UNDERSTANDING VISUAL METAPHORS: WHAT GRAPHIC NOVELS CAN TEACH LAWYERS ABOUT VISUAL STORYTELLING

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ABSTRACT

Effective legal storytelling requires facility with images. While law schools traditionally place great pedagogical emphasis on the power of the word, the power of the image gets short shrift. Yet, cognitive scientists have long recognized the persuasive force of images. This Article focuses on one specific type of image: the visual metaphor. A visual metaphor, like its verbal counterpart, represents one thing in terms of something else, but uses images instead of words. Graphic novels provide an excellent introduction to visual metaphors because their format depends on strong visual thematic continuity. This Article uses Brian K. Vaughan and Pia Guerra’s multivolume graphic novel, “Y: The Last Man,” to illustrate how visual metaphors operate. By exploring visual metaphors in graphic novels, lawyers can improve their visual literacy and learn to recognize and create visual metaphors.

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I. INTRODUCTION

During the 2008 presidential election, a powerful image circulated in the media: an illustration of presidential candidate Barack Obama as Superman.1 In the illustration, titled Time for a Change, Obama is dressed in a suit and tie and stands in the iconic pose of Clark Kent changing into Superman. He is ripping open his shirt to reveal a superhero costume underneath, but instead of an S for Superman, his costume features a large O for Obama. The image references both Obama’s campaign slogan, “Change,” and the changing-clothes/changing-identities moment in Superman comic books when the mild-mannered Clark Kent transforms into

1. The image, created by Alex Ross, can most easily be found by doing a Google image search for “Alex Ross Obama.” Alternatively, it is available at Ross’s official website, http://www.alexrossart.com/rossreport.asp?id=430. An archived version of the original image is available at http://i.imgur.com/qrqUHgL.jpg. A photo of then-candidate Obama holding up a t-shirt with this image on it is available at Ross’s official website. Obama Sports Alex Ross T-Shirt, ALEX ROSS ART (Oct. 31, 2008), http://www.alexrossart.com/rossreport.asp?id=466.
a superhero. This single image tells a resonant story about a seemingly ordinary man who has extraordinary abilities and it taps into our psychological desire for a hero or savior to help in troubled times. It also daringly addresses the subtext of race in the election by portraying the most American of superheroes, Superman, as a black man. This artwork, created by well-known comic book and graphic novel illustrator Alex Ross, is a visual metaphor. It is no coincidence that this powerful image is rooted in the world of graphic novels because graphic novels are replete with visual metaphors, and the genre itself is characterized by visual storytelling. Lawyers can learn a great deal from the visual storytelling in such images. Specifically, this Article suggests that lawyers can improve their visual literacy and become better visual storytellers by studying graphic novels.

Successful litigators need to be visually literate. A surge of recent legal scholarship demonstrates the importance of this issue. For a representative sampling of the excellent work being done on this issue, see the following: Neal Feigenson & Christina Spiesel, Law on Display: The Digital Transformation of Legal Persuasion and Judgment (2009) (presenting an in-depth, sophisticated analysis of the new pictorial and visual skills lawyers must master in the twenty-first century, with analysis of specific trials); Fred Galves, Where the Not-So-Wild Things Are: Computers in the Courtroom, the Federal Rules of Evidence, and the Need for Institutional Reform and More Judicial Acceptance, 13 Harv. J.L. & Tech. 161, 165 (2000) (arguing that lawyers and courts should adapt to the progress being made in technological communication by allowing the use of “computer generated exhibits,” including animations, as visual aids); Gregory J. Morse, Techno-Jury: Techniques in Verbal and Visual Persuasion, 54 N.Y.L. Sch. L. Rev. 241, 247–58 (2010) (discussing the use of visual persuasion technology in courtroom litigation); Richard K. Sherwin, A Manifesto For Visual Legal Realism, 40 Loy. L.A. L. Rev. 719, 724–36 (2007) [hereinafter Sherwin, Manifesto] (making the case for a “new visual legal realism” to match current technology with meaning-making in the law and encouraging attorneys to use visual imagery that “exploit[s] the iconic” and “emulate[s] generic fictions” to communicate ideas holistically (internal quotation marks omitted)); Richard K. Sherwin, Visual Jurisprudence, 56 N.Y.L. Sch. L. Rev. 137, 140 (2013) (“New critical standards are needed to help jurists cope with the epistemological, ontological, and metaphysical...
storytelling requires not only facility with words, but also facility with images. Because law schools traditionally place all their pedagogical emphasis on the power of the word, the power of the image receives little attention. Yet, cognitive scientists have long recognized the power of images.5 This Article focuses on one specific type of image: the visual metaphor. A visual metaphor, like its verbal counterpart, represents one thing in terms of something else, but uses an image instead of words—like the Obama-as-Superman image. Visual metaphors in graphic novels (and in trials) are superb storytelling devices because they capture an audience’s attention and provide thematic continuity over the course of a lengthy storyline.6 By analyzing examples of visual metaphors in graphic novels, lawyers can improve their visual literacy and learn to recognize, and even create, visual metaphors.

This Article will first present pertinent background information by defining key terms and summarizing recent studies on the importance of visual storytelling for lawyers.7 Second, this Article will analyze specific

5. We retain information from images longer and more fully than information from words alone.


6. See Sherwin, Manifesto, supra note 4, at 731 (providing examples of visual metaphors that “simplify the complex” and discussing “the immediate and enduring impact that this kind of visual persuasion exerts on decision makers’ thinking and judgment” by making a “theory of the case immediately accessible to ordinary common sense” (emphasis removed) (internal quotation marks omitted)).

7. See infra Part II.
visual metaphors used in three real-life trials (the Casey Anthony trial, the O.J. Simpson trial, and the Vioxx trial) that visually conceptualize themes such as causation, guilt, loss, and justice. Third, this Article will discuss how reading graphic novels can help lawyers become better visual storytellers by analyzing thematic uses of visual metaphors in Brian K. Vaughan and Pia Guerra’s award-winning, multivolume graphic novel, Y: The Last Man. This Article will conclude with further suggestions for recognizing visual metaphors (including a list of graphic novels suggested for in-depth analysis) and suggestions for an exercise in creating visual metaphors.

II. METAPHORS AND MEANING

A. Definition of “Metaphor”

According to the Oxford English Dictionary, a metaphor is primarily a verbal device, a type of speech act “in which a name or descriptive word or phrase is transferred to an object or action different from, but analogous to, that to which it is literally applicable.” In other words, a metaphor is “the use of language to refer to something other than what it was originally applied to, or what it 'literally' means, in order to suggest some resemblance or make a connection between the two things.”

