

# NEWS

of the AALS s.f. 1.7.84



## America's most exciting ★ newspaper ★

TRASHERS TRASHED!

Audience Rebels Against  
CLS Panel

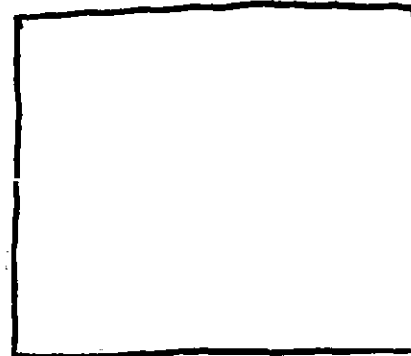
Midway through the Critical Legal Studies "counter-event" yesterday, the audience rebelled against the panel and the scheduled format.

Several audience members insisted that the CLS event was every bit as pompous and vacuous as the Lizard claims the AALS panels are. Others protested that the format of the so-called "counter-event" was in fact indistinguishable from the reified, hierarchical AALS model. Still others protested the predominance of white males on the panel. And others expressed rage that a group so summarily dismissive of the established ways of doing things should be so vague and elu-

(Continued p.2)

Reductionism

There was in the beginning a  
dense fog:



People began to study this fog, for all the reasons people tend to study things like fog. By that I mean, some people were bored, some curious; some people studied it because it was there, some because they thought it might be beautiful. Some people studied it to advance their own careers, or to retard the

(Continued p.10)



★★ no.3

*The Last One!*



THIS LIZARD HAS LOTS OF STUFF IN IT ON HIERARCHY, INCLUDING AN EXCHANGE ON SEXUAL RELATIONS BETWEEN MALE TEACHERS AND FEMALE STUDENTS. THE DECISION TO PUBLISH THAT EXCHANGE WAS CONTROVERSIAL. WE DECIDED THAT ON BALANCE IT WAS MORE IMPORTANT TO OPEN UP THE ISSUE IN A FLAWED WAY THAN TO PERMIT IT TO REMAIN SUBMERGED.

# GUARANTEED

published by  
A F A R  
disclaimer p.3

CLS PANEL  
(continued from p.1)

sive as to how things should be done. CLS was attacked in tones of incivility of the sort that critics associate with CLS itself.

About 250 people attended the event. At one point, widespread applause greeted the (somewhat plaintive) remark of one audience member, 'No matter how bad this is, it's still better than anything going on at the AALS.'

The rebellion forced the meeting to break up into small discussion groups. Efforts to reconvene the meeting as a whole were only erratically successful. Most

panel members fled the podium and tried to blend into the audience.

One eminent mainstream professor, who has been studying CLS for years, said, 'The event demonstrated conclusively that CLS has nothing to offer beside a lot of childish prattle.' But a CLS insider disagreed. 'The audience enactment of the destruction of hierarchy had a cathartic effect that is pre-requisite to serious discussion of the politics of law schools.' He insisted that the small group discussions 'released energies in a valuable way.' Asked to comment on this view, the eminent mainstream professor dismissed it as 'typical CLS mystification.'

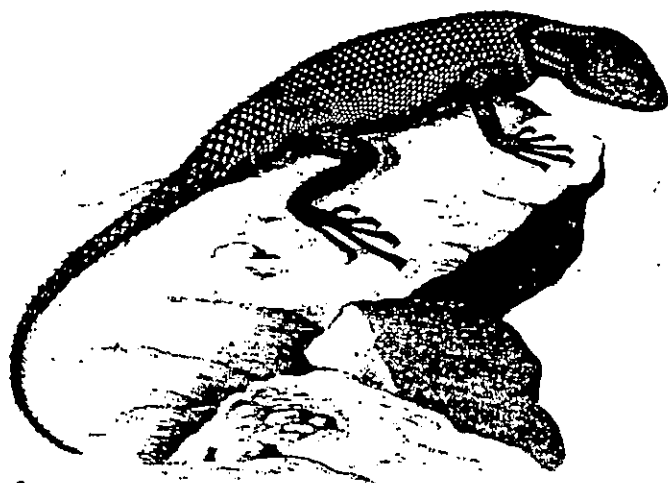


FIG. 105.—A MISER.

THE AALS PLENARY SESSION  
SANDALOW CALLS FOR  
REPRESSION

At the AALS plenary session, Terrance Sandalow demonstrated how to use liberal rhetoric to dress up repressive, authoritarian treatment of students.

He started his talk by listing several proposals for change in legal education. He dismissed the proposals as unethical because they all treat students instrumentally, as means to improve society or the profession. He proposed that ethics in human relationships requires treating students as ends-in-themselves. The appeal to the Kantian ethic, the Dworkin—equal concern and respect, etc.

But how quickly the liberal abstraction reveals its emptiness. Sandalow went on to say that the way to treat students as ends is to prepare them for a full, rich intellect-

ual life, rather than merely to fulfill the professional role. And the way to do that is to build intellectual "character" in students by, for example, not permitting students to pass when called on ("a little public embarrassment builds rigorous thinking habits"), or to give "sloppy" answers, or to hand in papers late.

Sandalow thinks that his suggestions don't treat students instrumentally because he thinks his model of what "character" entails is universal and noncontroversial. Actually, it's the boot camp--drill sergeant--stern father--military macho--suck it up--when the going gets tough the tough get going model of education straight out of Langdell. Strict regimentation and order.

Resolving the issue of power in the classroom by creating a dictatorial parent figure who will lead the students to the intellectual fatherland, "rigor." Students don't know what's good for them, so don't respect their decision to pass. The teacher should inflict humiliation and anxiety on students "for their own good."

So it's not really that students are treated as "ends" after all. In

fact, Sandalow wants them treated as objects to be manipulated into his vision of intellectual rigor, whatever content that has. Sandalow can't see the contradiction because he can't even imagine a mode of social relations in classrooms that's non-hierarchical, cooperative, supportive, warm, egalitarian, and nonalienating.

Sandalow's inability to reflect critically on his own 1940s ideological presuppositions blinds him to the contradictions of his argument. Someone who cannot recognize contradiction in argumentation is a poor candidate to teach intellectual "rigor."

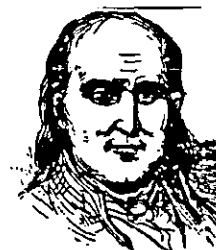


FIG. 106.—A LIBERAL.

