and spontaneity, attempting to locate a natural link between the particular and the universal or 'an active synthesis of the subjective and the objective' (Carrouges 1974: 179). As Breton would later state in a 1934 address, Surrealism's aim was to 'bring about the state where the distinction between the subjective and the objective loses its necessity and its value' (1934: par 42). Ultimately, Surrealism's revolutionary goal was what Carrouges terms 'dialectical humanism' (1974: 276), the first necessary step towards true Marxian liberation: 'the liberation of mind' thus leading to 'the liberation of man'.

Those within the Surrealist inner-circle would fluctuate greatly over time, but the Surrealists were perhaps best known for their prominent visual artists: Max Ernst, Giorgio de Chirico, Joan Miró, René Magritte and Salvador Dalí. In 1928, Breton wrote the essay *Surrealism and Painting* to explore the medium that *The Manifesto of Surrealism* had failed to address. Breton never explicitly defines Surrealist Art but he does provide 'an exploration of the ways in which visual art and the surrealist viewpoint might complement each other' (1965: xix) Given Surrealism's philosophical goal, a key element to both its art and its poetry was juxtaposition. In the *Manifesto of Surrealism*, Breton revealed the inspiration he drew from a key passage of Pierre Reverdy's writing:

The image is a pure creation of the mind.

It cannot be born from a comparison but from a juxtaposition of two more or less distant realities.

The more the relationship between the two juxtaposed realities is distant and true, the stronger the image will be – the greater its emotional power and poetic reality... (1972: 20).

The Surrealist image, then, was ideally a spontaneous and genuine combination of distant realities, unified not rationally for the purpose of contrast but as an expression of scrupulous Surrealist thought. Juxtaposition, in its mechanics, reaches towards the synthesis the Surrealists desired, and so it was celebrated as a royal road to authentic

meaning. This is the source of Breton's infatuation with the phrase-image upon which he dwells in *The Manifesto of Surrealism*: 'There is a man cut in two by the window' (1972: 21). While even the grammatical meaning is clearly ambiguous, producing two possible constructions – the man may be by a window, cut in two; or it is the window itself which has cut the man in two⁹ – it is only the latter construction which is overtly consumed by its juxtaposition. The image is at once an image of the modern man severed into two by modern rationality – the real and the dream; the objective and subjective – yet provides hope for glimpsing his other half *through the window*: a refractive frame which is at once transparent and reflective. The man-window juxtaposition at once declares Surrealism's preoccupations but also the potential of its ultimate goals. In *Surrealism and Painting*, Breton valourises a similar mechanism in painting:

The idea of painting should be viewed in the same light as the hypnagogic visions such as that recorded by René Guyon: 'I compared the appearance of the eyes of this terrible head to that of the little strips of red tinsel that decorate the lips of chocolate cigars, and the brown hue of the head itself reminded me of the colour of those same cigars' (1965: 28).

Later, Breton would delight in Edgar Allen Poe's description of '*the chemistry of the intellect, that the admixture of two elements results in a something that has nothing of the qualities of one of them, or even nothing of the qualities of either*' (1965: 35) and would praise 'the absolutely devastating equilibrium' of Miró's juxtapositions (1965: 40). As Suzi Gablik would stress in her work on Magritte, the 'dialectical key' to Surrealist art and practice was 'this paradox of the denial of opposites (or the necessary union of contradictions)' (1970: 56). The Surrealist image is a unification of discordant harmony, a meaningful marriage of the disparate-yet-connected, revealing an essence of existence invisible to the rational eye.

Interestingly, when Surrealism migrated to America in the 1920s and 1930s, it tended to lose its politics in transition. While surreal imagery was welcomed into American popular culture and imagination – for example, turning Salvador Dalí into a Hollywood star – its revolutionary, Marxist politics were entirely lost upon an American

audience who did not share the same concerns as Europe after the First World War. Keith L. Eggenger notes that, especially with the popular appeal of Freudian psychoanalysis in the United States, Americans were strongly attracted to Surrealism's bizarre forms and dream-like subject matter (1993: 36-9). As for its politics, Eggenger bluntly states that 'for most American authors, Surrealism did not mean revolution, either psychic or social ... Surrealist politics were variously ignored, misunderstood, dismissed, or derided in the United States' (1993: 33-5).