Traditional analysis of verbal metaphor divides a metaphor into three parts: the “vehicle,” the word or phrase that is the metaphor; the “topic” or “tenor,” the intended meaning that the word or phrase represents; and the “grounds,” the connection between the two. So, for example, the metaphorical phrase, “a mountain of paperwork,” consists of the vehicle (mountain), the tenor/topic (a large amount), and the grounds (ideas of size, immovability, and difficulty). An alternative two-part terminology sometimes is used when analyzing “conceptual metaphors” that relate two
abstract concepts: a “source domain” from which the metaphor is drawn and a “target domain” to which the metaphor is applied. 15 Thus, for example, in the conceptual metaphor “argument is war,” “war” is the source domain and “argument” is the target domain. 16

B. Metaphor as a Way of Thinking

Metaphors are much more than just literary flourishes to embellish speech; they are essential cognitive tools. 17 As George Lakoff and Mark Johnson note, “[M]etaphor is pervasive in everyday life, not just in language but in thought and action. Our ordinary conceptual system, in terms of which we both think and act, is fundamentally metaphorical in nature.” 18 Thus, metaphor is a framework for “understanding and experiencing one kind of thing in terms of another.” 19 Metaphors are essential to cognition because a metaphor helps people understand something new or unfamiliar by connecting it to something familiar.

In the field of law, metaphors can help lawyers understand new legal concepts by drawing on their understanding of more familiar concepts. 20 Metaphors can be particularly helpful in understanding abstract legal concepts that may be difficult to describe, such as justice, reasonable doubt, guilt, and the like. Justice Benjamin Cardozo commented (somewhat disingenuously) that metaphors might be too dangerously powerful as legal tools: “Metaphors in law are to be narrowly watched, for starting as devices to liberate thought, they end often by enslaving it.” 21 This, of course, did not

15. Id. at 33.
16. Id.
18. GEORGE LAKOFF & MARK JOHNSON, METAPHORS WE LIVE BY 3 (1980).
19. Id. at 5 (emphasis removed); see also KNOWLES & MOON, supra note 12, at 31 (discussing metaphor as “a kind of thinking or conceptualization, not limited to language”).
20. For example, describing the Internet as “cyberspace” was a metaphor for something new to legal practitioners that suggested an actual physical environment with the attendant boundaries and ownership issues from the familiar area of real property law. See Stuart J. Kaplan, Let Me Hear Your Web Sights: Visual and Aural Metaphors for the Internet, 40 IDAHO L. REV. 299, 304–05 (2004) (quoting Mark A. Lemley, Place and Cyberspace, 91 CALIF. L. REV. 521, 522 (2003)).
prevent Justice Cardozo from using metaphors frequently in his many memorable opinions.\textsuperscript{22}

C. Definition of “Visual Metaphor”

While we traditionally understand metaphor as a verbal device, it can also operate visually. This makes sense if we understand metaphor as both a communicative tool and a kind of cognitive process that can operate in linguistic modes, pictorial modes, or both.\textsuperscript{23} A visual metaphor functions the same as a verbal metaphor, but with images. A good working definition of visual metaphor is “[t]he representation of a person, place, thing, or idea by way of a visual image that suggests a particular association or point of similarity.”\textsuperscript{24} In a purely visual metaphor, the target and source domains are presented visually, rather than verbally.\textsuperscript{25} Consider, for example, the Obama-as-Superman visual metaphor.\textsuperscript{26} The presidential candidate is compared to the superhero by way of mapping the features of the source domain—the character of Superman—onto the target domain—presidential candidate Barack Obama. “Reading” the image requires that we pay cautioning against reliance on metaphors, this phrase uses two related metaphors to describe their potential impacts on the conceptualization and application of law.

\textsuperscript{22} For an excellent analysis of Justice Cardozo’s storytelling, including his use of metaphors such as “quicksands [of property law]” and “a maze of contradictions,” see RICHARD WEISBERG, POETICS: AND OTHER STRATEGIES OF LAW AND LITERATURE 6–7, 12–20 (1992) (internal quotation marks omitted).

\textsuperscript{23} As Hermine Feinstein states: “The differences between linguistic and visual metaphor notwithstanding, the basic definition of metaphor obtains for both—the transfer of attributes by comparison, by substitution, or as a consequence of interaction.” Hermine Feinstein, Meaning and Visual Metaphor, 23 STUD. ART EDUC., No. 2, Feb. 1982, at 45, 50.

\textsuperscript{24} Richard Nordquist, Visual Metaphor, ABOUT EDUC. http://grammar.about.com/od/tz/g/vismeterm.htm (last visited Nov. 9, 2014). This is a suitable working definition for this Article’s purposes, but it is far from comprehensive. “To understand visual metaphor is a difficult task; to explain it is more difficult. For how can one begin to do justice verbally to that which is by nature nonverbal and visual?” Feinstein, supra note 23, at 47.

\textsuperscript{25} As Charles Forceville notes, “Pictorial metaphor (or visual metaphor) is the most examined nonverbal mode of metaphor, although as yet no unified theory exists. Pictorial metaphors are monomodal: their target and source are entirely rendered in visual terms, just as their verbal sisters have a target and source entirely rendered in language.” Charles Forceville, Metaphor in Pictures and Multimodal Representations, in THE CAMBRIDGE HANDBOOK OF METAPHOR AND THOUGHT, supra note 17, at 462, 464 (citations omitted).

\textsuperscript{26} See discussion supra text accompanying notes 1–2.
attention to how signs and symbols carry meaning. This requires a certain level of proficiency on the reader’s part. High school teachers and college professors understand that today’s successful students must be visually literate; that is, capable of decoding and critically evaluating visual messages. Similarly, legal educators should understand that visual literacy is a crucial skill for twenty-first-century lawyering.

D. Visual Legal Storytelling

Lawyers are wordsmiths, and words are the tools of the legal trade. But we would be wise to remember the potential of images as tools, as well as

27. For a sampling of some of the recent scholarship on visual pedagogy, visual rhetoric, and visual argument, see VISUAL RHETORIC IN A DIGITAL WORLD: A CRITICAL SOURCEBOOK (Carolyn Handa ed., 2004).

28. See Mary Burns & Danny Martinez, Visual Imagery and the Art of Persuasion, LEARNING & LEADING WITH TECH., Mar. 2002, at 32, 33 (“[T]o navigate 21st-century mass culture, [students] must also be visually literate—able to decode, comprehend, and analyze the elements, messages, and values communicated by images, particularly in advertising.”); James Bucky Carter, Introduction—Carving a Niche: Graphic Novels in the English Language Arts Classroom, in BUILDING LITERACY CONNECTIONS WITH GRAPHIC NOVELS: PAGE BY PAGE, PANEL BY PANEL 1, 3–12 (James Bucky Carter ed., 2007) (discussing both empirical research on visual literacy and the National Council of Teachers of English’s statements on the importance of multimodal literacies as support for the idea that “visual literacy, cultural literacy, and critical literacy have become more and more intertwined”).