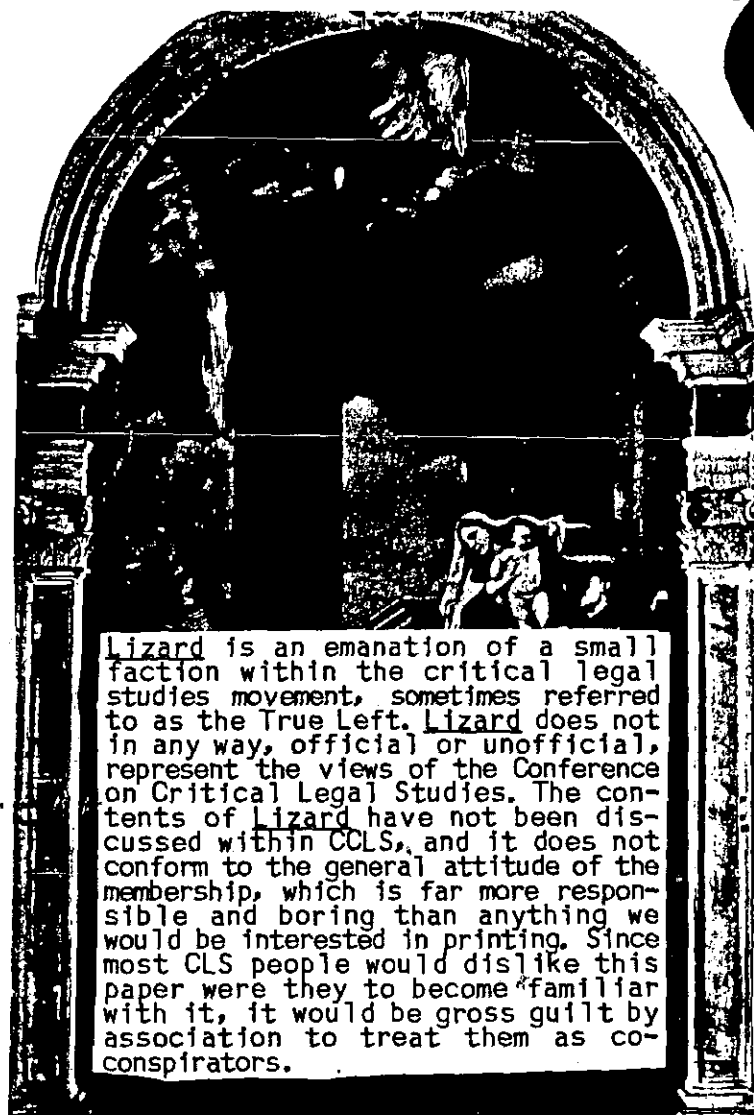


**fat cats**

To Recognize A CLS Person In a Crowd

Their eyes  
stay out and late  
Look for red veined  
diagonal glances

If there was time  
Wrinkles could be starched  
but why embalm  
the pretension of hidden style?



Lizard is an emanation of a small faction within the critical legal studies movement, sometimes referred to as the True Left. Lizard does not in any way, official or unofficial, represent the views of the Conference on Critical Legal Studies. The contents of Lizard have not been discussed within CCLS, and it does not conform to the general attitude of the membership, which is far more responsible and boring than anything we would be interested in printing. Since most CLS people would dislike this paper were they to become familiar with it, it would be gross guilt by association to treat them as co-conspirators.

The Conference on Critical Legal Studies Should Adopt a Position on El Salvador

CLS people tend to be more interested in theoretical legal academic work than in real world struggles. They also tend to fear disunity if they try to translate their large areas of agreement into real political terms. But I think we have to begin to make that effort. I offer the following proposed policy statement about the U.S. in El Salvador as a start in that direction.

For a very long time the governments of El Salvador have been classic examples of a state functioning as the central committee of a ruling class—in this case the forty top oligarchy families. Salvadoran society is unjust according to even the vaguest and most imprecise liberal standards of justice. There is brutal economic exploitation backed up by violence and complete disregard of the human rights of those who disagree with the regime. Further, society is hierarchical, patriarchal, sexually repressive, and racist, all of which traits are sustained by a powerful traditional ideology as well as by violence.

The United States has for a long time been a direct force for evil in El Salvador. We have supported or promoted or actually created many of the worst aspects of that society. The Salvadoran ruling class has been our ally or pawn. We have shown no commitment against the forms of social, sexual and racial hierarchy that go along with exploita-

(Continued p. 4)

# Forbidden love

Towards an Erotics of Law Teaching

Dear Ann Slanders:

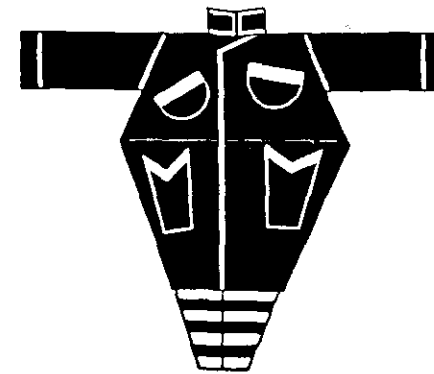
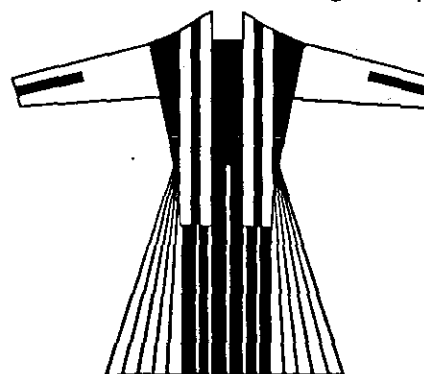
I am a married law teacher, at a good school for seven years, with tenure. I have had several crushes on students during that time. I am male and all my "love objects" have been female. I have little by little come to wonder whether my feelings are consistent with my strong commitment to feminism. Paradoxically, as these worries increase I find myself for the first time tempted to have an affair with a particular student, one who herself happens to be a feminist activist on campus.

Up to now, I have had impersonal classroom crushes and developed teacher's pet crushes. In the first kind, I realize one day that I'm watching the woman on the right side, third row, second seat from the aisle with great intensity. I just love the way she looks. Everything about

her. I am aware of the slightest play of her expression. When she's bored, it's a slap in the face. I repress conscious sexual fantasies because I'm worried they violate my teacher's fiduciary duty, insult my wife, and may be politically incorrect. I never speak to her outside class, but summon her face and figure over and over again as I prepare. When I meet her four years later at a bar association cocktail party, my heart thumps, and then I realize she's just a nice stranger who does municipal bond work.

I've only had two female teacher's pets in all these years. It was like, when she knocks on the door, my heart lifts a little, though I had been grumbling about students thinking themselves entitled to piss away my afternoon. I find myself trying to amuse her, cheering her up, and gossiping about teachers in

(Continued p. 5)



EL SALVADOR  
(continued from p.3)

tion and terror. We are implicated in the deaths of many tens of thousands of civilians at the hands of right-wing opponents of even two-bit liberalization.

