

Haruki Murakami's Legal Trilogy: A Paradigm of the Postmodern Lawyer

By Jacob White

1. INTRODUCTION: WHEN "HART" ISN'T ENOUGH.

"It's very interesting to me how quickly the classes have divided up into 3 factions: one of the factions being the students who sit in the back of the class, they've given up sitting in their assigned seats, preparing the cases. What is it – only October? They've already given up trying, cowards. The second group are the ones who won't raise their hands or volunteer to answer but will try when called upon...And then there is the third echelon – the upper echelon. The volunteers. They raise their hands in class; they thrust themselves into the fray. I don't think they're smarter than anyone else, but they have courage, and they'll achieve final recognition." – Hart, *The Paper Chase*.¹

"[My life's] been boring so far. It'll probably be the same from here on. Not that that bothers me. I mean, I take what I get...Most people, they're trying to escape boredom, but I'm trying to get into the thick of boredom. That's why I'm not complaining when I say my life is boring." – Haruki Murakami, *The Wild Sheep Chase*.²

*The Paper Chase*³ has been proclaimed as "the dean of law school novels."⁴ The film adaptation of the novel won an Oscar and spawned a television series.⁵ *The Paper Chase*'s main character, Hart, has served as the archetype of the "successful" law student for generations. Hart is driven by a modernist attitude; an attitude which perpetuates beliefs such as 'strong being good' and 'rationality as solution.'⁶ His name is even a banal metaphor for what it takes to succeed in the modernist world - heart. Like Benjamin Franklin, Fredrick Douglass, and Rocky Balboa, Hart's modernist attitude leads him down a path of success. The legal profession has embraced this modernist ideal by teaching its students and members that happiness/success can be reached if you

¹ THE PAPER CHASE (Twentieth Century Fox 1973).

² HARUKI MURAKAMI, THE WILD SHEEP CHASE 43 (ALFRED BIRNDAUM TRANS. VINTAGE BOOKS 1989).

³ JOHN JAY OSBORN, THE PAPER CHASE (AMEREON LTD 1971).

⁴ Ken Garcia, *Father of the 'Paper Chase' San Francisco Writer Helped Define Harvard*, SF Gate, Jan. 28, 2003.

⁵ *The Internet Movie Database*, <http://www.imdb.com/title/tt0070509>.

⁶ Fuminobu Murakami, *Murakami Haruki's Postmodern World*, 14(1) JAPAN FORUM 127, 127-128 (2002).

work hard enough toward the goal of being ‘the best.’⁷ But where has this modernist’s paradigm left the legal profession? Statistics offer a grim picture.

Only 37 percent of lawyers describe themselves as satisfied.⁸ Over half of all lawyers are “so dissatisfied with their work that they [are] thinking of leaving the profession.”⁹ One in eight law students reported that substance abuse had affected class attendance.¹⁰ 18 percent of lawyers are problem drinkers, a rate nearly double that of the population at large.¹¹ As for romance, “the divorce rate among lawyers is higher than for all other professionals.”¹² Perhaps the most alarming study of all showed that on entering law school students had a normal rate of depression; however, “one semester later, 32 percent were seriously depressed, and by the end of the fifth semester, 40 percent were.”¹³

Walt Bachman, who authored a book about the trouble he had commingling his personal life and legal life, cites “a moment of *Paper Chase*-type triumph” as a highlight of his legal education.¹⁴ It seems that Bachman finds fulfillment in meeting the *Paper Chase* paradigm, but is unable to sustain this standard on a regular enough basis to lead a happy life. This is evident by the abundance of cynical statements in his book, such as, “[t]he student ‘most likely to succeed’ in any law school class is the brightest asshole.”¹⁵

⁷ “The best” meaning whatever it takes to get the highest paying and/or most prestigious job. This typically means being in the top 10% of the class at a top tier law school, being on law review and acquiring either a coveted judicial clerkship or summer associate position.

⁸ NORMAN K. DENZIN, *IMAGES OF POSTMODERN SOCIETY: SOCIAL THEORY AND CONTEMPORARY CINEMA* 53 (SAGE Publications 1991).

⁹ JEAN STEFANCIC & RICHARD DELGADO, *HOW LAWYERS LOSE THEIR WAY: A PROFESSION FAILS ITS CREATIVE MINDS* 60 (Duke University Press 2005).

¹⁰ *Id.* at 67.

¹¹ *Id.*

¹² *Id.* at 68.

¹³ *Id.*

¹⁴ WALT BACHMAN, *LAW V. LIFE: WHAT LAWYERS ARE AFRAID TO SAY ABOUT THE LEGAL PROFESSION* 49 (Four Directions Press 1995).

¹⁵ *Id.* at 136.

While the author's anger likely connects with many in the legal profession, he fails to recognize that his reinforcement of this paradigm as a great moment in his life paradoxically perpetuates the problem he is complaining of.

I believe that the institutionalization of the Hart archetype by the legal community is a primary cause of the high rates of alcoholism, depression, and drug abuse so pervasive in the profession today. These issues can also be seen in the peripheral characters of *The Paper Chase*, who fail to fit the mold and thus serve as examples of failure; they become caution signs for Hart on his path to success.¹⁶ Are those law students and lawyers who do not fit into *The Paper Chase* paradigm relegated to a futile pursuit of happiness in the legal profession?

In order to answer this question, I have chosen to analyze the effects of modernism on the legal community through the legal trilogy¹⁷ of postmodern author Haruki Murakami.¹⁸ Murakami's legal trilogy is centered on a narrator who has completed law school and is working in a law office while waiting to learn if he has passed the bar exam.¹⁹ I will look first to Murakami's short stories, *The Second Bakery Attack* and *The Wind-up Bird and Tuesday's Women*, to analyze the postmodern condition and compare it with the problems which many lawyers suffer. Secondly, I will look at the stifling nature of formalism²⁰ in the law, and examine Murakami's

¹⁶ The character Kevin is perhaps the most striking example of one who does not fit into the archetype. He is an intelligent man, and a loving husband, but his failures to fit into the archetype lead him down a path of destructive and humiliating depression. Kevin is left as a crumpled caution sign on Hart's road to a judicial clerkship and eventual partnership.

¹⁷ JAY RUBIN, HARUKI MURAKAMI AND THE MUSIC OF WORDS 142 (Vintage Books 2003).

¹⁸ Murakami had actually planned on studying law in college, but after failing the exam and realizing he would rather read literature than the law, he opted to study literature. *Id.* at 19.

¹⁹ Murakami's legal trilogy begins with the short story, *The Second Bakery Attack*, is followed with the short story, *The Wind-up Bird and Tuesday's Women* and ends with the novel *The Wind-up Bird Chronicle*.

²⁰ In legal education, formalism manifests itself in the teaching of rules and doctrines at the expense of social implications and policy. STEFANCIC & DELGADO, *supra* note 9, at xi.

combination of the mimetic with the formulaic in the novel *The Wind-up Bird Chronicle* as a potential remedy for formalism and the problems it causes. I will conclude with an assessment of the lessons that the legal world can learn from Murakami's legal trilogy.