29. Richard K. Sherwin comments:

No modern courtroom lacks for electronic monitors, and most come equipped with platforms for visual projection. Of course, whether lawyers and judges come into court adequately trained in the craft of producing and cross examining, or making informed rulings on the admissibility of visual evidence, or the propriety of visual arguments, is another matter altogether. How long law schools will persist in the pretense that law remains exclusively a matter of words, . . . only time will tell. But the longer this ostrich-like behavior continues within the halls of legal academia, the further legal training will retreat from the practical realities of legal practice.

Sherwin, Manifesto, supra note 4, at 724–25 (footnote omitted); see also David S. Birdsell & Leo Groarke, Toward a Theory of Visual Argument, ARGUMENTATION AND ADVOC., Summer 1996, at 1, reprinted in VISUAL RHETORIC IN A DIGITAL WORLD, supra note 27, at 309 (“[A]rgumentation theorists do not pay enough attention to the visual components of argument and persuasion.”). Sherwin practices what he preaches, as he is the founder and director of New York Law School’s Visual Persuasion Project, dedicated to helping lawyers become better visual communicators. See Visual Persuasion Project, N.Y. LAW SCH., http://www.visualpersuasionproject.com (last visited Nov. 9, 2014).
the communicative power of words combined with images. The old saying that “a picture is worth a thousand words” turns out to be true, particularly when it comes to persuasive storytelling at trial.30 Visual information assists juries in a number of ways “that are extremely useful, if not essential”: it helps make difficult concepts imaginable by prompting sensory imagery with concrete depictions rather than abstract ideas; it tightens the proximity between the information and the jury by decreasing the number of mental steps the jury must take to convert information to an understandable form; and it promotes recall by using memory-encoding pathways that are more effective than the pathways that encode memories of words alone.31 Further, combining images with words may have an exponential effect on a juror’s ability to remember information.32 Cognitive science indicates that if information is coded redundantly—with both words and images—people are more likely to remember that information.33 Finally, in addition to aiding memory, images can improve comprehension.34 Thus, images have some

30. The idea of images having rhetorical power is not new to the digital age. Kevin LaGrandeur traces the theoretical basis for using images as forms of persuasion back to the classical rhetorical traditions of Aristotle, Gorgias, and Horace. Kevin LaGrandeur, Digital Images and Classical Persuasion, in Eloquent Images: Word and Image in the Age of New Media 117, 119–24 (Mary E. Hocks & Michelle R. Kendrick eds., 2003) [hereinafter ELOQUENT IMAGES]. But cf. Feinstein, supra note 23 (maintaining that “[a] picture is not worth a thousand words, or any other number” because verbal metaphors and visual metaphors construct and convey meaning differently, and therefore “[w]ords are the wrong currency to exchange for a picture” (quoting DONALD DAVIDSON, ON METAPHOR 45 (1979) (internal quotation marks omitted))).

31. Galves, supra note 4, at 188–89 (citing RICHARD NISBITT & LEE ROSS, HUMAN INFERENCE: STRATEGIES AND SHORTCOMINGS OF SOCIAL JUDGMENT 47, 51 (1980)).

32. Feigenson and Spiesel note, “People learn better when information is presented pictorially (the mode corresponding to the visual channel) as well as verbally, because when both pictures and words are presented, people can construct mental models of the information in both their visual and their verbal channels and build connections between them.” FEIGENSON & SPIESEL, supra note 4, at 77.


34. See id. at 204–05 (citing Darrell Butler, Graphics in Psychology, 25 BEHAV., RES. METHODS, INSTRUMENTS & COMPUTERS 81 (1993); William Winn, Recall of the Pattern, Sequence, and Names of Concepts Presented in Instructional Diagrams, 25 J. RES. SCI. TEACHING 375 (1988)) (noting that “figures, graphs, or flowcharts that may enable the reader to think about abstract concepts through images may allow for the creation of more complete situation models and as a consequence may in fact improve
advantages over words, and because graphic novels tell stories with both images and words, they are excellent vehicles for storytelling analysis.

Litigators have long recognized the importance of using visuals at trial.\(^3\) Use of visuals must, of course, comply with evidentiary rules requiring relevance and safeguarding against undue prejudice, as well as rules concerning the admissibility of the underlying evidence that the visual material references.\(^4\) Although we know that lawyers utilize visual metaphors, examples are still a bit hard to find because popular legal databases such as Lexis or Westlaw do not typically include trial exhibits and do not properly display graphical content.\(^5\) As a practical matter, it is much

\(^3\) See, e.g., Mark W. Klingensmith, *Opening Statement, in Fla. Civil Trial Practice* § 8.25, at 8–31 (9th ed. 2012) (“Therefore, to the extent permitted by the court, some form of demonstrative or audiovisual aid should be considered for almost every opening statement, even if it is created on the spot using poster board and a magic marker.”); Perdue & Perdue, *supra* note 5, at 49 (“Every case has one or two visual images that convey its meaning. Once you determine what those images are, you can display them to the jury through digital means such as a PowerPoint presentation or simply use a document projector during opening statement.”).

\(^4\) Generally, all evidence should be relevant and not unfairly prejudicial. See *FED. R. EVID.* 401, 403. There is scarce guidance for courts and litigators on how to assess the relevance and the potential prejudicial impact of visual aids. See generally Morse, *supra* note 4, at 255–57 (discussing the application of Federal Rule of Evidence 403, which instructs courts to exclude evidence that is determined to be unduly prejudicial, in several cases where parties used PowerPoint presentations with drawings and text); Simberg, *supra* note 4, at 790–94 (noting that courts have considerable latitude as far as allowing visual digital media during opening statements and suggesting the safest approach is to be forthcoming with the judge and opposing counsel in advance); Bruce H. Stern, *Use of PowerPoint in Opening Statement*, 1 ANN.2007 AAJ-CLE 789 (2007) (commenting that the use of PowerPoint slides with pictures or documents can be a complex issue, recommending resolving those issues at an evidentiary hearing before trial, and providing a sample brief asserting the right to use PowerPoint and other demonstrative evidence in opening statements).

\(^5\) The rarity of readily available examples notwithstanding, effective trial lawyers understand the importance of using visual metaphors. For example, Gregory Morse explains how he would incorporate a visual metaphor into an opening statement as follows:

To illustrate the concept of reasonable doubt to a jury, I used to explain that the prosecutor’s case is like a balloon, and to find my client guilty, the balloon would have to fly. While I explained this, I would draw a balloon on an easel in front of the jury. I would also explain that every aspect of reasonable doubt in the prosecutor’s case is like a hole in the balloon. I would then add a hole in the balloon for every piece of evidence that created reasonable doubt by its absence
easier to study appellate cases than trial proceedings, because it is easier to research and access appellate materials online and in law libraries. This is yet another reason to consider using readily available sources, such as graphic novels, to explore visual metaphors. However, on occasion, high-profile trials will generate so much public interest that the media will provide extensive coverage, including photographs or videos of trial exhibits.38 Following are three examples of visual metaphors used in high-profile trials. As demonstrated in the discussion of graphic novels, infra, these three visual metaphors are structurally very similar to the type of sequential art used in graphic novels and comic books, in that they are individual images that are “read” in a particular sequence to tell a particular story.