Looking to *Krazy Kat*, the shedding of Surrealist politics in America is an important caveat. As Inge observes in his piece regarding Herriman, the Dadaists and Surrealists, 'the artist in this case [Herriman] was not responding to the collapse of rationalism or the emotional impact of World War I, nor was he declaring war on the traditional standards of art and aesthetics' (1990: 44). Surrealism's reception in America suggests that for *Krazy Kat*, the relevance is not Surrealism's political philosophies but rather its aesthetic frame: the union of contradictions. While the comic and Surrealism are unlikely to have the same source, surreal depictions in America share both structure and effect with their Surrealist cousins.

With an eye to the representation of legality, *Krazy Kat's* recurring Surrealist union of contradictions *par excellence*, especially enunciated in the latter years of the comic's run, is the image of the unvarying jail moored upon the amorphous desert. In a comic so inundated with flux and ephemerality, wherein Herriman took great liberties with the continuity of both the buildings and the landscape of Coconino County, the jail remained its one consistent and stable element. The final image in the closing paragraph of Jay Cantor's *Krazy Kat: A Novel in Five Panels* perhaps captures the juxtaposition at its most poetic:

On a deserted mesa wind blew into a house that now had only three walls left, no, two, no one. Tumbleweed blew past a table, shaking a cup that seemed to have been half dissolved by the wind, a partial cup that, as the table disappeared, stood in midair. Outside – if one can speak of an outside when there is only one wall – was a small empty stone building, unchanging, eternally itself, with a faded wooden sign

of the door: JAIL. Behind it, a cactus turned into church spires, and a mesa in the background became maroon bells for the spire (1988 : 245).

A common final panel of a *Krazy Kat* comic was the image of Ignatz locked up in jail drawn upon a desert landscape, but the features of that landscape varied with every new strip. Thus while each closing panel is intuitively solid, without discontinuity, it is over time that the ‘devastating equilibrium’ affixing the jail to the unstable land it polices becomes apparent. Taken together, *Krazy Kat*’s closing panels demonstrate a sustained reflection on the nature of law, juxtaposing and thus admixing pure law with the tumult of its social surrounding. Within each panel there are two visions of law operating – one abstracted and unchanging and the other adaptive and in flux – tied together as the law of Coconino County. *Krazy Kat* is deploying an image which contends law to be a union of contradictions: a constant cell on a fluid landscape. The image is an embodiment of what I term legal surrealism.

3 From Legal Realism to Legal Surrealism

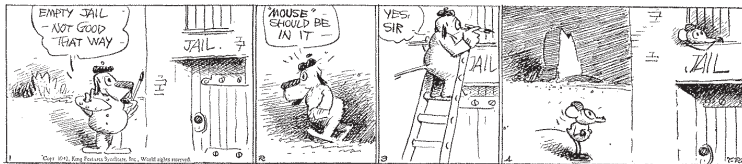


Figure 3: (Herriman 28 July 1942: 105)

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*Lovers and madmen have such seething brains,
Such shaping fantasies, that apprehend
More than cool reason ever comprehends.
The lunatic, **the lawyer**, and the lover
Are of imagination all compact.*

-William Shakespeare, *A Midsummer Night’s Dream* (V.i.4-8), with Llewellyn’s edit (2008: 88)

In the final frame of the figure 3, Ignatz is startled to recognize his unmoving self stencilled onto the facade of the Coconino County jail. Immediately recognizable is the frame of Herriman's surreal union of contradictions: a new iteration of the landscape accompanies the unwavering jail's form. Here, the depiction of Ignatz evokes the Surrealist man cut in two by a window (though this time, a window with bars). There is an ideological element of Althusserian interpellation (1971: 44-51) at play too: the jail is calling Ignatz into the role of subject of law long before he launches a single brick. Further, Ignatz's punch(line) of recognition is particularly reminiscent of Franz Kafka's parable 'Before the Law' from his unfinished novel *The Trial*. A story from 'the introductory writings to law', a country man spends his entire life waiting at the gates 'before the law' only to be denied entry up until the expiry of his life. As he dies, he demands of the gatekeeper, 'How is it that in all these years nobody except myself has asked for admittance?':

The door-keeper realizes the man has reached the end of his life and, to penetrate his imperfect hearing, he roars at him: 'Nobody else could gain admittance here, this entrance was meant only for you. I shall now go and close it' (1994: 166-7).