2. THE POSTMODERN CONDITION OF THE LEGAL MIND, AS SEEN THROUGH MURAKAMI'S *THE SECOND BAKERY ATTACK* AND *THE WIND-UP BIRD AND TUESDAY'S WOMEN*

*"Like many law professors, particularly those who teach first year courses, I subscribe to the theory that it is not my job to teach students "Property," it is my job to teach them "to think like a lawyer." – Peter T. Wendell, Professor of Law, Pepperdine University.*²¹

*"[...] People have got to find their own system. The Japanese system offered a fantasy that the harder you work the richer you get." - Haruki Murakami.*²²

*"Things fall apart; the center cannot hold." - W.B. Yeats, *The Second Coming*.*²³

The legal field's embracing of a modernist paradigm as its center for success has created what Jacques Derrida referred to as a logocentric system.²⁴ Derrida believed that this sort of system, which is characteristic of a modernist society, is based on shaky foundations; and therefore, it is the postmodernist's duty to question the old system that serves as the center for success and establish a new one.²⁵ The effects of these shaky foundations on the lives of those navigating the post-World War II world have led to what sociologist C. Wright Mills declared the "postmodern condition."²⁶ Mills' postmodern condition refers to the existential traps that the residents of a postmodern

²¹ Peter T. Wendell, *Using Property to Teach Students How to "Think Like a Lawyer: " Whetting Their Appetites and Aptitudes*. 46 St. Louis U. L.J. 733, 733 (2002).

²² Matt Thompson, *Nobel Prize Winner in Waiting*, THE GUARDIAN, May 26, 2001 at <http://books.guardian.co.uk/print/0,3858,4192909-99930,00.html>.

²³ W.B. Yeats, *The Second Coming*, in THE NORTON ANTHOLOGY OF MODERN POETRY 158 (Richard Ellman and Robert O'Clair eds. 2d ed. 1988).

²⁴ CHARLES E. BRESSLER, LITERARY CRITICISM: AN INTRODUCTION TO THEORY AND PRACTICE 124-126 (Prentice Hall 1999).

²⁵ *Id.*

²⁶ DENZIN, *supra* note 8, at 58.

society will face.²⁷ These traps include the “lack of meaning in their everyday lives; their failed marriages; their unemployment; ...their robot like work; their drug and alcohol abuse; ... and the horrible, ugly cities where they live.”²⁸ Mills also

predicted that life in the postmodern period would be characterized by drift, increased alienation, indifference, oppressive bureaucratic controls, cheerful, cultural robots made to be ‘happy in this condition’ by a combination of ‘chemical and psychiatric means...by steady coercion...controlled environments...random pressures and unplanned sequences of circumstances’. This age threatens freedom and reason, and these threats produce apathy.²⁹

Murakami’s narrators and the worlds they inhabit have been described as “almost a cliché” of Mills’ postmodern condition.³⁰ While modern literature is characterized by “deep introspection and strong passions,” Murakami’s works are full of the trivial and the mundane. He focuses to a great extent on his characters’ “favorite things: foods, places and consumer products which are easily consumed and just as easily forgotten.”³¹ For modernist thinkers like Benjamin Franklin, reality is best represented as a map, in which “objective reality ... was knowable and discoverable by any intelligent person who wished to do so.”³² Friedrich Nietzsche’s proclamation that ‘god is dead’ followed by World Wars I and II and a decline in individualism led to “the demise of objective reality and the autonomous scholar who seeks to discover ultimate reality.”³³ Thus, the modernist map led society to the Manhattan Project and the Nazi regime, which were

²⁷ *Id.*

²⁸ *Id.* at 58.

²⁹ *Id.*

³⁰ Celeste Loughman, *No Place I Was Meant to Be: Contemporary Japan in the Short Fiction of Haruki Murakami*, Vol. 71, Iss. 1 WORLD LITERATURE TODAY NORMAN 87, 88 (Winter 1997).

³¹ Fuminobu Murakami, *supra* note 6, at 127 (2002).

³² BRESSLER, *supra* note 24, at 117-118.

³³ *Id.* at 118.

based on the hegemonic belief that ‘strong equals good.’³⁴ Postmodern society lives in the dark mapless shadow of the failed modernist age.

Karl Marx believed that the pitfalls of modernism could be cured through a sense of community and that an egalitarian state could be realized.³⁵ While “postmodernists subscribe to Marx’s ideal of an egalitarian society,” they attempt to realize it in a society of alienated people instead of through community.³⁶ Postmodern philosophers, such as Derrida, Michel Foucault and Jean-Francois Lyotard, asserted that “modernity failed because it searched for an external point of reference – god, reason, and science, among others – on which to build its philosophy.”³⁷ Instead, postmodernists hypothesized that “there is no ultimate truth or inherently unifying element in the universe and thus no ultimate reality” and that therefore, “tolerance of each other’s points of view is the postmodern maxim.”³⁸

Postmodernists shun the modernist views and instead hope to live life in a ‘calm utopia.’³⁹ This postmodern tranquility can be found not in a map but instead in a collage; a collage which rejects the “fixed, objective nature” of the modernist’s map and instead opts for meaning which is always open to change.⁴⁰ In a speech at University of California, Berkeley, Murakami spoke of this postmodern attribute when he rhetorically asked the audience:

Haven’t you offered up some part of your Self to someone (or something), and taken on a “narrative” in return? Haven’t we entrusted some part of our personality to some greater System or Order? And if so, has not that System at some stage demanded of us some kind of “insanity”? Is the

³⁴ Fuminobu Murakami, *supra* note 6, at 128 (2002).

³⁵ *Id.*

³⁶ *Id.* at 134 (2002).

³⁷ BRESSLER, *supra* note 24, at 118-119.

³⁸ *Id.*

³⁹ Fuminobu Murakami, *supra* note 6, at 134 (2002).

⁴⁰ BRESSLER, *supra* note 24, at 118.

narrative you now possess really and truly your own? Are your dreams really your own dreams? Might not they be someone else's visions that could sooner or later turn into nightmares?⁴¹

His works often deal with this struggle of the postmodern character to reconcile the modernist narrative with postmodern desires. This struggle has led many in the postmodern world to yearn for the simpler modernist world where one could find solace in the belief of an absolute truth through reason and hard work. This produces nostalgia, a characteristic postmodern attitude.⁴² The first two short stories of Murakami's legal trilogy,^{43 44} *The Second Bakery Attack* and *The Wind-up Bird and Tuesday's Women*, provide examples of his portrayal of the postmodern condition and his choice of lawyers as narrators in his work.

a. Nostalgia, Indifference, Increased Alienation and Parody of the Modern Marriage in Murakami's *The Second Bakery Attack*.

In *The Second Bakery Attack*, Murakami delves into the nostalgia, indifference and increased alienation that results from abandoning one's rebellious youth for the more settled bourgeois life of a young professional. The narrator's embrace of the modernist paradigm has left him unhappy; and in the course of the story, he embarks on an unconventional search for meaning. In this short story, Murakami deals with one of his most visited themes: "the search for a lost past or a lost self."⁴⁵ This 'lost self' is often related to the character's nostalgia for his 1960's idealism, while coming to terms with his accommodation to the establishment.⁴⁶ While *The Second Bakery Attack* may be

⁴¹ RUBIN, *supra* note 17, at 25.

⁴² DENZIN, *supra* note 8, at 60.

⁴³ *Id.* at 142.