III. SAMPLE VISUAL METAPHORS IN TRIALS

A. The Casey Anthony Trial and the Skull Beneath the Skin: Visual Metaphor of Causation Used During Expert Testimony

During the highly publicized Casey Anthony trial, in which the defendant was accused of killing her young daughter Caylee, the prosecution introduced one particularly dramatic visual metaphor: a family photo of a smiling Caylee, which morphed into the child’s skull superimposed over her face.39 This visual actually is a transition between two images: the first, the family photo of mother and child, and the second, the forensic photo of the skull superimposed on the child’s face in the first image. The prosecution used this photo-dissolve in connection with the testimony of an expert on identification of

38. Consider, for example, CourtTV’s full televised coverage of the O.J. Simpson criminal trial, which created publicly available records of the trial that are still available for viewing today. See David Von Pein, The O.J. Simpson Murder Trial, YOUTUBE, https://www.youtube.com/playlist?list=PLBkSA1BJ9n4IpaFv1zouY1GZUJDpr3emq (last visited Nov. 9, 2014); see also From Chase to Trial: How O.J. Simpson Changed TV, FOX NEWS (June 12, 2014), http://www.foxnews.com/entertainment/2014/06/12/how-oj-simpson-trial-changed-tv/ (“O.J. kept viewers hooked with jury selection that Fall, through the trial’s start in January 1995, then through months of proceedings, carried gavel-to-gavel by numerous networks and recapped daily on numerous shows.”).

39. For an excerpt from the trial showing this video dissolve, see Got Something to Say?, Caylee Anthony Smiling Morphing into a Skull, YOUTUBE (June 13, 2011), http://www.youtube.com/watch?v=tEqQ98x0jPY.
human remains, Dr. Michael Warren. As prosecutor Jeff Ashton explained,

In order to demonstrate that the duct tape could be used as a murder weapon, we had asked [Dr. Warren] to prepare a demonstration. We provided him with three photographs: one of the skull, one of a full face of Caylee, and one of the duct tape. The tape and skull pictures had small rulers in the frame, referred to as “scales,” to establish size. By matching the scales in the two photos, Dr. Warren’s lab was able to magnify them enough to match them up and overlay them. Then, by comparing and aligning anatomical features like teeth and the bridge of the nose, he was able to overlay all three photos. He then created a video with a dissolve feature, making the photo of the skull transition to the photo of Caylee’s live face, then back to the skull. The duct tape was overlaid in both pictures to indicate where it would have been when Caylee actually died. It was heartbreaking to watch.

The image shows the positioning of the duct tape on the child’s skull and supports the prosecution’s theory that Casey Anthony murdered her daughter with premeditated intent. After the trial, Mr. Ashton commented, “The duct tape was the smoking gun . . . . In my mind, the only reason there was duct tape on Caylee’s nose and mouth was to keep her from breathing. Preventing someone from breathing means premeditation, plain and simple.” He added, “I believed that if a juror saw in those photographs what I saw—three pieces of duct tape covering the nose and mouth of a two-and-a-half-year-old child—he or she would conclude that little Caylee was suffocated.”

What is particularly chilling about the photo montage is the sequence. First, the smiling child is being embraced by her smiling mother, Casey Anthony. Then, Casey Anthony’s smile remains unchanged as she literally embraces her dead child. The prosecutor’s primary purpose was to demonstrate that the placement of the duct tape suggested an intent to kill. However, the defense objected that the photo montage was unduly prejudicial and argued that the only reason for presenting the evidence in that form was to evoke an emotional reaction from the jury. The judge

41. Id. at 167.
42. Id. at 171–72.
allowed the evidence in, finding it to be highly relevant. After the trial, defense attorney Jose Baez commented that the visual was the prosecution’s attempt to encourage the jury to render a verdict based on emotion.

[The video] was ridiculously prejudicial and served only one purpose: to try to inflame the jury, to get the jurors angry so they could render their verdict with their emotions, not their brains. It’s an age-old prosecution technique, an attempt to get the jury to hate the defendant, ensuring that a conviction will follow—the evidence be damned.

How do we unpack this visual metaphor? What does it signify, and how does it signify it? Is it effective as a visual metaphor? On one level, the photo-dissolve suggests the passage of time. The transition from the image of the living child to the image of the dead child encourages the jurors to consider what happened between the two images. This sort of before-and-after imagery is a common visual technique used by prosecutors as well as plaintiffs’ attorneys in personal injury cases. The visual of the duct-taped 44 See ASHTON & PULITZER, supra note 40; see also WESH 2 News, Judge Perry Allows Skull Animation Video, YOUTUBE (June 10, 2011), http://www.youtube.com/watch?v=DVEn-ma3buk.

45. BAEZ AND GOLENBOCK, supra note 43. After the jury was shown the video, the jurors were momentarily excused so that Baez could question Dr. Warren about whether he or Ashton intended to produce a video “for the purpose of getting sympathy or getting the jury angry”—and, of course, Dr. Warren replied that the video’s sole purpose was to show the positioning of the duct tape. CrimeTimeVids, Casey Anthony Trial Day 15 Part 2 of 2, YOUTUBE (Oct. 11, 2013), at 1:02:50–1:04:10, http://www.youtube.com/watch?v=VGhg5jP1U5Y.

46. Discussing the prosecution’s opening statement in the Casey Anthony trial, prosecutor Jeff Ashton comments, We came up with what I thought was a great plan. Linda would show the jury the last photo of Caylee when she was alive, taken on Father’s Day during the visit to her great-grandfather at the nursing home where he lived. She would then display the photo of her remains as they were found off Suburban Drive, a photo that no one in the public had seen before, and describe it as the last photo ever taken of Caylee Anthony. She would say that the story of this case was what happened between those two photographs.

ASHTON & PULITZER, supra note 40, at 248. Scholar Lucille A. Jewell calls this use of before-and-after pictures a “chronological visual narrative,” and notes that in criminal cases, it involves the prosecutor showing the victim before the crime and then after the crime. Lucille A. Jewell, Through a Glass Darkly: Using Brain Science and Visual Rhetoric to Gain a Professional Perspective on Visual Advocacy, 19 S. CAL. INTERDISC. L.J. 237, 266–70 (2010). In civil cases involving injury, plaintiffs’ attorneys show images of the plaintiff before and after the injury (the “after” is sometimes presented through
skull, superimposed on the child’s face, would assuredly help the jury understand the prosecution’s theory of intent, so it is relevant. But is the image unfairly prejudicial? The judge ruled it was admissible—that it “does not have a tendency to suggest an emotional basis for a verdict” 47—but it is worth considering how the image conveys meaning.