The logic of the gatekeeper is the same logic that compelled the unnamed dog-artist to decide the jail was incomplete without 'mouse'. In Desmond Manderson's words, the gatekeeper's logic is 'indistinguishable from a nightmare's relentless *illogic*' (2008: 3). Manderson proposes that while Kafka's story may be taken as a cruel joke, it may also be a condemnation of the detached logic of the law, a call 'to care less about abstractions and more about individual lives' (2008: 3).

The legal realist movement levelled a parallel critique at the abstracted logic of legal formalism. Epitomized by the writings of Karl Llewellyn in the 1930s, legal realism developed in the same era as Kafka, the Surrealists, and *Krazy Kat*. This is not to suggest that Herriman was necessarily familiar with the debate, but rather that the shift in cultural understanding of law opened a space which Herriman was already inhabiting intuitively and had developed through the comic medium. *Krazy Kat* demonstrates that legal formalism and legal realism are neither

exclusive nor competing theories of law, but instead coexist paradoxically, held together in a union of contradictions.

Though Duncan Kennedy (2001) has written that legal formalism is an essentially contested category in each of the fields in which it is mobilized, for these purposes I will focus on the term's usage by the legal realists to categorize mainstream legal thought dominating America in the 19th Century.¹⁰ Self conceptualized as an 'apolitical rationalization project' (Kennedy 2004: 1034), legal formalism stressed deductive logic from legal principles and abstraction to the universal in the pursuit of a coherent set of legal rules, understood to be both desirable and achievable through the realization of individual will as protected by the state.¹¹ These principles would inform the assumptions for Christopher Langdell's development of the case method of legal pedagogy in the late 19th Century, in which law was treated as a science which 'conjured up the ideas of order, system, simplicity, and original sources' (Twining 1973: 12). For legal formalism, 'law was discovered, not made, and ... each discovery was rooted in an absolute' (Hull 1997: 34). Law was a stable array of principles awaiting only detection, apprehension, and application.

Legal formalism's insistence on a systematic coherence rendered the law a conservative force, since 'a system of legal reasoning based on fixed principles could hardly declare that these principles had suddenly changed' (Hull 1997: 35). This focus also demanded a deductive and universalist approach to legal reasoning, meaning the focus was on the structural integrity of the whole without attention to the ramifications of specific application. Oliver Wendell Holmes Jr., a student of Langdell's at Harvard and a precursor to legal realism, took issue with his former teacher on these fronts, labelling Langdell 'the greatest living legal theologian ... less concerned with his postulates than to show that the conclusions from them hang together' (Twining 1973: 15) and attacking 'the fallacy of the logical form ... the notion that the only force at work in the development of law is logic' (Twining 1973: 17) so embedded in formalist thinking.¹² Logical coherence of law and deductive reasoning were the cornerstones of a legal formalist approach, insisting that adherence to abstracted reason in the application of rules produced just, universal law. Sociological jurists, such

as Holmes, undermined those claims, suggesting that legal formalism served only to obscure a judge's biases, maintaining the appearance of objectivity while preventing adjudication from serving social purposes or adapting to an ever-changing society (Kennedy 2001: 8635). These jurists cited abuses of deduction in decisions and instances of incoherence in the application of legal principles as evidence for their claims.

An offshoot of this revolt against formalism, the movement of legal realism arose with Llewellyn as their *de facto* leader when he published 'A Realistic Jurisprudence – The Next Step' in April of 1930. Llewellyn wrote that, in situations where the doctrine is well settled, judges are likely to declare the question of 'what the law ought to do' as 'irrelevant speculation', whereas if the doctrine is without clear answer, suddenly a judge is more interested in the question of 'ought' (1930: 432). Drawing upon this discrepancy, Llewellyn proposed that rights and principles are not ends in and of themselves, but means to social ends. Legal realism did not seek to overthrow rules but only remove them from the focal point of law, and replace that focus with 'the *area of contact* between judicial (or official) *behavior* and the *behavior* of laymen' (Llewellyn 1930: 443). Principles were not self evident in their existence, they were not to be generalized without investigation into their application in a particular circumstance, and they were considered to have social purposes and not reified value.