The guerrillas seem to be roughly similar to other third world revolutionaries of the post-WW-II period (Cuba, Algeria, Vietnam, Nicaragua). Their ideology is marxist-leninist, somewhat influenced it appears by radical Catholic thought, by chastening experiences with Eastern European economic models, and by the spirit of national autonomy in third world radicalism (influenced by non-alignment, the Sino-Soviet split and Eurocommunism).

I don't think Russian communism is a good model for understanding third world marxism-leninism. In Russia, a bureaucratic dictatorship maintains power over an utterly centralized economy and society through state terror and by manipulating a repressive, deeply conservative national culture. The Soviets could not impose this model on their third world clients, nor could the small educated radical elites in those peasant societies, supposing that they wanted to, which they don't. On the political level, the Russians could not guarantee the survival of communist regimes in Central America, and they lack the resources, economic and military, to sustain them if they fail badly to keep the support of the

populace. The United States would have enormous economic and military power in the region even if all the regimes in Central America were avowedly marxist-leninist. They would quickly quarrel, and begin to make deals with us in a new diplomatic power context. No American interest I care about is threatened by a radical take-over in El Salvador.

Since it is manipulable and internally contradictory, you can't tell what the guerrillas would do just by identifying them as having a marxist-leninist ideology. Using the analogies of other vaguely similar sounding groups such as the Sandinistas, I would expect the following.

The guerrillas would make Salvadoran society more just than it is now, by redistributing wealth, especially land, by investing in literacy, public health and rural infrastructure for the masses, by halting straight out state terrorism against the people, and by breaking the social/cultural/economic power of the upper class. From the point of view of human rights, I don't think they are likely to be worse than the average Latin military dictatorship. But I also believe there is a tendency for people who think of themselves as marxist-leninists to deploy a facile critique of the working of political liberty in bourgeois regimes as a screen for an immoral willingness to repress dissent and self-organization of all kinds in the name of self-righteous pseudo-certainties or of political "necessities" that turn out to mean just maintaining a clique in

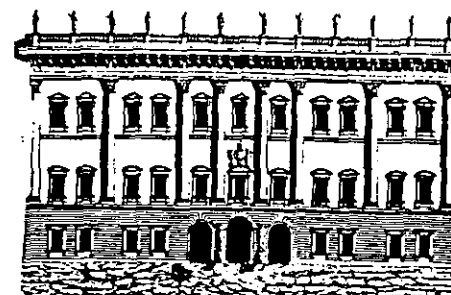
power.

I do not believe the guerrillas in power would develop a model of social life—egalitarian and communitarian, inter-racial, diverse, tolerant, humane, sexually liberated, androgynous and interesting—that would be an inspiration for U.S. radicals. What I know of the beliefs and the culture of educated latin American marxist-leninists, even those open to radical Catholic alliances and influences, suggests to me that they believe far too much in the possibilities of violent remaking of the political and economic world, and are at the same time nowhere near committed enough to any remaking of intimate relations in the workplace and the nuclear family. And in so much as they are thus committed, it seems often to be to a model of coercive togetherness that is just the failed mirror image of liberal individualist ideology. I don't believe that third world peasant cultures have resources that could counteract these deficiencies, supposing real popular mobili-

zation followed guerilla victory.

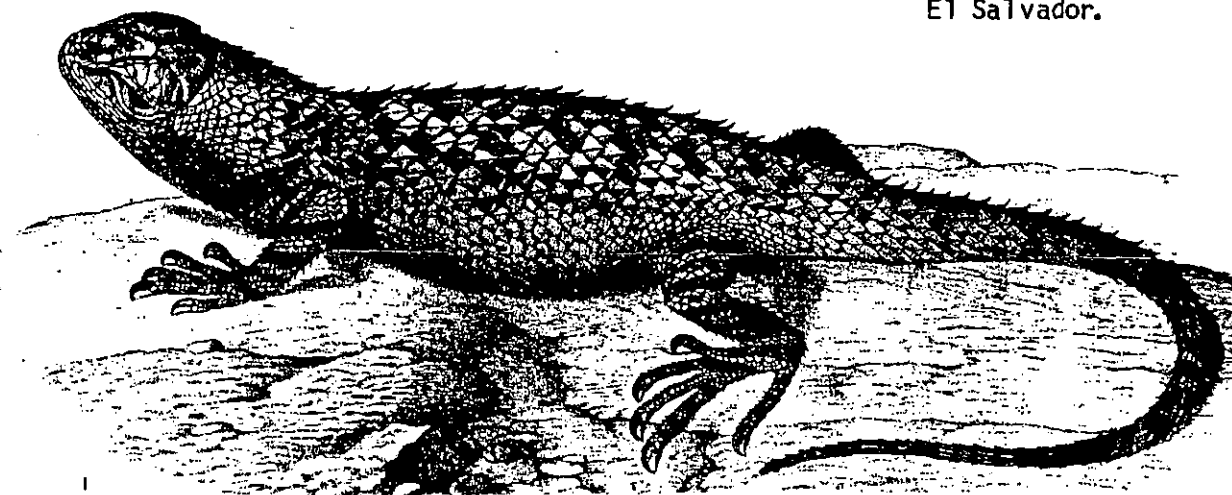
I may well be wrong in all or any part of this assessment of the guerrillas (and of Salvadoran society generally). I know very little about the subject. I do, however, have to make up my mind on the basis of what I know.

It might seem the best course to urge a re-orientation of U.S. policy away from the current regime and in the direction of support for a radical but not marxist-leninist alternative that could come to power relatively peacefully and work for goals like those we share in our movement here. But that seems a hopeless prospect. I believe the U.S. government would be imperialist, horribly capitalist and manipulative toward El Salvador even under a liberal democratic President, say Mondale. I think the liberals are so corrupt, opportunist and confused that they will never take real chances for justice in Central America. And it seems that the forces for radical reform of politics, economy and culture are so



weak in El Salvador, outside the guerilla movement, that we would have trouble finding allies even if we had an unequivocal commitment to their success.

I believe the best realistic possibility is a marxist-leninist victory. I think there is hope in that because, first, it will likely secure some material and social gains for the Salvadoran masses. Second, there is little but benefit from a blow to U.S. regional power. Third, the kernel of real liberation may yet turn out to be dormant in the soil of a third world revolutionary struggle. It seems less conceivable to me that it is dormant in a revived Alliance for Progress. Therefore I favor critical support, but support nonetheless for a guerilla victory in El Salvador.