First, it implicitly suggests that the defendant was the one who killed the child, because the photos show the defendant in close proximity to the child. Someone would have to be physically close to the child to have placed the duct tape, and Casey Anthony is shown next to the child’s skull as the duct tape is “applied” where it was thought to have been placed. Moreover, the visual montage implies that Casey Anthony was happy that her child was dead: her smile never fades as she embraces her dead child, and she continues to smile with approval as the duct tape is shown superimposed over her child’s nose and mouth. This dovetailed neatly with the prosecution’s portrayal of Casey Anthony as a cold-hearted, bad mother, a party girl and habitual liar, who was literally two-faced—and this video juxtaposed her untroubled smile against the evil things for which the jury was asked to hold her accountable. Finally, the visual shock of the superimposed skull over the child’s living face metaphorically suggests that the child was doomed at the moment the original photo was taken. This death-in-life image suggests an inevitability: that any child embraced by this mother was doomed. While it is the child’s face that changes from one moment to the next, the video invites the jury to consider the possibility that the mother’s unchanging smile concealed the cold face of the killer.


In her closing argument in the O.J. Simpson murder trial, prosecutor Marcia Clark summarized the circumstantial evidence against the defendant while simultaneously showing the jury a large jigsaw puzzle of Simpson’s face; as she enumerated each piece of evidence, another puzzle piece of his face appeared, until finally Simpson’s full face appeared on the screen. Clark referenced the puzzle metaphor in her closing argument, actually using the

47. See WESH 2 News, supra note 44, at 0:56–1:32.
The image of Simpson’s face appearing piece by piece, like a puzzle being assembled, is a visual metaphor. It is a “picture of the Defendant’s guilt,” as Clark says. It presents the question of the killer’s identity as a literal puzzle—a puzzle with a solution that identifies O.J. Simpson as the killer. As the jurors begin to recognize the face of the defendant, they may also “recognize” his guilt.

Engaging the jurors in the mental process of assembling the picture of guilt is particularly challenging when the defendant does not “look like a

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48. Transcript of Closing Argument at 10, California v. Simpson, No. BA097211 (Cal. Sup. Ct. Sept. 26, 1995), 1995 WL 672671 (“In order to get the picture, to know what a jigsaw puzzle is depicting, if you’re missing a couple pieces of the sky, you still have . . . all the necessary pieces of the puzzle.”); id. at *15 (“So now you have another piece of the puzzle. You have opportunity, you have the cuts on the hand and you have post-homicidal conduct showing you consciousness of guilt all over the place.”); id. at *32 (“[O]n the knit cap we have the Defendant’s hair and the Bronco fiber from the carpet in his Bronco. And another piece of the puzzle.”); id. at *34 (“[T]he Defendant’s hair on Ron Goldman’s shirt and blue black cotton fibers. . . . And another piece of the puzzle.”); id. at *35–36 (“So you have all of the blood on the walkway match the Defendant. . . . And another piece of the puzzle.”); id. at *43–44 (“So you have in these gloves all of the points that I have described and as shown on the slide. And another piece of the puzzle.”). Clark also used the puzzle metaphor to inform the jury when she was transitioning from the elements that the State was required to prove into discussion of matters that were related but nonessential: “As I told you in the jigsaw puzzle, this is the piece of sky,” not a piece that showed the real content of the puzzle. Id. at *46.

49. Id. at *67.

50. Id.
One strategic reason to use a visual metaphor such as Clark’s jigsaw puzzle is to overcome juror reluctance to find a personable defendant guilty of a gruesome crime. The slow assembly of the pieces may have been the prosecution’s attempt to counter the presumed goodwill of the jury toward a well-liked celebrity defendant. Instead of simply starting with O.J. Simpson’s face on the screen, it is more compelling to assemble his face bit by bit. In this manner, the visual metaphor stresses the rationality of the decision: a logical process of solving a puzzle, assembling the pieces in an orderly fashion to construct a picture that is a coherent whole. The rhetorical process builds to a visual conclusion at the same time it builds toward a verbal conclusion: the guilt of the defendant.

C. The Vioxx Case: Empty Space and Visual Metaphors of Loss in Opening Statement

How might a plaintiff’s attorneys visually convey to jurors a client’s sense of loss of a beloved spouse? Verbal metaphors might include references to emptiness, isolation, a vacant place at the family table, a hole in the heart, and other metaphors that impart the profound sense of absence. In a recent product liability suit against the makers of the painkiller Vioxx, plaintiff’s attorney W. Mark Lanier used a powerful visual metaphor to suggest how empty the world becomes upon the death of a spouse.53

In Clark’s hands the case became a whodunit, and in the end the pieces of the puzzle fit neatly into place. Indeed, this is literally what the jurors saw on a large electronic screen inside the courtroom during the state’s closing argument. As the prosecutor rattled off each clue, a fragment of Simpson’s face clicked into view: his opportunity to kill (click), his motive (click), the victim’s blood on his socks and glove (click), the blood trail that he left at the scene (click). Until there he is. The face of OJ Simpson is revealed; the crime has been solved.

51. Consider, for example, those serial killers—such as Ted Bundy, John Wayne Gacy, Dennis Rader, and Jeffrey Dahmer—who looked like the “boy next door.” See Pierre Thomas, Serial Killer Profiles Often Inaccurate, ABC NEWS (Feb. 28, 2005), http://abcnews.go.com/WNT/story?id=539371. We know that appearances can be deceiving, but we still make judgments about people based on their appearance.

52. As Spiesel, Sherwin, and Feigenson have noted, Marcia Clark’s closing was similar to a detective story:

Spiesel, Sherwin & Feigenson, supra note 4, at 236–37.

53. See CLIFF ATKINSON, BEYOND BULLET POINTS 1–18 (3d ed. 2011) (showing and discussing copies of the actual PowerPoint slides that Mark Lanier showed to the jurors during his opening statement); see also Mark Lanier, Tort “War Stories”—Part 6, YOUTUBE, http://www.youtube.com/watch?v=x1HL2A9d4dQ, at 5:20 (showing the slides and discussing the decision to frame the case like a criminal prosecution rather
began his opening statement with a simple PowerPoint slide: a vacation photograph of plaintiff Carol Ernst and her husband Bob, the man who had died after using Vioxx. He showed the same photo three times, each time deleting something more from the image in a way that “visually communicated to the jurors that the worst had happened” and “visually brought home the point that Bob’s death suddenly had left a hole in Carol’s life, and in her heart.”