⁴⁴ *The Second Bakery Attack* is considered the first in this trilogy because of both the character's status as a newlywed. In *The Wind-up Bird and Tuesday's Women* the narrator has settled into marriage and in *The Wind-up Bird Chronicles* the narrator's wife has left him.

⁴⁵ Loughman, *supra* note 30, at 92.

⁴⁶ RUBIN, *supra* note 17, at 56.

short, it has nonetheless been described as “the most perfect poetic distillation of Murakami’s vision,”⁴⁷ because of the story’s portrayal of Murakami’s postmodern world.

The narrator of *The Second Bakery Attack* graduated from law school and works in a law office, but is not yet a licensed attorney because he is still waiting for the results of the bar exam. The short story begins with a newlywed couple – the narrator and his wife - awakening in the middle of the night to intense hunger pangs described as “pangs that struck with the force of the tornado in *The Wizard of Oz*.”^{48 49} The couple scavenges the house for food and cannot find “a single item that could be technically categorized as food.”⁵⁰ The narrator chalks this up to the unrefined adjustment of married life: “we had yet to establish a precise conjugal understanding with regard to the rules of dietary behavior.”⁵¹ The analytical detachment in which the narrator discusses the lack of food in his home, highlights the falsity of the modernist fantasy of ‘marriage.’ Modernism tells society that ‘love conquers all;’⁵² however, Murakami’s newlywed characters cannot even establish a shopping schedule let alone a happy marriage. As discussed above, the legal profession is besieged by romantic failure. The high divorce rate among lawyers can be attributed to the profession’s acceptance of the modernist paradigm which not only encompasses career but personal life as well. This serves to further the “theme of

⁴⁷ *Id.* at 132.

⁴⁸ HARUKI MURAKAMI, *The Second Bakery Attack*, in *THE ELEPHANT VANISHES* 36 (Jay Rubin trans. Vintage Books 1993).

⁴⁹ Murakami’s use of an American pop-culture reference goes to the overall post-modern atmosphere of his work. Like American post-modern author’s Bret Easton Ellis, Jay McInerney and Don DeLillo, Murakami’s use of pop-culture is an essential element of the post-modern world because it’s a shared experience which resonates with a diverse audience. While modernist were only concerned with speaking to white males, the postmodernist must attempt to speak to a much more diverse group.

⁵⁰ HARUKI MURAKAMI, *supra* note 48, at 37.

⁵¹ *Id.*

⁵² Fuminobu Murakami, *supra* note 6, at 128 (2002).

isolation and Murakami's assertion of the need for communication and greater understanding between people."⁵³

The narrator suggests that they go to a restaurant, yet his wife protests "you're not supposed to eat out after midnight."^{54 55} He agrees, but for a less Emily Postian reason. He is convinced that the hunger he feels cannot simply be solved by going to an all night restaurant.⁵⁶ It is at this point that the hunger takes on a mystical context; it cannot be solved by simple caloric consumption - like most hungers. In recognizing the hunger as something that cannot be cured through eating food, the narrator is taking an anti-modernist stance, expressing his disenchantment with rationality.⁵⁷ The modernist would eat food to cure hunger because the modernist places rationality and science above all else. It is at this point we see the narrator breaking away from his modernist legal teachings and embracing the postmodern. The shift is especially jarring to the reader because of the narrator's profession. One would not expect a lawyer, whose life is grounded in reason, to believe in things such as a mystical hunger which cannot be cured by food. The paradox of a lawyer accepting a world of magic realism is a reoccurring theme of Murakami's legal trilogy. It furthers his theme of the difficulties of using a modernist map to navigate through a postmodern world.

The narrator feels that this mystical hunger can be best explained in "the form of a cinematic image."^{58 59} The image is of "a little boat, looking down at the volcano

⁵³ Mathew C. Stretcher, *Murakami Haruki: Japan's Coolest Writer Heats Up*, Vol. 45, Iss. 1 JAPAN QUARTERLY 61, 61 (Jan-Mar 1998).

⁵⁴ HARUKI MURAKAMI, *supra* note 48, at 37.

⁵⁵ This demonstrates the wife's modernist concern with rules.

⁵⁶ *Id.*

⁵⁷ Fuminobu Murakami, *supra* note 6, at 128 (2002).

⁵⁸ HARUKI MURAKAMI, *supra* note 48, at 38.

⁵⁹ Using movies to convey one's feelings is yet another example of the postmodern world.

through crystal clear water.”⁶⁰ This image is distinctly Freudian in nature; it cries out for psychoanalysis.⁶¹ The significance of this image as dreamlike is congruent with the postmodern since “dreams are the postmodern solution to life in the present.”⁶² Dreams are a tool of the postmodernist not only because they are anti-rationalist but also because they are a form of escapism, of detachment from the every-day world. Like television, music, novels and movies, dreams are a vehicle for the postmodernist’s search for meaning. The detachment that dreams, television, novels, and other media provide helps the postmodern character cope with the ennui caused by the absence of a modernist center.

Furthermore, Murakami’s insertion of this cinematic image into the story furthers his status as a postmodern author, by openly recognizing that his reader is a postmodern consumer. Pop-culture essayist, Chuck Klosterman, defines postmodern as “any art that is conscious of the fact that it is, in fact, art” or for the more cynical, “any art that is conscious of the fact that it is in fact, product.”⁶³ Murakami seems to be winking at his readers, letting them know that he is aware that they are there, consuming his work, trying to analyze it. This technique can be seen in other postmodern works, such as *Annie Hall*⁶⁴ and *Ferris Bueller’s Day Off*.⁶⁵ In both of these films, the main character fully acknowledges his audience by breaking the fourth wall and discussing his predicament directly with the audience.⁶⁶ This is illustrative of postmodern texts, which

⁶⁰ RUBIN, *supra* note 17, at 132.

⁶¹ The boat could be viewed as a phallic image, the volcano is a yonic image and water is often used as an image of sex. BRESSLER, *supra* note 24, at 119.

⁶² DENZIN, *supra* note 8, at 79.

⁶³ CHUCK KLOSTERMAN, *What Happens When People Stop Being Polite*, in *SEX, DRUGS, AND COCOA PUFFS* 28 (Scribner Books 2004).

⁶⁴ ANNIE HALL (Rollins-Joffe Productions 1977).

⁶⁵ FERRIS BUELLER’S DAY OFF (Paramount Pictures 1986).

⁶⁶ ANNIE HALL (Rollins-Joffe Productions 1977).

are “playful and paradoxical.”⁶⁷ Meanwhile, Murakami’s narrator’s use of the image of the boat and the volcano is not congruent with his career path. Freudian metaphors are not the typical tools of a lawyer. The narrator’s use of this metaphor could be an indication that he will have the same problems with his career as he does with his marriage.

While the narrator contemplates this cinematic image, his wife tells him that she has never felt such hunger and wonders if its causation can be contributed to married life.⁶⁸ This triggers a memory from the narrator’s past:

Which is when it occurred to me that I had once before had this same kind of experience. My stomach had been just as empty then...When?...Oh, Sure, that was –
 “The time of the bakery attack,” I heard myself saying.
 “The bakery attack? What are you talking about?”
 And so it started.⁶⁹

The narrator imparts the story of the bakery attack to his wife.⁷⁰ The attack occurred when the narrator was in college.⁷¹ He and his friend were poor and would attack bakeries for food.⁷² The narrator’s wife inquires as to why they didn’t just get jobs, but the narrator explains, “We didn’t want to work. We were absolutely clear on that.”⁷³ This statement goes against the modernist paradigm, which perpetuates the importance of hard work. The narrator was in college and did not want to grow up, did not want a job or the responsibility that comes with it. He chose not to adopt the conservative modernist principle that his parents’ generation expected him to live by. But now, his life has evolved to where he works in a law firm, is married to a yuppie and

⁶⁷ DENZIN, *supra* note 8, at 154.