# romance

ways that violate the ground-rules. As she slides deeper into her crush, it's like an envelope of warmth for me. Although I have no intention of making a sexual advance, I can feel her readiness for it, her strong physical awareness of me, her accessibility and her fear. Am I the only one who notices her eyes shining all the way through my lecture? (Everyone else is asleep.) I preen for her. Finally, I worry for her that she'll take my part too often and be thought a fool.

Both of these teacher's pet relationships went on for a long time. It was hard to keep them under control, but we did, and I loved it. I think I was a good teacher to both women. They've gone on to other mentors (as lawyers) and I don't think I'm even slightly jealous. But we were walking an edge that was unfamiliar to me. I don't play with emotional fire--or haven't up to now. You might say I am outwardly staid, though perceptibly full of longing. With my marriage apparently breaking up, the longing is more, even scarily accessible to me. I'm falling in love with this feminist student. I disapprove strongly of teachers sleeping with their students. It's hard for me to imagine full equality with that formal relationship in the background. I could go on, but this is already too much. Help!

Yours,

Unfamiliar Longings

Dear Unfamiliar Longings:

My name is misleading. I'm actually a man, so you won't be able to get the kind of help in thinking about the feminist dimension of your problem that a feminist woman Slanders might have been able to give. I'll say up front that I'm also a law teacher,

divorced, and I've had two affairs with students, one of which ended disastrously for both of us (though not publicly, thank God). Since I'm a man, I tend to approach things abstractly, so let's see what critical legal studies has to say about this situation.

Cis people talk a lot about breaking down the public-private dichotomy. This usually means showing that what looks private is also, or "really" public--as in, the personal is political, private law rules flow from strategies of governance, activities like law teaching contribute to political hegemony of the ruling strata.

But we should recognize that breaking down the public-private dichotomy also means recognizing the strong familial, oedipal and erotic component of areas we usually think of as public. This is actually harder to do than the other. It's scary to see the erotic and the oedipal, family romance and the primal scene playing themselves out in the workplace. It's a lot easier to talk about equal protection in the domain of housework than to admit you don't understand the left-right power struggle in school until you understand the pattern of same-sex crushes of older on younger faculty members. We ourselves put each other down when it's at all obvious that oedipal or other sexual feelings are "influencing judgment."

But there is something to gain by making the effort. First, if we can only contemplate the erotic within the family or in singles bars, we can't understand it. Second, Herbert the Great was right to say that we can make social life into a form of play, an aesthetic activity, only if we embrace its constitutive erotic dimension. Workplace politics are real politics. Workplace politics are oedipal/erotic politics. Oedipal/erotic politics are real politics.

Now that we've got that

clear, let's apply critical legal theory to your dilemma. Oh, boy! Does that ever sound silly. This is the best I can do.

I don't think it can be right that a male teacher should never sleep with a female student, period. That would be absolutist, high-handed and doctrinaire. But on the other hand I advise caution. Of course, I also advise caution in a relationship with a woman of your own age who is not a student and comes from a similar background and seems utterly familiar and an equal. Such a person looks like the "logical" or "natural" person for you to relate to, but the heavily sexist character of the larger society may mean that she has more rather than less trouble approaching you as an equal. She might be intimidated by your status as a law professor at a "good" school whereas your student might see you as the semi-competent plodder you really are, and love you anyway.

The fact that the student is a feminist is no guarantee that either of you will be able to deal with reinforcing the world's male/female inequality with its teacher/student inequality. It is a good sign (since we believe in this as a true form of consciousness) but nothing more.

The thing that most alarms me about your story is that you are thinking of beginning this affair while in the middle of the break up of your marriage. Men I've known have tended to be pretty crazy during this phase of things, capable of doing a lot of damage before they catch up with their feelings. This seems to me a strong indicator for great restraint on your part.

On the other hand, real trust and warmth and mutual confirmation just appear unpredictably in relationships. Maybe that's about to happen to you, and if so may your good fortune be lasting.

Dear Ann Slanders,

Though I am sympathetic to opening a discussion of the "erotics of law teaching," I think your response to Unfamiliar Longings is seriously deficient.

First, it would have been better not to begin at all than to begin with two statements from an exclusively male point of view. If you want an erotic, it's going to be distorted this way. But from a political point of view, it seems like just one more in a million conversations in which men puzzle about what they are allowed to do to ruling class ethics: viewpoint of the victims just an absence.

Second, while I agree that no per se rule is possible, at least not one that covers all cases at all times, you seriously bias the discussion when you devote just one sentence to advocating caution and a paragraph to showing that there are dangers no matter who you relate to. The dangers here are of a different order than those that arise with social equals. Neither the man nor the woman is likely to be aware of how much of what seems like her spontaneous attraction is in a real sense coerced by his official power. Both are likely to insist that their case is special -- what would it be to be in love and not think that?

I think you should have told Unfamiliar Longings that it would be dangerous and very likely immoral for him to proceed further into the affair, and that he shouldn't do it.

Third, you just ignored U.L.'s references to the other women in his life. Men have to come to grips with the questions he's trying to ask. Is it sexual harassment or it equivalent when the victim of what he calls an "impersonal crush" ends up being treated differently, getting less or just another kind of education than she would have gotten had he directed his longings somewhere else? Likewise for the mentor-mentee relationship. You shouldn't have opened these issues if you weren't going to take a shot at helping us deal with them.

Yours,

Sincerely Disappointed

111 California Street, San Francisco, California 94102 415.774.1400

Slanders  
refuted

THE SAN FRANCISCO HILTON & TOWER

January 7, 1984

Another  
letter  
next





## THE SAN FRANCISCO HILTON & TOWER

January 7, 1984

Dear Ann Slanders,

Your response to the "Erotics of Law Teaching" is at best incomplete. More likely, its effect will be to reinforce both sexual exploitation of female law students by male law teachers and the impression of some that Critical Legal Studies consists of indeterminacy analysis, some psychological jargon, and a heavy dose of self-justification.

Of course, there's no more sense in an Absolute Rule here than in any other area. And you may be right that the things that once seemed private and have public dimensions include all parts of ourselves, not just our contractual relation and our property disputes. But to move from these observations to a conclusion of caution plus hope (encouragement?) about male teachers/female student relationships is inexcusable.

You talk about sexism and thus you introduce power relationships into the discussion, yet you treat all this as abstract and shifting. The fact is that we all (I too am a male law teacher) live in a specific, highly contextualized situation in our own world of law schools, teachers, and students. We all tend to think we are quite charismatic because many students seem affected by (drawn to) us, and we sometimes don't want to recognize that the charisma derives from the power we hold over students -- the power to grade, the power to validate intellectually, the power of a few more years. Like it or not, we are authority and power for them. That is why real friendship with a student is so elusive -- we cannot be equals coming together as friends. And that is why we cannot be equals with a student in a love relationship.