While introducing Carol and telling the jury a little about her background and her relationship with Bob, Lanier showed the first image. In the first slide, the smiling couple is outdoors in a casual pose, looking as if they are about to go for a bicycle ride. A bicycle awaits in the lower corner of the picture, the road stretches out into the horizon, and the sunny skies seem to bode well for an outing. Bob has his arm around Carol’s shoulders, and Carol has her arm around Bob’s waist. Lanier showed this slide while telling the jury about how Bob got Carol interested in “tandem bike racing” as “a good, fun way for them to live together,” a strategic choice he made so that, “by using the specific details about Carol and Bob while the photograph was displayed on screen, he connected the audience’s emotions to the image.”

In the second version of the slide, all the background visuals are gone, leaving only the image of Carol and Bob alone on a white background. The positive emotions from the heartwarming anecdotes the jury had just heard about Carol and Bob’s life together had been connected to the bicycle, the outstretched path, and the sunny skies; removing the background meant those warm emotions “suddenly were stripped away.” In this second slide, Carol has not yet suffered the total extent of her loss; even in the void of a cold, bleak, empty white space, she still has Bob and his warm smile. But removing the background shows Carol with only one remaining reason to smile—Bob—and emphasizes the precariousness of their happy life.

55. Id. at 8.
56. Id. at 6–7.
57. See id. at 6.
58. See id.
59. See id.
60. Id. at 6–7.
61. See id. at 7.
62. Id.
together.63 Moreover, the unusual starkness of the contrast between the first and second slides informed the jury that the loss Carol was about to suffer was extraordinary. As the visual consultant who helped Lanier develop his presentation later commented, “People are not used to seeing family photographs where the background suddenly disappears, so this visually set the stage that something unexpected was about to happen to Carol and Bob.”64

Finally, in the third slide, Bob’s image is stripped away, replaced by a black line outlining the place where he had been.65 Carol is shown alone in a blank landscape, with an absence where there should be a presence.66 Suddenly, the wife is isolated where she once was with her husband—their happy life together had “ended abruptly and unexpectedly.”67 She is no longer embraced, and she has no one to embrace: instead, she embraces empty space.68 Even the background world itself has gone blank.69 This visual metaphor does the work of showing the depth of emotions that are difficult to express with words alone: absence and loss.70

In addition to being a visual metaphor of absence, however, the last slide also visually connotes a murder scene because the thick black line outlining the absent body looks similar to the chalk outline of a body at a crime scene.71 This extra level of connotation was deliberate, as evidenced by the next slide, which consisted of the words: “CSI: Angleton”—Angleton was the Texas town where the trial was being held, and “CSI” references the popular television show.72 Lanier wanted to engage the jurors in the case by having them think of themselves as detectives solving the mystery behind Bob’s death.73 An opposing counsel sensitive to the workings of visual

63. See id.
64. Id.
65. See id. at 8.
66. See id.
67. Id.
68. See id.
69. See id.
70. See id.
71. See id.
72. Id. at 8-9.
73. As noted by the design consultant,
metaphors could have objected to the criminal reference in a product liability trial as lacking relevance and being unduly prejudicial.74

Considering the above three examples of visual metaphors, it seems prudent to suggest that trial lawyers should have some basic competency skills in both recognizing and creating visual metaphors. Creating an effective visual metaphor enables the litigator to become a better communicator and legal storyteller, while recognizing visual metaphors and understanding how they operate enables the litigator to make appropriate objections to those visuals that cross the line into improperly prejudicial evidence.75

IV. GRAPHIC NOVELS

Good legal storytelling requires some facility with popular culture.76 Lawyers are better communicators when they know and can refer to the same stories that their audience knows.77 But popular culture does more than

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74. Feigenson and Spiesel analyze the extensive use of PowerPoint in the Vioxx case and note that Lanier consistently referenced CSI and detective stories (including repeating the words “Motive—Means—Death—Alibi” to frame his slides) to make the jury “think about the case against [Vioxx manufacturer] Merck as a criminal case” rather than as a civil suit, which helped make the jury “more likely to want to decide the case in the plaintiff’s favor—and to punish Merck by assessing a large damage award.” FEIGENSON & SPIESEL, supra note 4, at 147–48. Arguably, this use of visual and verbal cues is unduly prejudicial in that it is “designed to inflame the jurors’ emotions, not assist their minds.” Morse, supra note 4, at 256 n.94 (quoting Standard Chartered PLC v. Price Waterhouse, 945 P.2d 317, 359 (Ariz. Ct. App. 1997)). However, it was undeniably effective in that the jury returned a substantial verdict in favor of the plaintiff.

75. Generally, all evidence should be relevant, see FED. R. EVID. 401, and not unfairly prejudicial, see FED. R. EVID. 403.

76. See generally Victoria S. Salzmann, Honey, You’re No June Cleaver: The Power of “Dropping Pop” to Persuade, 62 ME. L. REV. 241, 246–53 (2010) (“In a modern information-driven society, television, music, movies, and popular literature become the common source of shared experience. That shared experience is an important mechanism for persuasion.” (footnote omitted)).

77. According to Spiesel, Sherwin, and Feigenson:
just provide lawyers with current stories and cultural references. Popular culture, such as graphic novels, can also help lawyers improve their visual literacy and become better visual storytellers.78

A. Definition of “Graphic Novel”

“Graphic novel” is an umbrella term that can cover a variety of comic-like forms, including trade paperback collections of comics, original graphic novels (that have not been published as comics), Japanese manga, and the like.79 Most local bookstores have a graphic novels section, where the shelves are filled with what appear to be book-length comic books. In fact, that is not a bad working definition: graphic novels are book-length comics.80 Comics typically tell stories through a combination of pictures and words, with the pictures meant to be read in sequence.81 Studying the form—

Popular culture is a major supplier of familiar story genres, metaphors, plot lines, and character types. These are the materials that shape and inform popular expectations about how a particular kind of story is supposed to go, and when one story, rather than another, best fits the circumstances. Trial lawyers need to take this cultural knowledge seriously. How else can they hope to cue, and tap into, people’s narrative expectations?

Spiesel, Sherwin & Feigenson, supra note 4, at 235.

78. Adults as well as children can improve visual literacy by reading comics and graphic novels. See Carter, supra note 28, at 17.

79. DAVID S. SERCHAY, THE LIBRARIAN’S GUIDE TO GRAPHIC NOVELS FOR ADULTS 19 (2010). The term “graphic novel” often is linked to Will Eisner, the renowned comic book master and creator of The Spirit. CHARLES HATFIELD, ALTERNATIVE COMICS: AN EMERGING LITERATURE 29–30 (2005). Hatfield notes that Eisner (who was an early innovator in creating book-length comics) used the term in hopes of “promoting serious comics to the general book trade and a general readership” and “break into bookstores, not comic shops.” Id. at 29. Other scholars, commenting on Eisner’s 1978 work A Contract with God and Other Tenement Stories, note that “Eisner might deservedly be considered the father of the modern graphic novel because he showed the potential of the new format by using it to tell intimate human dramas.” RANDY DUNCAN & MATTHEW J. SMITH, THE POWER OF COMICS: HISTORY, FORM & CULTURE 36 (2009).