⁶⁸ HARUKI MURAKAMI, *supra* note 48, at 39.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.* at 40.

appears to be on the road to yuppie-dom himself. There is little doubt that if the college kid who once attacked bakeries could see himself now, he would be disgusted. This creates feelings of nostalgia in the narrator. Postmodern nostalgic texts “locate strange, eclectic, violent, timeless worlds in the present [and] search for new ways to present the unpresentable, so as to break down the barriers that keep the profane out of the everyday.”⁷⁴ The narrator attempts to find safety in his nostalgia for the past.

The narrator continues telling his wife the story, explaining how the bakery attack went awry because of a deal they made with the baker.⁷⁵ The baker told the young men (who were armed with knives) that if they would listen to an album of Wagner overtures, he would give them all the food they wanted.^{76 77} After discussing whether listening to the Wagner overtures would qualify as work or not, the young men decided to agree to the baker’s deal.⁷⁸

The narrator now believes that they should have just threatened the baker with the knives and taken the food, because of the “problems” that ensued after the incident.⁷⁹ A sequence of seemingly mundane events occurred after the attack, but the narrator views them as being the result of a baker’s curse:

Nothing you could put your finger on. But things started to change after that. It was kind of a turning point. Like, I went back to the university, and I graduated, and I started working for the firm and studying for the bar exam, and I met you and got married. I never did anything like that again. No more bakery attacks.⁸⁰

⁷⁴ DENZIN, *supra* note 8, at 79.

⁷⁵ HARUKI MURAKAMI, *supra* note 48, at 41.

⁷⁶ *Id.* at 42.

⁷⁷ The baker’s unconventional actions are grounded in the postmodern, which adds to Murakami’s overall atmosphere of postmodernism.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

The changes seem mundane; as if the narrator simply gave up juvenile activities and grew up. But they symbolize a greater rift, a return to the essence of Murakami's works. It is as if making a single compromise, a single change in plan, altered his universe. The narrator gave up on the idealism of the 1960's and began to accommodate to the same conservative modernist paradigm that he had once rebelled against.⁸¹ *The Paper Chase's* Hart was able to succeed under this modernist paradigm because he fit into its strict confines; however, Murakami's narrator is not so fortunate. The narrator feels nostalgia for the time in his life before the first bakery attack, wishing that things had never changed. This is a typical postmodern response as "at the level of lived experience postmodernism refers to the attempt by contemporary men, women, and children to get a grip on this doubly modern and postmodern world and themselves at home in it."⁸² Nostalgia is one way in which people attempt to accomplish this. Lawyers may feel nostalgia for the time of Atticus Finch or Hart. But these feelings of nostalgia only make the present less bearable in the end, since the past can never truly exist in the postmodern world. Modernism is simply an out of date map for both Murakami's characters and the legal world.

The wife is soon convinced that the baker's curse is real and that she has been drawn into its path.⁸³ She decides that the only way for them to break the curse is by attacking another bakery.⁸⁴ The wife pulls a shotgun and two black ski masks from a closet.⁸⁵ The husband is unsure why his wife owns these goods: "[n]either of us had ever

⁸² DENZIN, *supra* note 8, at 151.

⁸³ HARUKI MURAKAMI, *supra* note 48, at 42.

⁸⁴ *Id.* at 43.

⁸⁵ *Id.* at 44.

skied. But she didn't explain and I didn't ask. Married life is weird, I felt."⁸⁶ The wife's shotgun and ski masks seem to suggest that she too has left a more exciting past behind in accommodating to a bourgeois life with the narrator. Once again we see Murakami taking a postmodern stance towards the expectations of marriage. While the modernist would expect a married couple's love to entail knowing the intimate details of each others lives, the postmodernist knows that he can never truly know anyone. Thus, the postmodern character lives in a solipsistic world of increased alienation and indifference. For Murakami, no profession is more illustrative of this than the legal profession. With lawyers' penchant for failed relationships, long hours behind a desk, and drive for the billable hour, lawyers clearly display the absurdity of the modernist paradigm, in the postmodern world.

The narrator and his wife drive around Tokyo in a Corolla trying to find an open bakery.⁸⁷ They cannot find one, so settle on a McDonald's.⁸⁸ Murakami's choice of a McDonald's is illustrative of the postmodern world, where capitalism has blurred the distinction between Middle America and Tokyo. The use of McDonald's also highlights the far reaching effects of modernism's capitalism (which Marx warned against). Capitalism has "hegemonic control over popular culture."⁸⁹ While Marx believed that capitalism was evil, *The Second Bakery Attack* demonstrates that capitalism can create entropy in a society of alienation. It may be superficial entropy, but it is nonetheless a universal connectedness which brings the world closer together by providing a shared experience in a world of rampant alienation.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ DENZIN, *supra* note 8, at 151.

The couple demands 30 Big Mac's, feeling that this should sufficiently suppress their hunger pangs.⁹⁰ The wife explains the attack to the confused McDonald's employees and patrons: "We're sorry, really. But there weren't any bakeries open. If there had been, we would have attacked a bakery."⁹¹ The couple refuses to take money, instead demanding food even though they're not sure that it will eliminate their mystical hunger.⁹² The deadpan delivery of the absurd by Murakami's characters demonstrates their acceptance of the postmodern. They feel rational in stating what the modernist would see as lunacy. Therefore, the wife's explanation to the McDonald's employees is sufficient in her mind.

The couple escapes to an empty parking lot and eats a combined 10 Big Macs. The wife falls asleep while the husband visualizes his cinematic image again, but this time the volcano is gone.⁹³ This change seems to symbolize a resolve of the internal conflict within the narrator, although the image still contains ambiguity. The alteration also leaves a singular male image (the canoe) but this time the female image (the volcano) is absent. The reader is left to speculate whether the second bakery attack solved the relationship problems of the narrator, or if he is now more alone than previously.

Wit, fantasy and a return to the idealism of the 1960's are Murakami's vehicles for survival in the postmodern world. A lawyer as the passenger on Murakami's bizarre ride is a choice that adds to the comedic tone of the piece; conversely, it says a lot about the legal profession. A story about a lawyer attacking a McDonald's to cure the curse of

⁹⁰ HARUKI MURAKAMI, *supra* note 48, at 47.

⁹¹ *Id.* at 48.

⁹² *Id.*

⁹³ *Id.* at 49.

a baker who forced him to listen to Wagner creates an absurd vision grounded in pastiche. The lives of those in the legal profession are dependent on reason. Taking someone from that profession and placing him into a story which is dependent on the primacy of the absurd over the rational, demonstrates how the legal profession has been archetyped as boring and stifled. If not for the reader bringing with them this legal archetype, the comedic effectiveness of Murakami's story would not be as strong. Murakami's use of this archetype for parody suggests that the legal field must reject being so completely grounded in the modernist realm of reason. Instead it must open itself up to alternative postmodern theories. If the legal field fails to do so, it will continue to exist as a punch line for those finding triteness in a profession which has so completely sold itself to following the outdated roads on the map of modernism.

b. Postmodern Sex Roles, Lack of Meaning in Day to Day Life and Robotic Work in Murakami's *The Wind-up Bird and Tuesday's Women*.