It is not just the attitudes and behavior of the individual teacher that matters, for he works in a world that has shaped her--her expectations, powerlessness, and vulnerability. In short, stay away.

CONCERNED ABOUT PROCESS

### IMPRESSIONS OF THE PLENARY SESSION AND THE CCLS MEETING

Intro: Blah, blah cynicism, blah professionalism, blah advocacy v. ethics, blah trade school, blah famous dead Europeans blah . . . Redlich! Redlich (Yale, NYU) blah. Responsibility, teaching humanism. Blah (SURPRISINGLY) Protestant Work Ethic blah share in the moral dilemmas of our day by . . . getting our exams graded on time! blah con-

sideration (cognitive unpack follows: trans-hierarchical courtesy, responsibility, articles in on time, appointments kept, only "fair" outside work, Renaissance Kingsfield, pro bono, fair exams, collegiality). Reciprocation from students blah Harvard no-hassle-pass-flaky-frisson. IF I STAY HERE MY BRAIN WILL SNAP LIKE AN OLD PAIR OF ELASTIC SIDED BOOTS.

CLS grungier, more majestic, not enough seats. Leftist lemmings, leaping

for abyss, blah no structure blah no hierarchy bla no information blah touchy feelie. Now we've played out all of the cliches you expected of leftists (being practically disabled by their principles). People used to say to Lemm Bruce, Be funny, be radical But he was even though they said.

Get on the mailing list: Write to Mark Tushnet, 1416 Holly St. NW Washington, DC 20012.

The Conference is March 16-18.

### DON'T TRASH THE JOB MARKET, MAKE IT WORK

When cls types want to describe the heart of legal darkness, they often refer to their own experiences on the job market. They know that's the point where the true pain and horror of the law schools shows up. If the classroom is alienating and the faculty meeting vicious, the market is the final realization of all that is evil in law school life.

Everything that pains us but can be denied in normal life becomes apparent when we enter the market. Hierarchy, which is the background of all relationships among law professors, is the real thing that is on the table in job negotiations. The school, ever insecure about its own hierarchical position, looks at you to

assess your marginal contribution to its ratings; you wonder if getting a job at X will enhance your own fragile sense of self-worth!

No one would deny the horror of all this. But there is no point in lamenting. The only hope is to make the market work for cls. It has obviously happened; after all, a lot of cls people have gotten jobs, some in "up-market" schools. The deep secret of cls life is that when one is on the market, it is necessary to turn cls itself into a commodity. We have to sell it as a new brand of scholarship, a product that law schools have to acquire to ensure their status in the world. We have to show that we produce certified cls work, and that acquisition will enhance the status of the school that buys us.

We have to convince the schools that having cls people to attack all their flaws will make them feel more important, not less. We have to resist our temptation to carry our efforts overtly to challenge the alienated nature of law schools into the hiring hall. All the rules of legitimate cls behavior, from humanistic relations to polemical challenge, must be subdued when we enter the market. Those who are not able to do this are not the most noble, they are the most unrealistic and the least tough-minded.

Will we be destroyed by this? Is it a pact with the devil? No, because there is no choice. We can make the market work for us, or we can be destroyed by it.

Annals of Academic  
Freedom: III

The AALS and the New Teacher:  
"Ethics and Responsibility"

My Ass

A session on "Ethics in Academia: Power and Responsibility in Legal Education" from these guys (and I do mean "guys")? I've tasted their wares twice before, and I'd sooner listen to a presentation by the Reagan administration on "Imperialism and Foreign Affairs."

My first taste came during last year's "meat market" recruiting process. I was an "applicant" ("supplicant")? Not since my first year of law school had I been subjected to such abuse of power (like the interviewer at one school who spent a whole morning attacking two of my "references" -- individuals whom, I made it clear, I love dearly.)

At no time in five years of rough-and-tumble legal practice did I encounter such disingenuousness cum downright dishonesty as I did from the dean at another school who looked me straight in the eye after two exhausting days of interviews, told me how "high" they were on me, and assured me that he would be in touch "very soon," possibly in a few days; only weeks and numerous unreturned phone calls later did I reach him and learn that

shortly after the interview they had offered the position to someone else. Nor was my experience unique; virtually every other participant in the process I know speaks of similar mistreatment. (And they accuse us of "incivility"!)

My second taste came last summer, at the New Teacher Training Conference. Now a tenure-track faculty member at a "nifty, up-and-

coming" school (i.e., not first tier), I was accorded all the dignity and respect I could have wanted. I shared power, and the AALS was there to teach me how to abuse it. The student--not the teaching applicant--was at the bottom of the boot. To boil the program's lessons down to three: Lesson #1: the bright, engaged students you will face the first day of class will be bored,

jaded, and unprepared by second semester, and it's their fault, not yours.

Lesson #2: humiliate your students if it's good theater (or be a "nice person" and steadfastly refuse to do so, but defend the little Hitlers on your faculty in the name of academic freedom). Lesson #3: "objective grading" is both possible and desirable, and the impact of grading on the lives and futures of

your students is not your problem (we seek, after all, "just the facts, ma'am").

The "ethics" underlying these lessons--and the lessons of the interview process--are to serious ethical striving what Velveeta is to cheese. Besides, they served wine at the CLS program. So I voted with my feet.



The Diagonal Focus Syndrome

The story of the AALS meeting is completely but sadly captured in the endless series of nervously searching glances of conversing attendees, sometimes passing one another like the proverbial ships in the night, as each law teacher casts the net of his sight across the room for fairer game. There is a sadness there; the eyes have lost the glint of hope that can be seen only in the faces of the very newest additions to the profession. They are the ones who still naively believe in a meritocracy upon which the pecking order is supposed to rest. The older ones know better.

For the young law teachers, it is an acquired skill. One must catch the eye of a hierarchically superior teacher, and somehow

trap him (never her) into conversation. The trick, however, is to maintain a lookout for an even better catch. Naturally, unless someone from Memphis State has somehow inexplicably latched on to someone from Harvard, the latchee will be playing the same game, exhibiting the identical symptoms of the classic AALS diagonal focus syndrome. Each talks to the other only so long as nothing better appears on the horizon.

Of course, the tragedy of all this is that they are reduced to treating others and (sadly) themselves, as something less than human. And by the time the players realize the sterility of the game, it is too late because they are then convinced that they are indeed the inferiors they have been playing. The sadness thus reflects not only the hopelessness of

their quest but also the lower value which they have eventually assigned themselves. It is the ultimate form of selling out--of themselves and their fellows.