80. Stephen Weiner suggests defining graphic novels as “book-length comic books that are meant to be read as one story.” STEPHEN WEINER, FASTER THAN A SPEEDING BULLET: THE RISE OF THE GRAPHIC NOVEL xi (2d ed. 2012). This Author would broaden the definition to include the understanding that many times graphic novels are continued in other subsequent or related graphic novels, so that they are not always stand-alone artifacts. Sometimes a graphic novel is part of a story chain that exists within or is linked to other stories.

81. The most widely used definition of “comics” is “sequential art.” Scott McCloud explains: “Master comics artist Will Eisner uses the term ‘sequential art’ when describing
storytelling with words and sequential pictures—can help lawyers become better legal storytellers.

B. Graphic Novels and Legal Culture

Legal scholars only recently have begun exploring the benefits graphic novels bring to the study of law. Thomas Giddens argues that the medium is ripe for interdisciplinary legal study because the comic form lends itself to “an epistemological exploration of the boundaries between word and image, and between rational and aesthetic ways of knowing.” Other scholars have been interested in the frequent occurrence of legal themes in comics, as evidenced by a special issue of Law Text Culture devoted to law in comics and graphic novels. Still others have been interested in examining how lawyers are portrayed in comic books. But graphic novels are still vastly underexamined when it comes to visual legal storytelling.

C. Visual Metaphors and Graphic Novels

Graphic novels are replete with visual metaphors. Perhaps the most obvious and yet least noticed visual metaphors in graphic novels involve superheroes. Douglas Wolk notes that superhero comics “involve concrete

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82. Beyond the study of storytelling in graphic novels, comics have also been used to tell stories illustrating key concepts in law in an understandable medium. See, e.g., Nathan Burney, The Illustrated Guide to Criminal Law, http://lawcomic.net/guide/?page_id=5 (last visited Nov. 19, 2014). Another pair of writers uses characters and events from superhero comics to explore legal issues that would hypothetically arise in the real world. See generally James Daily & Ryan Davidson, The Law of Superheroes (2012).


84. See generally Special Issue, Justice Framed: Law in Comics and Graphic Novels, 16 L. TEXT CULTURE 3 (2012).

representations of abstract ideas in ways that have become so familiar it's easy to gloss over them."\textsuperscript{86} Thus, stories about the X-Men—mutants with extraordinary abilities who are marginalized and feared by society—are metaphors for difference and identity politics (in particular, the politics of sexual identity).\textsuperscript{87} The Hulk—a mild-mannered scientist who transforms into an uncontrollable, raging monster—"is a terrific metaphor for the dehumanizing effects of rage."\textsuperscript{88} And Superman and Batman, according to Wolk, metaphorically represent two extremes of human perfectibility.\textsuperscript{89}

Visual metaphors are not limited to superhero comics, however. Consider, for example, Art Spiegelman's Pulitzer Prize-winning graphic novel \textit{Maus}, in which Spiegelman tells the story of how his father survived the concentration camps of Hitler's Europe.\textsuperscript{90} In \textit{Maus}, Spiegelman shockingly depicts the Nazis as cats and the Jews as mice.\textsuperscript{91} The relationship between cats and mice is a visual metaphor for the deadly policies of Nazi Germany.\textsuperscript{92} Spiegelman works against the traditional comic grain of cute anthropomorphic animals (like Mickey Mouse) and so heightens the reader's shock by using this particular cat-and-mouse visual metaphor.\textsuperscript{93}

\begin{itemize}
\item \textsuperscript{86} \textsc{Douglas Wolk}, \textit{Reading Comics: How Graphic Novels Work and What They Mean} 21 (2007). Wolk's book is an excellent, nuanced, and entertaining overview of the genre and a wonderful introduction for those interested in studying comics.
\item \textsuperscript{87} \textit{Id.} at 95.
\item \textsuperscript{88} \textit{Id.} at 96.
\item \textsuperscript{89} \textit{See id.} at 97–98.
\item \textsuperscript{90} \textit{See generally} \textsc{Art Spiegelman}, \textit{The Complete Maus: A Survivor's Tale} (reprint 2003) (Vol. 1 1986, Vol. 2 1991); \textit{see also} \textsc{Wolk}, \textit{supra} note 86, at 342.
\item \textsuperscript{91} \textit{See Wolk, supra} note 86, at 343; \textit{see also} \textsc{Art Spiegelman}, \textit{MetaMaus} 118–22 (2011) (discussing the origin and intent behind "the cat/mouse metaphor" as a "metaphor of oppression").
\item \textsuperscript{92} \textit{See generally} \textsc{Spiegelman}, \textit{supra} note 90. "That's as simple as metaphors get, but it's also shockingly powerful, and the more you think about it, the deeper it becomes—real cats don't just eat mice the way they do in cartoons; they torture them first." \textsc{Wolk, supra} note 86, at 343.
\item \textsuperscript{93} As Wolk comments,

Imagine if Spiegelman used the same language throughout the book but dropped the mice-and-cats metaphor and simply drew all of the characters as people. It would be just another true story of the Holocaust, moving and maybe thought-provoking but a little bit tedious to look at, and it wouldn't have \textit{Maus}'s shock of understanding the situation from a different angle through the metaphor.\textit{Wolk, supra} note 86, at 345.
\end{itemize}
Reading for visual metaphors, whether in graphic novels or at trial, requires readers to be attentive. Readers must pay close attention not only to what meaning is produced but how that meaning is produced. When the plaintiff’s attorney in the Vioxx case used PowerPoint slides to suggest that the case was a mystery the jury could help solve, he was articulating a visual theme that would provide continuity throughout the remainder of the case.94 A compelling theme helps the jury make sense of the fragmentary pieces of information they must process during trial. A theme can “supply continuity to the story by connecting the dots and even allowing the listener to anticipate how the dots will be connected, thus making the connection harder to dislodge in the listener.”95 In law school, students learn that a good lawyer must be able to articulate the case theme in words. Good lawyers should also consider creating a visual theme for a case and be able to recognize opposing counsel’s visual themes.96 An important first step in helping lawyers improve their capabilities in visual storytelling is to improve visual literacy by reading to find and recognize visual metaphors. One good way to practice this is to read a graphic novel and search for sustained visual themes.