The Wind-up Bird and Tuesday's Women is a short story which later became the first chapter of Murakami's most celebrated novel^{94 95} (and the third installment of his legal trilogy), *The Wind-up Bird Chronicle*. While it may be difficult to read the short story separate from the novel, it does, nonetheless, stand on its own.⁹⁶ In fact, the story and the subsequent novel were originally published 6 years apart; therefore one must analyze this short story on its own merits before moving on to *The Wind-up Bird Chronicle*.⁹⁷

⁹⁴ RUBIN, *supra* note 17, at 324.

⁹⁵ *The Wind-up Bird Chronicle* won the prestigious Yomiuri Literary Prize for 1995.

⁹⁶ *Id.* at 141-142.

⁹⁷ *Id.* at 141.

The Wind-up Bird and Tuesday's Women follows the bizarre day of an out of work legal worker (who, like *The Second Bakery Attack* narrator, has not yet passed the bar exam) who searches for a missing cat and has three strange encounters with three different women. The first encounter is over the phone, with a nameless woman who asks him for ten minutes of his time so that they can “come to an understanding.”⁹⁸ The ambiguity of this statement is never clarified. The phone call devolves into the woman attempting to have phone sex with the narrator, before the narrator finally hangs up.⁹⁹ The overt sexuality of the woman on the phone is postmodern in the sense that she is breaking down the sexual stereotypes of modernism which define wild, sexual women as taboo.¹⁰⁰ The confidence in her ambiguous and abstract statements gives her a sense of control over the narrator despite the fact that he can simply hang up and end the conversation. This represents a decentering of the logocentric modernist male/female relationship and helps give the story a postmodern tone. It also serves as an example of the need to question the logocentric belief system of the modern, just as Derrida instructed.

After the phone call is over, the narrator's wife calls to remind her husband to search for their missing cat. She also tells him that she has found a possible job for him editing poetry for a teenage girls' magazine.¹⁰¹ The narrator is contemplating studying for the bar exam (he has already failed it multiple times and has recently quit his job).¹⁰² This, coupled with the fact that he has been married for a few years, make *The Wind-up*

⁹⁸ HARUKI MURAKAMI, *The Wind-up Bird and Tuesday's Women*, in *THE ELEPHANT VANISHES* 5 (Jay Rubin trans. Vintage Books 1993).

⁹⁹ *Id.* at 13-15.

¹⁰⁰ DENZIN, *supra* note 8, at 109.

¹⁰¹ *Id.* at 7-8.

¹⁰² HARUKI MURAKAMI, *supra* note 98, at 8.

Bird and Tuesday's Women the sequel to *The Second Bakery Attack* even though it is not completely clear that the narrator is the exact same man.

The fact that the narrator quit his job without having another job is anti-modernist in nature because it lacks rationality. Since this is such a departure from the rational, it is surprising that it is fairly common for lawyers to quit one job before security another.¹⁰³ This seemingly impractical behavior is driven by a large percentage of lawyers who regret their choice of career. Every year, 40,000 lawyers leave the law for another field.¹⁰⁴ Murakami has again chosen a narrator in the legal world because of the struggles that inundate a profession which rigidly adheres to a modernist structure in a postmodern world. Mills' hypothesis that unemployment and indifference are characteristic of the postmodern condition can be seen through the narrator, who seems content simply drifting¹⁰⁵ through the day. He is indifferent to the modernist pressures an out of work man would be expected to feel. This indifference toward his unemployment and his wife's subsequent financial support is inconsistent with the modernist male's sense of worth being intertwined with his career, and also with the structure of the modernist marriage. The postmodern man is not tied into a patriarchal scheme of marriage; however, the legal profession is still patriarchal (19 percent of men gain partnership while only 8 percent of women do¹⁰⁶). The narrator's lack of interest towards being a lawyer seems to imply that he may be purposefully sabotaging his attempts at passing the bar.

¹⁰³ STEFANCIC & DELGADO, *supra* note 9, at 70.

¹⁰⁴ *Id.* at 51.

¹⁰⁵ The drifting of the postmodern character is perhaps best illustrated in the movie, *The Graduate* (Embassy Picture Corporation and Lawrence Turman Inc. 1967). When the main character Benjamin is confronted, while lying on an air mattress in a pool, by his father about his lack of action and asked "what are you doing?" he replies "drifting." This conversation displays the modernist father and the postmodernist son attempting to reconcile what one should do with one's life.

¹⁰⁶ Audrey Wolfson Latourette, *Sex Discrimination in the Legal Profession: Historical and Contemporary Perspectives*, 39 VAL. U. L. REV 859, 894 (Summer 2005).

The narrator is nonetheless confused by his wife's assumption that he would be interested and/or qualified for a job editing poetry, since he has never written poetry.¹⁰⁷

¹⁰⁸ The narrator claims that he is going to look for another job in a legal office, but he offers no explanation as to why he quit one job to look for another doing the exact same thing.¹⁰⁹ The wife recognizes this fault in his story and seems to see the creative person that lies inside her husband; her offer of a job editing poetry gives him permission to leave the law behind for something more fulfilling.

The wife's offer points to the difficulty those in law school or the practice of law have in retaining their creativity.¹¹⁰ Lawyers need to work 55 to 60 hours a week to work 40 billable hours.¹¹¹ The stifling nature of the legal curriculum and the almighty billable hour leaves little time for relationships, let alone hobbies. When the law fails to fulfill lawyers lives it seems to leave lawyers with the baggage of the postmodern condition (i.e. depression, failed marriages, substance abuse, ennui). As an English major I had heard law school described as "where English majors go to die." It is common knowledge among creative people that dedicating one's life to the law requires giving up something else; ones creative aspirations. The narrator's wife is giving the narrator another attempt at regaining the creativity that he presumably gave up on when he made the decision to enter law school.

¹⁰⁷ HARUKI MURAKAMI, *supra* note 98, at 8.

¹⁰⁸ Murakami's choice of poetry as a second career option is interesting because it is reminiscent of Wallace Stevens, who worked as a lawyer while writing his poetry. Stevens was able to work as a lawyer while also writing some of the most highly regarded American poetry.

¹⁰⁹ *Id.* at 8.

¹¹⁰ STEFANCIC & DELGADO, *supra* note 9, at 81.

¹¹¹ WALT BACHMAN, *supra* note 14, at 108.

There is also the issue of modernism objectifying a set of masculine cultural ideals.¹¹² Quitting the pursuit of becoming a lawyer to write and edit poetry for a teen girl's magazine would be a drastic departure from the modern. The narrator is not ready to make this leap from modernism into postmodernism, unlike *The Second Bakery Attack's* narrator, who acquiesces to his wife's plan. *The Second Bakery Attack's* narrator is indifferent to the unknown facts of his new wife's past life and indifferent to following her lead. However, *The Wind-up Bird and Tuesday's Women's* narrator seems less willing to break the routine of his modernist ways – there is a greater cynicism behind his indifference, a cynicism which seems to have grown with his prolonged exposure to marriage and the law. The idealism that the narrator once had has long ago disappeared and he has not replaced it with “anything else as a source of meaning and self-fulfillment.”¹¹³ Instead, he drifts through his days, attempting to retrieve a lost self (represented through his search for a lost cat); a victim of postmodern ennui.