Interestingly, Llewellyn felt that realist concerns sometimes cropped up in legal formalist approaches, but only *ad hoc*, for a particular challenge, a reworking that 'is no part of the standard equipment of investigation, discussion, synthesis: it is a part only of the equipment of defence' (1930: 444-5). Llewellyn described this relation of formalism and realism in a poetic image that, though it feels torn from the pages of *Krazy Kat*, showed the two legal philosophies to be in an unbalanced state, noticeably lacking juxtaposition:

When [legal realism is] used apart from combat, as a result of a worker's own curiosity or of some sudden fact-stimulus outside, it flares like a shooting star, and disappears. Always the night of words will close again in beauty over the wild, streaked disturbance (1930: 445).

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Here, Llewellyn aligns legal realism with the tumult of the real world – the fact of ephemerality and not the unflinching ‘night of words’. As Llewellyn would later highlight in his list of ‘common points of departure’ for legal realism, law is in flux, as is society, but society evolves faster, so law must continually adapt to best serve its society (1931: 1235-6). Law was inherently a social product of real people and real, evolving relations. The legal realists wished this social aspect of law to define its development, allowing it to embrace societal change explicitly rather than ensconcing itself beneath a costume of deductive reasoning.

Legal realism also rejected legal formalism’s ‘Transcendental Nonsense’ (as Felix Cohen put it). Reified legal concepts were labelled ‘legal magic and word-jugglery’ (1935: 821) for their lack of basis in social experience. Cohen lambasted legal rule justifications for ‘arguing in a vicious circle’ (1935: 814), in other words, rejecting pure legal reasoning for functioning only through blind faith in a fallacious, self-justifying principle. The Surrealists, too, were rebelling against a broader reign of logic, and it is fascinating to note Breton’s similar terms of engagement to the legal realists:

We are still living under the reign of logic: this, of course, is what I have been driving at. But in this day and age logical methods are applicable only to solving problems of secondary interest. The absolute rationalism that is still in vogue allows us to consider only facets relating directly to our experience. Logical ends, on the contrary, escape us (1972: 9).

Both Surrealism and legal realism rejected a sort of abstracted objectivity in order to explore more subjective realms, albeit with extremely different methodologies. While the Surrealists embraced aesthetic techniques to reach beyond rationalism, legal realism would valorize sociological methodologies to address the ‘true’, subjective experience of law.

Significantly, both Surrealism and legal realism insisted on the continued existence of and hybridization with its other half. It is a misinterpretation of each to suggest that either was invested in the obliteration of rationalism: Breton’s ultimate goal was to find a new synthesis of dream and reality to form the intuitively contradictory surreality (1970: 14); and Llewellyn would insist that legal formalism’s

rules were not to be eliminated entirely, but rather set in perspective (1930: 453). In Llewellyn's imagery, this ultimate goal would be the flash of the shooting star remaining indefinitely superimposed over the night sky – a surreal juxtaposition.

While the telling of an intellectual history often implies vanquishment and resolution, a triumph of one movement over another in the marketplace of ideas, it is rare that ideas are obliterated from cultural existence. Even if the phrase 'we're all legal realists now' is so overused that it is even a cliché to call it a cliché (Green 2005: 1917), legal formalism can still be found in legal theory (Weinrib 2010). More importantly, legal formalism still plays a major role in judges' decisions, legal formation, and popular understanding of law. Deductive reasoning, coherent order, universal pretensions all remain active parts of the law, though they can no longer claim to be the entirety of the law. In this sense, the legal realists did not just reveal a new functional approach that stressed instrumental effects, particular facts, and the subjective moment of encounter with the law. Legal realism also opened a liminal space wherein both legal realist and formalist claims work alongside each other, despite their incongruities; they are two poles which are both to be taken seriously and between which law's daily function lies. By insisting law be aware of all the elements that lay outside its formal existence while still maintaining the legitimacy of legal rules, legal realism restored law to its contradictory, surreal spirit.

This is the domain of legal surrealism, the image of law that legal surrealism proposes. Law is a functional paradox, a 'distant but true' juxtaposition of great power. It is at once abstracted and instrumental, subjective and objective, transcendental and immanent. This does not mean law is a fusion of these elements, but a Surrealist *union of contradictions*. The law is not a sublime machine of natural science, nor an instrumental panacea of social governance. It is a structure built of dovetails, where any given hinge contains a foundational, functional contradiction. Legal surrealism, then, is the critical search for law's foundational dovetails, its bonding aporias.