The next time you are invited to play this game, don't. Look the other firmly in the eye and don't panic. Ignore the passing ships; they are headed onto the rocks. The alternative is scary. In the end you will have that sad look that up till now you have only curiously noticed in others.

If you are absolutely committed to the game you might as well have your cake and eat it: enjoy the conversations for what they are and climb the hierarchy ladder in a much less offensive way by leaving messages addressed to yourself on the message board. The diagonal eyes are keeping tabs on that also.

## FASHION AT THE AALS CONVENTION

Have you noticed what everyone is wearing at the AALS convention this year? If not, it's probably because you have been looking at too many name tags. Name tags are an important part of AALS fashion. The tag comes in a basic plastic container which has been tastefully designed to perform multiple functions. The tag identifies the person in large bold letters. Bolder still is the name of the SCHOOL in large caps immediately following the name. Most SCHOOLS are identified as either a law school or university except Harvard which is just simply Harvard. Of course, the identification of SCHOOL often determines just how fashionable one can hope to be at the AALS. For example, the person wearing the Yale tag can be recognized from a distance of several hundred yards, whereas a tag from Seton Hall or other like place often goes unnoticed. The AALS name tag can be worn in one, and only one, place: over the left (or right) breast in a shirt or jacket pocket. There is no pin and no adhesive, but then you'd only need them if you were a woman (not in a Success Suit) or wearing a turtleneck.

To the editor:

Mr. Boylston's silly article on faculty cocktail parties really needs no reply. It reveals its own paranoid view of the world. But it's worth showing that this is where nihilist critical legal studies approaches lead.

Boylston wants to provide a defense of rudeness, based on politics. He takes trite pop sociology and blows it up into the big words "reproduction of political ideology of the upper-middle-class" by relating petty observations about some social event to the law/politics distinction. He absurdly conflates the trivial and the cosmic, with no indication of how he gets there. His amateur creative writing style shows his utter lack of substance.

Moreover, Boylston's basic point provides its own refuta-

tion. According to him, academic freedom requires the destruction of normal social habits. Next we'll hear that academic freedom requires burning books.

In addition, Boylston's article reveals the immaturity of so many of the critical group. He makes a big thing out of clothing and language. It's as if he's still in high school, still fascinated with dirty words. He acts like the world is supposed to change because he doesn't like it. There's no requirement with which I am familiar that requires faculty members to attend social occasions. If he doesn't like them, he shouldn't go. If he doesn't like the form of the party, he should have his own party. It is infantile to whine as he does about it.

Boylston is so busy seeing ideology under every bed that

it never occurs to him that law teachers are naturally people who like to talk, and so their parties are largely not dance parties. If Boylston feels like doing something else, that's his business. But his conclusions about sinister forces at work is a reflection of his personal tastes, nothing more.

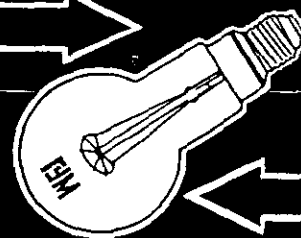
There's nothing sinister

about civility. It is an integral part of the academic enterprise, the freedom to differ on ideas without anger or personal animosity. That's one of the things most of us like best about academic life. That is the rich sense of community we enjoy. If Boylston doesn't find his kind of community there, maybe he should look for a bartending job.

—Thomas "Tommy" Johnson

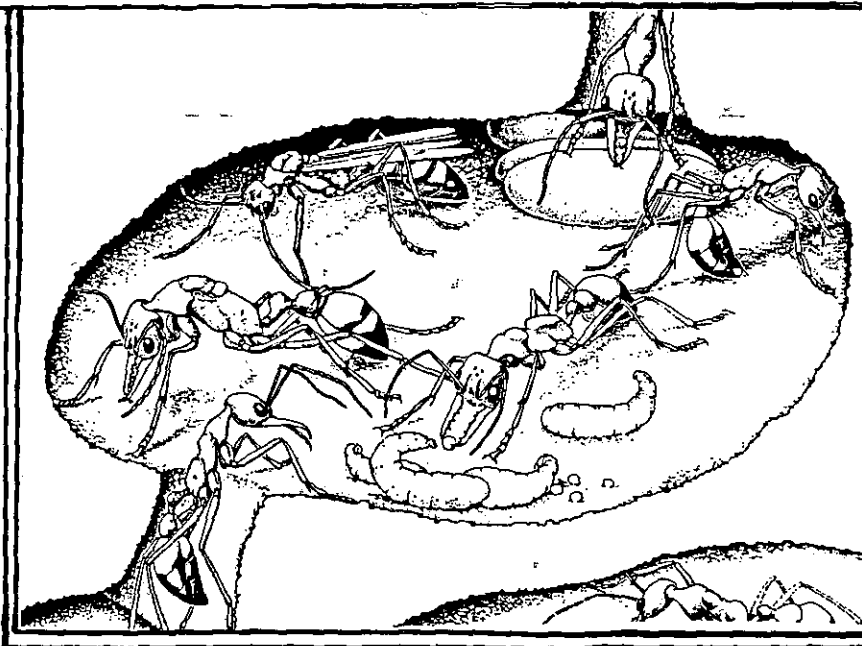
ДАЙТЕ СОЛНЦЕ!  
НОЧЬЮ!

ГДЕ  
НАЙДЕШЬ  
ЕГО?



КУПИ  
ВГУМЕ!

ОСЛЕПИТЕЛЬНО  
И ДЕШЕВО



"Ha ha, no, got in today--Harry!--nothing I would have wanted to go to 'cept the ha ha Gay and ..Lesbian ha ! oh Fred you're....And they made him Dean because Coca-Cola....playing so badly that they're going to move them to the Phillipines and call them 'the Manilla Folders'....About a twenty minute commute and the property taxes are very ....real piece of trash ....and John teaches our new Prisoners' Rights Course, I call it 'Wasting time and annoying Judges' don't I, John... serious new trend in scholarship....and with

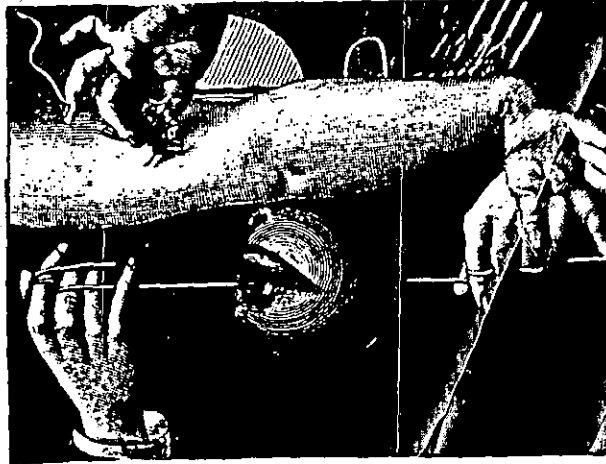
the California Supreme Court you can get..... real low financing .... turned to the student and said ' That question took 60 seconds, there are 120 people in the room, you just wasted 2 hours of the most expensive billable time in the Western .... Ha ha....with a new building and a strong endowment we feel confident .... who wouldn't....need to draw other powerful groups into the loan situation so that they will have a vested... interest in Civ Pro but concentrating on the business law, meat and potatoes ...all on the school anyway....Papal Exhibition . And get a receipt. Ha ha



Everyone likes the view. Conventioners like it. Real estate brokers love it, tourists and diners throughout the city busy themselves re-viewing it. This is not a view of a city life, but a view from a city, around a city, instead of a city. The more expansive and misty the view the more lost the vantage point. Enjoying the San Francisco view, we are free agents, suspended, not so much comprehending the city as transcending it.