The third woman that the narrator encounters is a Nabokovian young girl who bums a cigarette from him, before enticing him to sit out under the sun and keep her company while they keep an eye out for his missing cat.¹¹⁴ The girl is fascinated with death and with her fingers “draws a pattern...an odd diagram of indeterminate configuration” on his wrist.¹¹⁵ He falls asleep in the sun and when he awakes she has disappeared.¹¹⁶ This image of the occult displays the narrator's disenchantment with the rationality of the modern. The nymphet character is a welcome vacation from the banal routine of the narrator's daily life. The dream-like sequence of these events leave the

¹¹² DENZIN, *supra* note 8, at Vii.

¹¹³ Loughman, *supra* note 29, at 93.

¹¹⁴ HARUKI MURAKAMI, *supra* note 98, at 20-22.

¹¹⁵ *Id.* at 30.

¹¹⁶ *Id.*

reader wondering if she truly existed or if she was just a result of the stress of the narrator's day, combined with the well-referenced summer heat.

The Wind-up Bird and Tuesday's Women is filled with dream like imagery. There is the reoccurring theme of birds, which seem to serve no purpose other than "to symbolize some kind of inexplicable contact between the conscious and unconscious worlds."¹¹⁷ Murakami has said that at the time he wanted to give the reader a sense of unease and disequilibrium by solving none of the questions he raised.¹¹⁸ This gives the story a postmodern tone by defying the expectations of the modern reader. However, the birds may also be symbols of freedom. The narrator's life is set under the modernist confines of work and marriage, while birds are free to roam the sky. This dichotomy between the narrator and the birds may be one of the reasons that he is so conscious of the birds and the wind-up noises that they make. If so, it could even be said that the birds are taunting the narrator, like the raven of Edgar Allen Poe.

Murakami employs Freudian imagery in this story as well. The three women could be read as representing Freud's tripartite mind, which includes the id (the woman on the phone), the ego (the young girl) and the superego (the narrator's wife).¹¹⁹ However, Murakami keeps the imagery and possible meanings of the short story ambiguous, upsetting the modernist expectations and adding to the postmodern collage on which his story exists. As in *The Second Bakery Attack*, meaning is elusive and spiritual hunger or confusion troubles the narrator.

¹¹⁷ RUBIN, *supra* note 17, at 143.

¹¹⁸ *Id.*

¹¹⁹ BRESSLER, *supra* note 24, at 151.

The narrator ruminates about his current homemaker lifestyle of “washing clothes, planning dinner menus, chasing after cats.”¹²⁰

Not so long ago, I’m thinking, I was your regular sort of guy. Fired up with ambition. In high school, I read Clarence Darrow’s autobiography and decided to become a lawyer. My grades weren’t bad. And in my senior year I was voted by my classmates runner-up “Most Likely to Succeed.” I even got accepted into the law department of a comparatively reputable university. So where had I screwed up?

I plant my elbows on the kitchen table, prop up my chin, and think: When the hell did the compass needle get out of whack and lead my life astray? It’s more than I can figure. There’s nothing I can really put my finger on. No setbacks from student politics, no disillusionment with university, never really had much girl trouble. As near as I can tell, I’ve had a perfectly normal existence. Yet one day, when it came time for me to graduate, I suddenly realized I wasn’t the same guy I used to be.¹²¹

Once again there is a reoccurring theme of an indefinable change in the narrator’s psyche.

The narrator is unaware of a cause but distinctly positive that there has been an effect.

The narrator’s life is not what he expected and he believes that at some point he did something wrong. He expected life to have a map, but there is none; there is no compass needle to follow in the postmodern collage. It seems that for the narrator, happiness could not be found by following the seemingly safe path of studying law and becoming a lawyer. The modernist paradigm for success has failed him and he has been left to drift with no direction.

The narrator’s use of terms like “I concur”¹²² and “delivers her verdict”¹²³ indicate that he is a man whose life has been consumed by the law. Murakami’s narrator’s thought process and world-view have been altered by his participation in the legal world. When a student begins law school, she is told that she will be taught to think like a

¹²⁰ HARUKI MURAKAMI, *supra* note 98, at 10.

¹²¹ *Id.* at 10-11.

¹²² HARUKI MURAKAMI, *supra* note 98, at 25.

¹²³ *Id.* at 33.

lawyer; and she is warned that when it is over her brain will function differently from when she first arrived.¹²⁴ This changed thought process is reflected in the narrator's description of the way he irons his shirts: "I divide the shirt-ironing process into twelve steps total: from (1) Collar <Front>, to (12) Cuff <Left Sleeve>. Absolutely no deviation from that order. One by one, I count off the steps."¹²⁵

The IRAC/outlining method has permeated the narrator to the core¹²⁶; he cannot complete simple household chores without resorting to a standardized formula.¹²⁷ He has created an illusion of purpose and meaning through an efficient and mechanical exterior life.¹²⁸ The result harkens back to Mills' prediction of robot-like work defining the postmodern worker.

The narrator describes his job to the young girl he meets as "collecting papers from city-hall and government offices, filing materials, checking case precedents, taking care of court procedures, busywork like that."¹²⁹ He is not finding fulfillment in his career and is unsure of what to do with his life. He tells the woman on the phone, "All I do is head off down detour after detour."¹³⁰ This statement seems to be an assessment of the state of the legal world. A lawyer's life is full of constant detours, set mostly by the system in which lawyers operate. The effect of this on the psyche of the postmodern character can be seen in the indifference, failed relationships, and lack of meaning in day to day life of the narrator of *The Wind-up Bird and Tuesday's Women*.

¹²⁴ Peter T. Wendell, *Using Property to Teach Students how to "Think Like a Lawyer: " Whetting their Appetites and Aptitudes*, 46 ST. LOUIS U. L.J. 733, 733 (2002).

¹²⁵ HARUKI MURAKAMI, *supra* note 98, at 7.

¹²⁶ IRAC is an acronym which stands for Issue, Rule, Analysis and Conclusion. Law students are often expected to write their exams and research papers in this form.

¹²⁷ One can only imagine what sex with the narrator must be like (I believe it would involve at least three different colored highlighters, tabs, a well placed post it note and an IRAC'd orgasm).

¹²⁸ Loughman, *supra* note 30, at 92.

¹²⁹ HARUKI MURAKAMI, *supra* note 98, at 24.

¹³⁰ *Id.* at 14.

The story ends with the narrator's wife coming home and yelling at him for being at fault for the cat's disappearance.^{131 132} The narrator grabs a beer and goes into the other room.¹³³ Marriage serves as a guise for banality. The phone rings, the narrator counts 20 rings before giving up: "you can't keep counting forever."¹³⁴ This lack of fight or drive on the part of the narrator is demonstrative of the postmodern character. While the modernist character will argue with others because of the modernist's dependency on upholding their logocentric system, Murakami's narrator does not feel the need to fight back; in the postmodern world there is no center from which to argue. Things have fallen apart and the citizens of postmodern society are left to drift "in a sea of symbols."¹³⁵ Symbols which offer no concrete direction, but instead are simply perfume to the inescapable postmodern condition. Once again, this demonstrates that the postmodern condition is a state of solipsistic ennui. The narrator has rejected the modernist ideals of love and success and now he must consider all of his surroundings in the search for a new, more accurate map for success in the postmodern world.