Herriman's representation of law in *Krazy Kat* is filled with particularly astute legal surrealist images. Thinking of Offissa Pupp – an urban beat

cop drawn in the landscape where, in American pop culture, a sheriff would typically reside – it is clear Herriman was addressing himself to a governing, bureaucratic, modern legal system. The setting of *Krazy Kat* is not a lawless land demanding the civilizing imposition of law, but rather a milieu where law exists as a part of the social and material landscape. In part 1, the brick of *Krazy Kat* was shown to be a symbolic apex of the relationship between law and desire, a paradoxical dynamic that structured the field of law and its relationship with its subjects. In part 2, the surrealist concept of union of contradictions pointed to Herriman's recurring final panel of a constant cell on a fluid landscape, and an examination of the contemporaneous flux between legal formalism and legal realism gives that surrealist image legal content. The jail, in its fixity, exudes the qualities of law to which legal formalism aspired – a coherent, 'unchanged, eternally itself' (Cantor 1988: 3) structure, abstracted entirely from the landscape. The protean terrain, on the other hand, reflects the aspect of law that the legal realists felt formalism obscured – the flux and tumult of the social which produced the same phenomenon in law. Taken together, they reveal a surreal space of discontinuity within the law which Herriman exploited and explored in *Krazy Kat*.

Returning to Ignatz's self-encounter in the law in figure 3, a legal surrealist lens immediately foregrounds the discontinuity between Ignatz's subjectivity and his objective portrayal by the law. The little lines around Ignatz show him in a dynamic double-take, whereas his artistic rendition painted on the jailhouse is frozen in sin. The jail anticipates him not as an individual but as 'mouse'. The 'mouse' thus represents the abstracted reason for the jail's existence, that which the jail is entirely incomplete (or 'not good') without. Ignatz's surprise cannot be that he sees himself in jail – after all, that occurs fairly regularly – but rather how flat and listless he is rendered in anticipation as a means to law's self-justifying ends. Nonetheless, the moment also dramatizes self recognition within the law, of identification, of subjectivity captured. Law, to be formally whole, must flatten 'mouse' objectively and Ignatz, as a subject of law, finds himself in surreal surprise in the presence of his static twin. The contradiction between actual sin and abstracted sin, unified in the subjective encounter of formal law, is at the heart of the debate between legal formalists and

legal realists, and is an integral dovetail to law's structure. That we can identify ourselves in abstracted forms lends formalism objective validity; that those forms look so uncannily disconnected, so frozen and flat, demands a concurrent, constant return to legal realism. Such a union of contradictions is the assertion of legal surrealism, the lifeblood of *Krazy Kat*, and the essence of law.

Conclusion – Herriman's Legal Surrealism

I am not convinced Llewellyn would necessarily have found the instrumental value he desired in legal surrealism. To open his 'A Realistic Jurisprudence – The Next Step', Llewellyn writes:

The difficulty in framing any concept of 'law' is that there are so many things to be included, and the things to be included are so unbelievably different from each other. Perhaps it is possible to get them all under one verbal roof. But I do not see what you have accomplished if you do. For a concept, as I understand it, is built for a purpose. It is a thinking tool. It is to make your data more manageable in doing something, in getting somewhere with them. And I have not yet met the job, or heard of it, to which all the data that associate themselves with the loosest of suggestive symbols, 'law,' are relevant at once (19301: 143).

Legal realism's drive to instrumentalise law, to make it amenable to governance and the achievement of social goals, is not the value *Krazy Kat* has to offer. But in Llewellyn's desire to shift the focus of law from the abstracted forum of legal logic to the area of contact between the subject of law and the agents of law, *Krazy Kat* displayed 'the true essence of [a jurist's] job' (1947: 337). At that time, through the eternal play between *Krazy Kat*, Ignatz, and Offissa Pup, Herriman was depicting the field of law most neglected, and that which Llewellyn valued most. In critiquing legal formalism, I feel as though Llewellyn must have identified with *Krazy Kat*, pointing to the forever-changing sphere of legal encounters while the jail itself remained obstinately and incoherently constant. In Coconino County, as Cantor captures, 'the harsh light transform[s] desert rocks into huge cacti, the cacti into tall church spires, split a mesa in the background into triplets, turned the triplets into maroon bells for the

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spires, and left only the Jail ... unchanged, eternally itself, the Pup said, like the Law' (1988: 3). Llewellyn, seeing the pretensions of absolute legal formalism, would have shared Herriman's surreal vision.