Everyone talks about the view. Just talking about viewing fixes our mental gaze on a hazy horizon. Viewspeak creates a sense of free suspension. 2400 law professors talking viewspeak in San Francisco. They do it well because they do it all the time. Here are three examples:

"...delicate balancing of the interests involved."



The people of the city become "interests;" the agent of the state, a passive fulcrum. Interest balancing is both comprehensive and adversarial. The complexity of the legal city boils down to a choice which we need not make. We are spectators of a physical process. Which way will "it" tip?

"...considering all the factors carefully."

Unlike interest balancing,

"factor considering" is non-adversarial viewspeak. Anything can be a factor. Anyone can be a thing. Even the desires of the analyst are externalized for consideration. At the center is free space. The man who takes factors into account has transcended the dirty business of choosing. He considers everything. Up there, when the air is clear, he can see for miles.

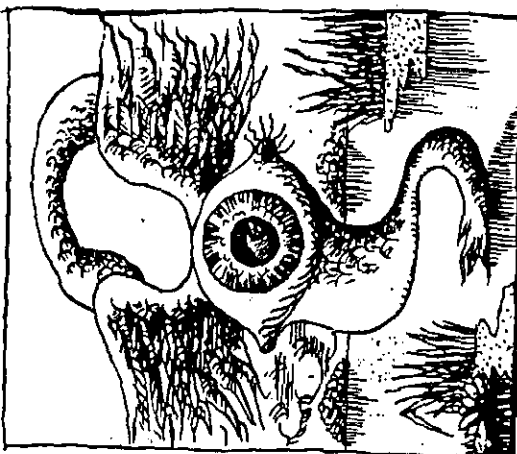
"...but the proponents didn't meet their burden."

It was too bad really. We were waiting patiently on Nob Hill. Down below, at the evidentiary screen, the parties struggled to produce facts. Slowly the evidence mounted. They just couldn't seem to get it up all the way. As a result, of course, we were not called upon to act. The parties were dismissed and we sat sipping Scotch, admiring the view.

almost instantaneous revelation. The crowd of adults who had each thought that there was something wrong with him- or herself realized suddenly that the reason they couldn't see the emperor's clothes wasn't that they were "stupid or entirely unfit for their position," but rather that there were no clothes to be seen. For me the revelation began more gradually. My old teacher didn't seem to fit in any better than I did; he hinted to me that I imagined more interesting conversations than took place; and one of his colleagues, another old teacher and friend of mine, quoted him to say the school had no intellectual life at all. The final crescendo came when I attended a two-week conference with people from law schools across the country. One of the leaders was a prominent professor at an elite school. At the end of a particularly interesting conversation, he asked me—with a slight rhetorical overtone—whether I felt isolated at the law school I was at. The question was a compliment, and it hit me like the proverbial ton of bricks. YES, I felt isolated and I hated it. The question reoriented my thinking. There wasn't anything wrong with me, and it wasn't my fault, I felt isolated. And I hated it.

Do you feel isolated at the school you are at?

of my colleagues were doing so also. Suddenly I had a chance to be one of the boys, without totally reneging on being myself. Finally maybe I'd fit in enough to be able to enjoy the collegiality I had been missing. We talked about boots and crampons; we shared stories of mountains we had bagged and those that got away; we even jockeyed for the position of Knowledgeable One. But still somehow I failed. I was still not admitted to the



really interesting conversations.

The next exciting chance came when a friend—a teacher of mine from law school—came as a visiting professor for a semester. I just knew he'd be able to tell me what I was doing wrong and help me develop the collegiality I longed for. With his help surely I could get accepted as someone worth talking to.

Hans Christian Andersen describes the movement when the child announces that the emperor has no clothes as an

## Alone and Female

At first there was the excitement of a new city, a new office to settle into, a new routine to create. My first meetings with colleagues were as good as most first meetings. Pleasant chit-chat: family, recreational interest, social concerns, law school politics. It took me a month to miss intellectual companionship and another month to realize I missed it. Finally I began to take the initiative, only to be rebuffed. Perhaps I had sounded pushy, or boring. I couldn't tell.

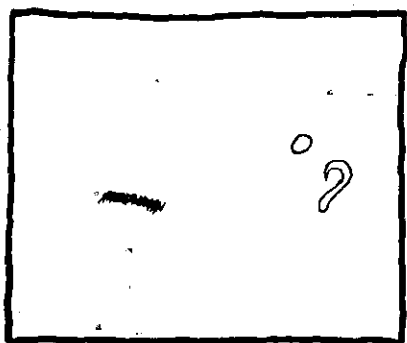
Should I start following sports? Maybe all the sports talk that went on was a password, and if you got through that you could share in the interesting talk that I knew must go on. Basketball and soccer were in season, and I was afraid I couldn't stomach either for more than a game or two. It seemed so repetitive and boring. The best I could ever manage was to develop an interest in sports talk, not sports. Like an anthropologist, I observed the staking out of territory, the competition, the strutting about that my colleagues did in their sports-talk ritual. That kept me from dying of boredom or going crazy at lunch, but it didn't get me admitted into the club, the inner sanctum where the interesting intellectual discussions took place.

When I took up mountain climbing the next year, I was excited to discover that two

# REDUCTIONISM (continued from p.1)

careers of their perceived enemies. Some studied the fog hoping thereby to improve the conditions of their class, or race, or sex; others hoped to advance someone else's class, or race, or sex. Still others hoped to advance humanity, or the universe; and, finally, some people studied it from habit.