3. THE MIMETIC VS. THE FORMULAIC IN *THE WIND-UP BIRD CHRONICLE*

"I am turned into a sort of machine for observing facts and grinding out conclusions."
- Charles Darwin¹³⁶

"Rather than writing that requires complex interpretation and footnotes, I want to write words that actually move people." - Haruki Murakami.^{137 138}

¹³¹ *Id.* at 33.

¹³² The scene has a sitcom quality to it, bringing to mind pop-culture images such as Al Bundy, Archie Bunker and perhaps even Homer Simpson.

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ DENZIN, *supra* note 8, at Vii.

¹³⁶ THE COMPLETE WORKS OF CHARLES DARWIN, *Charles Darwin Quotes*, http://www.darwin-literature.com/1_quotes.html.

¹³⁷ RUBIN, *supra* note 17, at 163.

"I love pop culture -- the Rolling Stones, the Doors, David Lynch, things like that. That's why I said I don't like elitism. I like horror films, Stephen King, Raymond Chandler, detective stories. I don't want to write those things. What I want to do is use those structures, not the content. I like to put my content in that structure. That's my way, my style." - Haruki Murakami.¹³⁹

Perhaps the most problematic aspect of the pervasiveness of the postmodern condition in the legal world is what, if anything, can be done about it. I believe that by analyzing the literary structure of *The Wind-up Bird Chronicle*, the third and final installment of Murakami's legal trilogy, a solution to this troubling question can be found. *The Wind-up Bird Chronicle* is demonstrative of a postmodern work not only through its characters but in its structural combination of the mimetic and the formulaic as well.

Mimetic structured literature is grounded in the real world and because of this, it has historically been viewed as a "serious" literary form.¹⁴⁰ The mimetic is "not limited merely to the mirroring of life's events, but to elements within the narrative that reflect the conditions of everyday life."¹⁴¹ Meanwhile, formulaic structure is grounded in an ideal world and because of this, it has historically been viewed as less serious, more frivolous literature.¹⁴² It is typically the structure of popular literature. The idealism of a formulaic work can be seen in the predictability of its ending. For instance, *The Paper Chase* is formulaic because the hero, Hart, accomplishes what the audience would deem as morally right by 'getting the girl' and receiving an A in Professor Kingsley's class.

¹³⁸ I would like to take a moment to recognize the irony of footnoting this quotation, and to apologize to Haruki Murakami for doing so. I'm sorry.

¹³⁹ Laura Miller, *The Outsider: The Salon Interview Haruki Murakami*, SALON, Dec. 16 1997, at http://www.salon.com/books/int/1997/12/cov_si_16int3.html

¹⁴⁰ Matthew C. Stretcher, *Beyond "Pure" Literature: Mimesis, Formula, and the Postmodern in the Fiction of Murakami Haruki*, Vol. 57, Iss. 2 THE JOURNAL OF ASIAN STUDIES 354, 354 (May 1998).

¹⁴¹ *Id.*

¹⁴² *Id.*

While most all literary works lie somewhere between the poles of the mimetic and the formulaic, Murakami's works are different in that he plays "a structuralist game with his readers, creating texts which are obviously and meticulously formulaic, but with results and purposes" which are mimetic.¹⁴³ This juxtaposition creates a distinctly postmodern tone throughout Murakami's works by rejecting the modernist view of high art versus low art.¹⁴⁴ This union of opposites can be seen in Murakami's novel *The Wind-up Bird Chronicle*.

The Wind-up Bird Chronicle is the story of "a somewhat sexually repressed husband whose even more repressed wife leaves him when she awakens to her true sexual appetite."¹⁴⁵ It takes the formula of an adventure/quest novel with the adventure/quest revolving around the narrator's search for his missing wife. There is also a formulaic subplot of a love story. However, neither the adventure/quest nor the love story has a formulaic ending; instead these endings break the formulaic by offering a more mimetic conclusion. Murakami also litters the novel with references to popular culture: references such as *A Summer Place* starring Troy Donahue and Sandra Dee¹⁴⁶, a Van Halen T-shirt¹⁴⁷, and Michael Jackson's song *Billie Jean*.¹⁴⁸ Pop culture images in postmodern works serve as mimetic devices.¹⁴⁹ Murakami's use of pop culture references also illustrates "his entire generation's rejection of their parents' culture."¹⁵⁰ Murakami communicates a generational understanding by littering his works with pop

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ RUBIN, *supra* note 17, at 205.

¹⁴⁶ HARUKI MURAKAMI, *THE WIND-UP BIRD CHRONICLE* 57 (JAY RUBIN TRANS VINTAGE BOOKS 1997).

¹⁴⁷ *Id.* at 82.

¹⁴⁸ *Id.* at 83.

¹⁴⁹ DAVID FOSTER WALLACE, *E Unibus Pluram Television and U.S. Fiction*, in *A SUPPOSEDLY FUN THING I'LL NEVER DO AGAIN: ESSAYS AND ARGUMENTS* 43 (Little, Brown and Company 1997)

¹⁵⁰ RUBIN, *supra* note 17, at 17.

culture references, which allows his readers to bond with him instantly because he is “writing about their world”¹⁵¹ – the postmodernist world.

The narrator of *The Wind-up Bird Chronicle* may be on an adventure/quest to find his estranged wife but he does not take the expected route in doing so. Instead of hiring “a private detective or search[ing] the streets himself, [the narrator] launches his quest inwards. He goes down into the earth, into a well, to brood on his past.”¹⁵² The decision to look inward is grounded in the mimetic. He goes into the well because he is aware that it is partially his fault for his wife’s disappearance and he wishes to discover more about himself in order to solve his relationship problems. It is only through “going down into the well – into himself – ...[that the narrator can prove that he is] worthy of marital commitment.”¹⁵³ This journey deep into the earth is comparable to the journey of many of the Greek heroes, such as Odysseus, who had to journey into Hades before “getting the girl.” Nevertheless, the narrator does not have a Homeric ending – there is no sunset for him to ride off into nor girl for him to ride off with. The novel ends ambiguously, with few of the many threads of the plot tied down. Some critics have responded negatively to this mimetic ending, wishing that Murakami had been more formulaic. *The New York Times*’ Michiko Kakutani wrote that *The Wind-up Bird Chronicle* did not “add up to a satisfying, fully fashioned novel.”¹⁵⁴ This response results from the unsettling effect that breaking the formulaic plotline has on an audience’s modernist expectations.

¹⁵¹ *Id.*

¹⁵² *Id.* at 207.

¹⁵³ *Id.* at 211.

¹⁵⁴ Michiko Kakutani, *Books of the Times; On a Nightmarish Trek*. N.Y. TIMES, October 31, 1997, at E44.