Herriman used a union of contractions to unite the law via the Surrealist image. *Krazy Kat* is animated by the interplay of desire and law, formalism and realism, the united tension of legal surrealism. The Surrealists knew that an image is made compelling by a distant and true juxtaposition; legal surrealism posits that the law is made compelling by the same dynamic.

Herriman's exploration of law stretches far beyond the purview of this paper, and he entered manifold corners of the law over his three decades of publication. I have tried to illuminate what united *Krazy Kat's* approach, a structure of sensibility I have called legal surrealism. It is the foregrounding of the contradictions of law, an approach whereby the tension between legal formalism and legal realism are understood as constructive. In law, the surrealism is remarkable, the aporia omnipresent, but they are typically glossed, putting law out of proportion. Herriman knew the humour in restoring those proportions; the lawyer who studies *Krazy Kat* will find the truth in them.

Notes

- 1 I wish to thank Desmond Manderson, Luis Gómez Romero, and Mark Antaki for their invaluable guidance in this project.
- 2 When Herriman was asked directly about Krazy's sex, he replied 'I don't know. I fooled around with it once; began to think the Kat is a girl – even drew up some strips with her pregnant. It wasn't the Kat anymore. ... Then I realized Krazy was something like a sprite, an elf. They have no sex. So that Kat can't be a he or a she. The Kat's a spirit – a pixie – free to butt into anything' (McDonnell et al 1986: 54).
- 3 Llewellyn privately published two poetry collections: *Beach Plums* and *Put in His Thumb* (Hull 1997: 9 n31).
- 4 Theorists of the Frankfurt School, such as Theodor Adorno and Max Horkheimer, had recently arrived in America, bringing with them a fierce condemnation of every part of the 'culture industries' for being, in the words of Anthony Chase, 'baggage of ruling class ideology, a sophisticated barrage of loaded imagery which seduced people into a life of mindless consumption and diverted them from an authentic confrontation with the way America really was' (1986: 540).
- 5 Llewellyn ranked eighteenth (Shapiro 2000: 409).
- 6 Marshal McLuhan even went as far as to suggest that the *entire* comics section in an 'ordinary newspaper was as frantic as a surrealist art exhibit' (1964: 110).
- 7 Other observations about the use of Surrealist imagery in Krazy Kat include the following: Miles Orvell sees the strip evoking a 'quaintly surreal two-dimensional Southwest' (1995: 132). For Robert Harvey, Herriman created 'a surreal landscape of whimsical buttes and cavorting cactuses that changed their shapes and move around from panel to panel as his characters capered before it, entirely oblivious to the metamorphosis of their background' (1994: 177). Charles Johnson limits the moniker surreal only to particular aspects of the backdrop – 'characters performed against a constantly transmogrifying background – in the space of two panels, their external world fluidly changed from surrealistic mesa and cactuses to forest scenery and seascapes, ever blurring the border between appearance and reality' (1997: xii). Finally, Umberto Eco would laud Herriman's 'certain surrealistic inventions, especially in the improbably lunar landscapes, deliberately intended to divorce the events from any verisimilitude' (1985).