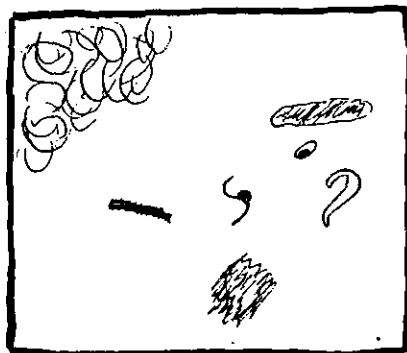
As people studied the fog, they began to see occasional patterns. One person found a rectangle with a curious surface texture; another found an ear-shaped protrusion, while a third found a solid spherical object set back in a socket.



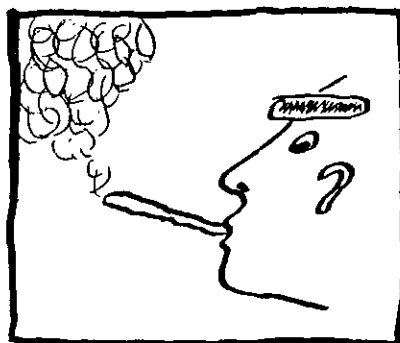
These discoveries were exciting and interesting. The scholars felt accomplished and creative, and they were honored and advanced in their careers. The classes and races and sexes and universe, however, all continued in the same status which they had

enjoyed and suffered previously.

Spurred on by the excitement of discovery and the hope of success, scholars devoted themselves to studying one or another corner of the picture. The project continued and more particular patches of the fog gave way to curious patterns.



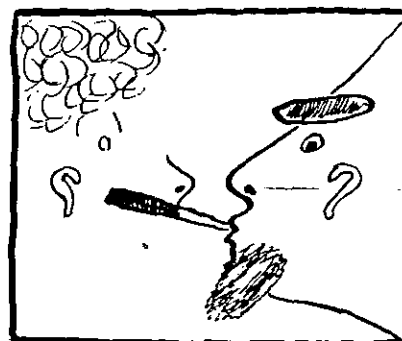
Then one day a very important thing occurred. Someone new came along who decided not to choose a corner to study, and not to study the particular details at all. Instead, he looked at all the fog and he looked at the clearings and he said, "I know what that fog is, it's a man smoking a cigar."



A few people got very excited about this and wondered

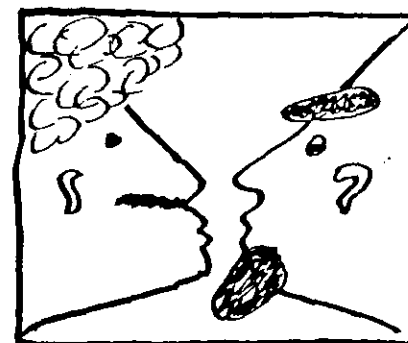
what it would mean for the status of their class, and race, and sex, and universe. A few people got nervous about this and wondered what it might mean for the status of their class, and race, and sex, and they laughed at the new person and said this was no way for serious adults to spend their time. Most people ignored the new person and just continued in their work.

Some of these people who just continued in their work just happened to be examining the patch of fog where the new person claimed the cigar-smoker's forehead was and they just happened to discover a pattern that seemed a lot like a forehead. Other people, however, more determined in their ignorance of the new person's assertions, began to fill in a more random pattern:



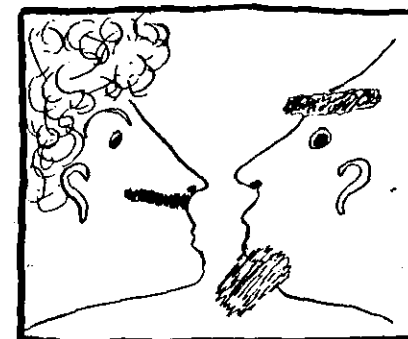
A few people were disappointed, a few people were relieved, and a few people were amused. It is not known whether the new person was embarrassed or humiliated.

However, he was not discouraged. He kept looking at all the fog and he looked at these new clearings and he said, "I know now what the fog is; it's the heads of two people engaged in conversation."



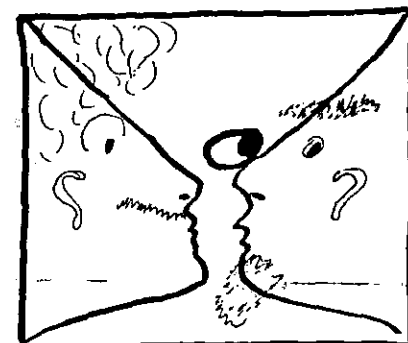
A lot of people paid attention to this claim by the new person and his theory became quite controversial. Some people muttered that the new person himself so enjoyed conversation that he would think he saw two people talking anywhere he might choose to look. Other people pointed out that the clear spaces didn't fit that picture, for example, the rectangle that at first had been called a cigar. The new person couldn't explain that, they said, and it didn't fit within his scheme. A whole literature grew up arguing whether the rectangle could be a mustache or what else it might be. A few people found it offensive that so many people would pay so much attention to a man who just pointed out the obvious gross features of the fog instead of getting down to the difficult work of close examination—especially when he was probably wrong about the gross features anyway. His own supporters couldn't agree about the cigar-mustache, after all. There were a lot of people, however (most of whom also enjoyed conversation), who found the insight of "two people talking" useful. A lot of areas of the fog which had

been impenetrable began to show distinctive patterns:



The process continued as more and more details were filled in and the picture became quite rich.

But then one day someone found an olive.



I would say, then, that what has emerged in the course of the last ten or fifteen years is a sense of the increasing vulnerability to criticism of theories, institutions, practices, and perhaps above all, our everyday and most familiar, most solid and very bedrock of existence—even, and perhaps above all, those aspects of it that are most familiar, most solid and most intimately related to our bodies and to our everyday behaviour. But together with this sense of instability and in those instances of discontinuous, particular and local criticism, one in fact also discovers something that perhaps was not initially foreseen, something one might describe as precisely the inhibiting effect of global, isolationist theories. It is not that the global theories have not provided nor continue to provide in a fairly consistent fashion useful tools for local research; Marxists and psychoanalysts are proofs of this. But I believe that the theoretical unity of these disciplines was in some sense put in abeyance, or at least curtailed, divided, overturned, caricatured, theatricalised, or what you will. In each case, the attempt to think in terms of last fifteen years, their predominant feature, is the local totality has in fact proved a hindrance to research. So, the main point to be gleaned from these events of the character of criticism, that should not, I believe, be taken to mean that its qualities are those of an obdurate, naive or primitive complicity, nor is it a so-called eclecticism, an opportunism that does up and every kind of theoretical approach by itself would reduce to the worst kind of theoretical character of criticism indicates in reality is an autonomous, non-centralised kind of theoretical production, one that is to say whose validity is not dependent on the approval of established régimes of thought.