The effect of this “oxymoronic juxtaposition of the predictability of the literary formula, and the unpredictability of the actual world”¹⁵⁵ is a disruption of the modernist fantasy that “love conquers all” and that “strong is good.”¹⁵⁶ By doing this, Murakami accomplishes not only a postmodern tone in his work but also attacks the beliefs of the traditionalists of Japan’s literary culture, who, despite being politically liberal, have conservative stances on literature.¹⁵⁷

This paradox of liberal political beliefs and conservative professional beliefs can also be seen in law schools. Many law professors proclaim their adherence to liberalism yet fail to teach outside of the conservative modernist paradigm. They regale students with their love of the 1960’s (which usually involves smoking pot) but force their students to IRAC their tests and participate in the Socratic Method.^{158 159} The legal field’s adherence to formalism is discussed at length in Jean Stefancic and Richard Delgado’s *How Lawyers Lose their Way*. The authors hypothesize that the abundance of formalism in legal education is to blame for the “solipsistic, repetitive, mind numbing...” nature of the law which has reduced it to “a science.”¹⁶⁰ They believe that formalism takes

the life out of work and the professions, depriving them of juice, richness, concreteness, and anything else that might render them of human interest. If taken to extremes, it can mean the death of inquiry, the atrophy of cultural diversity, and a loss of opportunities for intellectual and disciplinary cross-fertilization.¹⁶¹

¹⁵⁵ Stretcher, *supra* note 140, at 138.

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ The Socratic Method is a method of teaching often employed by law professors where the professor will teach the class by asking her students’ series of questions instead of lecturing to the students.

¹⁵⁹ There is something fraternal about law professors and the way in which they teach. Like frat boys paddling freshman, many law professors seem to teach with a ritualistic philosophy resembling hazing, instead of a desire to inspire a love of learning.

¹⁶⁰ STEFANCIC & DELGADO, *supra* note 9, at 81.

¹⁶¹ *Id.* at xi.

The authors conclude that “until law too abandons unnecessary formalism, it will remain an unattractive way to make a living.”¹⁶² The authors believe that “anti-formalism and critical analysis” are the answers to this unnecessary amount of formalism in the law.¹⁶³

I agree with the authors’ hypothesis of formalism being the cause of many of the legal profession’s problems. I further believe that an answer to these problems can be found through inserting the mimetic into the formulaic structure which characterizes the law, just as Murakami has done with the formalism of the adventure/quest novel in *The Wind-up Bird Chronicle*. To accomplish this, the law must not completely abandon its formulaic structure; instead it must find ways to combine mimetic elements into its formulaic structure. This will create a postmodern school of thought for a profession that is inundated with the negative effects of trying to follow a modernist map in the postmodern world.

The law’s students must not be limited to standardized formulas such as IRAC and the Socratic Method. Instead, law students must be given the freedom to create new ways of writing and discussing the law. Much as poetry in the 20th century has shunned its formalism for new forms such as free verse, the law must free itself so that its students have the ability to improve on what has come before them. It is the lack of this creative freedom which spurred Franz Kafka to write in a letter to his father that legal education is “like chewing on sawdust that [has] already been chewed on before by thousands of people.”¹⁶⁴

¹⁶² *Id.* at 84.

¹⁶³ *Id.* at 84.

¹⁶⁴ STEFANCIC & DELGADO, *supra* note 9, at 63.

Defining the problems of the postmodern lawyer is a difficult proposition; however, offering concrete examples of how legal institutions can shift the winds of 100 years of formulaic modernism on the institution of law can seem an impossible task. Nevertheless, there are law professors setting examples for how this task may be achieved. One of these professors is Andre Hampton of Oklahoma City University Law School.¹⁶⁵ He has injected movies and TV shows into the daily curriculum of his contracts class, thus taking the formulaic structure of law school and inserting into it mimetic elements that are more relatable to his students.¹⁶⁶ Analogous to *The Wind-up Bird Chronicle*, this creates a curriculum which has a distinctly postmodern tone to it.

One example that Hampton has used in his class is an episode of *Seinfeld* in which

one of the characters, George Costanza, purchases a used Volvo after the car dealer explains that car was previously owned by “Jon Voigt.” The dealer means “Jon Voigt” a local dentist; however, George mistakenly believes that he means Jon Voigt, the actor. Neither party is aware of the other party’s mistaken assumption. This gives rise to a class discussion about mistake in the formation of contracts, as well as whose meaning prevails in the event that parties to a contract attach different meaning to the words that they use.¹⁶⁷

The results of this postmodern curriculum have been overwhelmingly favorable for Hampton.¹⁶⁸ He has seen active participation, excitement, enjoyment, and even entertainment from his students, which is evident from the numerous examples of television shows and movies that can be applied to elements of contract law that his

¹⁶⁵ Andre Hampton, *Legal Obstacles to Bringing the Twenty-First Century into the Law Classroom: Stop Being Creative, You May Already be in Trouble*, 28 OKLA.CITY U. L. REV. 223, 223 (2003).

¹⁶⁶ *Id.* at 224.

¹⁶⁷ *Id.* at FN1.

¹⁶⁸ *Id.* at 227.

students have brought to him.¹⁶⁹ While many professors may claim to garner these emotions from their students, it is my belief that they are only looking at the top of the class, what Hart referred to as the upper echelon. It seems to me that Hampton is tailoring his class to what Hart called the second and third echelons (those with similar characteristics to Murakami's narrators). By getting these students excited about the class discussion, all of the students in the class stand to benefit. The increase in participation creates a collaborative effect which will utilize the postmodern and help push the study of law forward, instead of allowing it to remain stagnant in the rigid waters of modernism.

4. CONCLUSION

"I'm an absolutely ordinary guy. Less than ordinary...I live a horrible life. All I do is eat, sleep and shit. I don't know why I'm even living. Why should a person like me have to be the one to save Tokyo?" "Because...Tokyo can only be saved by a person like you. And it's for people like you that I am trying to save Tokyo."- Haruki Murakami, *Super-Frog Saves Tokyo*.¹⁷⁰

"The intellect of man is forced to choose / Perfection of the life, or of the work" - W.B. Yeats, *The Choice*.¹⁷¹

One of the great mistakes of legal education has been a refusal to learn from liberal arts colleges and universities, which have always struggled with deep-seated questions that can be found in all areas of academia. Legal institutions have allowed themselves to become factories of a failed modernist regime, inundating their students with rules and minutiae instead of exploring larger, more philosophical questions. As

¹⁶⁹ *Id.* at 249.

¹⁷⁰ HARUKI MURAKAMI, *Super-Frog Saves Tokyo*, in AFTER THE QUAKE 104 (Jay Rubin trans. Vintage International 2002).

¹⁷¹ W.B. Yeats, *The Choice*, in THE NORTON ANTHOLOGY OF MODERN POETRY 158 (Richard Ellman and Robert O'Clair eds. 2d ed. 1988).

studies of depression, burnout, and substance abuse in the legal world have demonstrated, the legal profession is in need of change. And the change is needed where the problem begins: in law schools. If the legal field continues to be constricted by the strong arms of modernism and formalism it will eventually be choked of the progressive potential that it is capable of producing. By embracing the postmodern world in which the law operates, professors can teach law students to see the entropy of the law and the world that surrounds them. By doing this, the Hart paradigm will be broken and the legal field may utilize not only the 'upper echelon' of its students but the second, third, and fourth echelons as well.