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- 8 Judith O'Sullivan confines herself to noting that Herriman 'also utilized as *mise-en-scène* the vacant plain, the animated and constantly changing sky, and the protean form' (1990: 39) before Salvador Dalí popularized those aesthetics, but then seems satisfied to move away entirely from the question of Surrealism. Rosemont, despite publishing an article titled 'Surrealism in the Comics I: Krazy Kat', only mentions the Surrealists once to note *Krazy Kat* has 'the flavour ... of the surrealist "one-in-the-other" game' (1987: 124), without further explication. M. Thomas Inge makes an admirable attempt to link *Krazy Kat* to both Dada and Surrealism in his '*Krazy Kat* as American Dada Art' (1990), but the title perhaps reveals the piece's limited range – his project is simply to valorize *Krazy Kat* as a pop culture achievement, aesthetically and thematically equal to the Surrealist movement's achievements in so-called high art.
- 9 The French *par la fenêtre* contains the same ambiguity as its English translation.
- 10 The three categories are as a descriptive category, as a critical category (which this paper pursues), and as a category in the sociology of law (Kennedy 2001: 8634-8635).
- 11 Morton Horwitz (1975) has linked the original rise of legal formalism to the emergence of a powerful industrial class in America before the Civil War. Legal formalism, Horwitz posits, 'mirrors a convergence of interest between the elite of the legal profession and the newly powerful commercial and entrepreneurial interests', the former with the autonomous professional interest of establishing law as 'objective, neutral, and apolitical', and the latter invested in preserving the commercially beneficial legal doctrine that had emerged in America by conceptualizing the law 'not as a malleable instrument of their own desires and interests, but as a fixed and inexorable system of logically deducible rules' (1975: 256).
- 12 Llewellyn would imply these critiques in what N. E. H. Hull calls his 'classic summary' of legal formalism: 'The formal style ... set the picture against which all modern thinking has played ... that picture is clean and clear: the rules of law are to decide the cases; policy is for legislature, not for the courts, and so is change even in pure common law. Opinions run in deductive form with an air of expression of single line inevitability ... "Principle" is a generalization producing order which can and should be used to prune away those "anomalous" cases or rules which do not fit, such cases or rules have no function except, in places where the supposed "principle" (because, of

course, principle was always malleable) does not work well, to accomplish sense – but sense is no official concern of a formal-style court’ (1997: 33).

References

- Althusser L 1971 *Essays on Ideology* Thetford Press London
- Berger A A 1972 *The Comic-Stripped American: What Dick Tracy, Blondie, Daddy Warbucks and Charlie Brown Tell Us About Ourselves* Walker and Company New York
- Boxer S 14 June 2007 ‘His Inner Cat’ in *The New York Review of Books* unpagged
- Breton A 1934 ‘What is surrealism?’ *Lecture delivered at a Belgian Surrealist public meeting* 1 June 1934 retrieved from <http://home.wlv.ac.uk/~fa1871/whatsurr.html>
- 1965 *Surrealism and Painting* Trans Taylor S W Editions Gallimard Paris
- 1972 *Manifestoes of Surrealism* Trans R Seaver and H R Lane University of Michigan Press Ann Arbor
- Buhle P ed 1987 *Popular Culture in America* University of Minnesota Press Minneapolis
- Cantor J 1988 *Krazy Kat: A Novel in Five Panels* Knopf New York
- Carlin J 2005 ‘Masters of American Comics: An Art History of Twentieth-Century American Comic Strips and Books’ in Carlin et al 2005: 24-175
- Karasik P and Walker B eds 2005 *Masters of American Comics* Yale University Press New Haven
- Carrouges M 1974 *André Breton and the Basic Concepts of Surrealism* Trans Prendergast M University of Alabama Press University
- Chase A 1986 ‘Towards a Legal Theory of Popular Culture’ in *Wisconsin Law Review* 3: 527-70
- Cohen F S 1935 ‘Transcendental Nonsense and the Functional Approach’ *Columbia Law Review* 35/6: 809-49
- Cummings E E 1946 ‘A Foreward to Krazy’ in Heer and Worcester 2004: 30-4
- Derrida J 1990 ‘Force of Law: The “Mystical Foundation of Authority”’ *Cardozo L Rev* 11: 920-1046
- Durozoi G 1997 *History of the Surrealist Movement* Trans Anderson A University of Chicago Press Chicago

Dahlman

- Eggenger K L 1993 "An Amusing Lack of Logic": Surrealism and Popular Entertainment' *American Art* 7/4: 30-45
- Eco U 13 June 1985 'On *Krazy Kat* and *Peanuts*' *The New York Review of Books* unpagged
- Gablik S 1970 *Magritte* Thames and Hudson London
- Goodrich P and Carlson D G 1998 'Introduction' in Goodrich et al 1998: 1-12
– eds 1998 *Law and the Postmodern Mind: Essays on Psychoanalysis and Jurisprudence* University of Michigan Press Ann Arbor
- Gopnik A 18 December 1986 'The Genius of George Herriman' *The New York Review of Books* unpagged
- Green M S 2005 'Legal Realism as Theory of Law' *William & Mary Law Review* 46: 1915-2000
- Harvey R C 1994 *The Art of the Funnies: An Aesthetic History* University Press of Mississippi Jackson
- Heer J and Worcester K eds 2004 *Arguing Comics: Literary Masters on a Popular Medium* University Press of Mississippi Jackson
- Herriman G 3 November 1935 in McDonnell et al 1986: 194.
– 10 March 1940 in McDonnell et al 1986: 126
– 6 October 1940 in McDonnell et al 1986: 150
– 28 July 1942 in McDonnell et al 1986: 105
- Horwitz M J 1975 'The Rise of Legal Formalism' *American Journal of Legal History* 19/4: 251-264
- Howe I 1948 'Notes on Mass Culture' in Heer and Worcester 2004: 43-51
- Hull N E H 1997 *Roscoe Pound and Karl Llewellyn: Searching for an American Jurisprudence* University of Chicago Press Chicago
- Inge M T 1990 *Comics as Culture* University Press of Mississippi Jackson
- Johnson C 1997 'Foreword: A Capsule History of Blacks in Comics' in Laird et al 1997: unpagged
- Kafka F 1994 *The Trial* Trans I Parry Penguin New York (first published 1925)
- Kennedy D 2001 'Legal Formalism' in Smelser et al 2001: 8634-8
– 2004 'The Disenchantment of Logically Formal Legal Rationality, or Max Weber's Sociology in the Genealogy of the Contemporary Mode of Western Legal Thought' *Hastings Law Journal* 55: 1031-1076

- Laird R and Laird T N 1997 *Still I Rise: A Graphic History of African Americans* Sterling Publishing New York
- Legendre P 1998 'The Other Dimension of Law' in Goodrich et al 1998: 175-192
- Llewellyn K N 1930 'A Realistic Jurisprudence – The Next Step' *Columbia Law Review* 30/4: 431-65
- 1931 'Some Realism about Realism: Responding to Dean Pound' *Harvard Law Review* 44/8: 1222-64
 - 1947 'Review: *Krazy Kat*' *Columbia Law Review* 47/2: 337-8
 - 2008 *The Bramble Bush: The Classic Lectures on the Law and Law School* Oxford University Press New York
- Manderson D 2006 *Proximity, Levinas, and the Soul of Law* McGill-Queen's University Press Montreal & Kingston
- 2008 'Desert Island Disks: Ten Reveries on Inter-Disciplinary Pedagogy in Law' *Public Space: the Journal of Law & Social Justice* 2: 1-19
- McDonnell P, O'Connell K and de Havenon G T eds 1986 *Krazy Kat: The Comic Art of George Herriman* Abradale Press New York
- McLuhan M 1964 'Comics: *Mad* Vestibule to TV' in Heer et al 2004: 107-11
- O'Sullivan J 1990 *The Great American Comic Strip: One Hundred Years of Cartoon Art* Little Brown Boston
- Orvell M 1995 *After the Machine* University of Mississippi Press Jackson
- Patterson D ed 2010 *A Companion to Philosophy of Law and Legal Theory* Blackwell Malden MA (2nd edn)
- Polizzotti M 1965 'Introduction: André Breton and Painting' in Breton 1965: xvii-xxx
- Rosemont F 1987 'Surrealism in the Comics I: Krazy Kat (George Herriman)' in Buhle 1987: 119-27
- Seldes G 1924 'The Krazy Kat That Walks By Himself' in McDonnell et al 1986: 15-22
- Shakespeare W 1918 *A Midsummer Night's Dream* Yale University Press New Haven
- Shannon E A 1995 "'That we may mis-unda-stend each udda": The Rhetoric of *Krazy Kat*' *Journal of Popular Culture* 29/2: 209-222

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Shapiro F R 2000 'The Most Cited Legal Scholars' *Journal of Legal Studies* 29: 409-26

Smelser N J and Baltes P B eds 2001 *Encyclopedia of the Social & Behavioural Sciences* vol 13 Elsevier Amsterdam

Taylor M C 1990 'Desire of Law, Law of Desire' *Cardozo Law Review* 11: 1269-74

Twining W 1973 *Karl Llewellyn and the Realist Movement* Weidenfeld and Nicolson London

Warshow R 1946 'Woofed with Dreams' in Heer J and Worcester J 2004: 63-6

Weinrib E J 2010 'Legal Formalism' in Patterson D 2010: 332-42