V. READING FOR VISUAL METAPHORS IN Y: THE LAST MAN

The award-winning series Y: The Last Man, by Brian K. Vaughan and Pia Guerra, tells the story of Yorick Brown, the last man left alive on Earth after a mysterious plague kills every mammal possessing a Y chromosome except for Yorick and Ampersand, his capuchin helper monkey.97 For a

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94. “The visual features of this keynote slide reinforced the verbal message and established a pictorial language that was relied on to organize the entire presentation.” Feigenson & Spiessel, supra note 4, at 148. Whether the allusion to murder was appropriate in a civil trial is another matter. It surely warranted an objection from opposing counsel, who may not have been “reading” attentively enough to see the visual metaphors at work. See discussion supra Part III.C.

95. Jonathan K. VanPatten, Storytelling for Lawyers, 57 S.D. L. Rev. 239, 242 (2012) (“Themes are a sorting device. They help to collect and organize disparate parts of the story. They highlight and they bring focus. But, most of all, they may touch deeply embedded emotional beliefs or themes already held by the listener. They are essential in making a connection with the one who is to be the decision-maker.”).

96. Cf. Jewell, supra note 46, at 272 (arguing that “attorneys should be prepared with objection arguments for potentially prejudicial graphic visual evidence, and with separate objections for presentations that combine graphic visual evidence with verbal argument” (footnote omitted)).

97. Brian K. Vaughan & Pia Guerra, Y: THE LAST MAN (2003–08). Brian K. Vaughan and Pia Guerra were cocreators of the series. Vaughan was the writer, and
postapocalyptic story, the series is surprisingly funny, and it follows in the
great tradition of the Bildungsroman, or novel of development or
maturation.98 Although the world is populated by women, the story is very
much a meditation on what it means to be a man. Yorick is a twenty-
something slacker—a magician and escape artist without a steady job.99
After all the men suddenly die, Yorick finds himself in great demand and in
great peril in a world made up solely of females. Secret government agents,
Israeli operatives, scientists, groups of modern-day Amazons, newspaper
reporters, ninjas, pirates—everyone is after Yorick. But Yorick only wants
to reunite with his girlfriend who is working on the other side of the world
in Australia. Yorick has a long journey ahead of him, both physically and
psychologically, before he can come to terms with what it means to be a man.
As a female Russian spy tells him early in the story, “You are good boy,
Yorick. When you are done, you may even be okay man.”100


Y: The Last Man utilizes three principal visual metaphors to create a sustained theme. The three main visual metaphors evident in the story are (1) the suspended man, (2) the letter Y, and (3) the “Alas, poor Yorick” pose. Each visual theme plays off the others, and the interconnections between visuals strengthen and deepen the overall storytelling. Ultimately, the visual metaphors further the story’s comprehensive existential theme and force the reader to confront the underlying questions it presents: Why do we exist? What is the purpose of my life?

A. The Suspended Man as a Visual Metaphor

The first time readers see Yorick, he is suspended upside down and wearing a straitjacket, practicing one of his escape artist tricks while simultaneously talking on the phone with his long-distance girlfriend and admitting he did not get the job for which he had recently applied.101 He is physically suspended in the air and metaphorically suspended in his development—and when he proposes to his girlfriend but gets disconnected before she can reply, he is suspended in another way as well.102 This recurring visual—the suspended man—suggests that Yorick is not only physically suspended but also metaphorically suspended; he is stuck, trapped, immobilized, and unable to get on with life. He is suspended in the state of a young man, incapable of maturing into an adult.

Additionally, the image of Yorick as a suspended man implicitly suggests an association with Christ suspended on the cross. This image is reinforced by the cover. The cover of the first trade paperback volume emphasizes the suspended man theme by including, in the upper left corner, a large black Y containing within it a stylized red human figure with arms outstretched.103 This figure, drawn in the color of blood and sacrifice, suggests the crucified Christ. However, unlike Christ, Yorick is a most unwilling sacrifice; he only reluctantly agrees to put his own plans on hold for the greater good and go on a journey with a scientist and a government agent in an attempt to discover the reason he has immunity to the plague.104 His mother, a member of Congress, tells him, “Yorick Brown, you may very well be the last man on Earth! You have a responsibility to the world.

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102. See id. at 29–35.
103. Id. at cover. The color of the stylized human figure changes on the cover of each volume, but the Christ-like pose remains the same.
104. See id. at 78–79, 126.
now!"  

While Christ purposely allows himself to be suspended from the cross, Yorick is suspended by forces he cannot control. He suffers from a lack of agency; Yorick all too often simply responds to outside influences, rather than taking the initiative. Throughout much of the story, he is running away from the latest threat. He is more acted upon than acting. But to be fair, events do conspire against him. At the moment Yorick proposes to his girlfriend over the phone, the plague hits and the phone call is disconnected, so he does not hear her answer—and he has no way to communicate with her until the very end of the story. Thus, he is in psychological suspense for most of the story, unsure of the nature of his girlfriend’s response to his marriage proposal.

The visual metaphor of the suspended man is a continuous visual theme throughout the series. A few more examples will suffice to give a taste of how the series subtly, and sometimes not so subtly, presents variations on this image to suggest Yorick is suspended metaphorically and literally in life.

In Book 1, a full-page internal cover features Yorick suspended mid-jump against the backdrop of an American flag, with several armed Congresswomen (including his mother) behind him and the Capitol Building and the Washington Monument in the background. Yorick is the suspended man again in this image. He wears a red sweatshirt, doubling the red of the crucified figure on the book cover. His clothing emphasizes his immaturity: he wears a sweatshirt, cargo pants, and tennis shoes, in contrast to the tailored business clothing worn by the women. He seems to be in flight from women with guns, and his imperiled position is an ironic (and slightly funny) image precisely because it is the opposite of so many damsel-in-distress images common in popular culture. Instead of a woman running

105.  Id. at 56.
106.  Sometimes, visual metaphors provide meaning through ironic comparison. Yorick is no Christ, although others hope he may be a kind of genetic savior for humankind. See id. at 57, 124. During an extended metaphor halfway through the series, Yorick is compared to a different biblical figure: Adam, the first man. See [BOOK 5: RING OF TRUTH] BRIAN K. VAUGHAN, PIA GUERRA & JOSÉ MARZÁN, Y: THE LAST MAN 29, 47 (2005).
107.  Unlike Hamlet, Yorick is not paralyzed by indecision caused by thinking too much. If anything, he is suspended because he does not think enough.
from a group of men, Yorick is a man—the very last man—running from powerful women. Particularly when read against the iconic phallic imagery of the Washington Monument, the cover is surely a comment on Yorick’s status as a man. It depicts a frozen moment, with Yorick suspended in the air and clearly uncertain of what he should be doing. His arms are spread for balance, but his iconic pose also suggests flight—flight he is unable to achieve.

Another suspended-man visual metaphor in Book 1 is the full-page image of a vulnerable, naked Yorick suspended from locked chains and wearing a gas mask. In the background is a looming closeup of the bottom half of a woman’s face, with her lips voluptuously parted. But Yorick’s twisted, uncomfortable posture and covered face suggest that the female does not signify sexual promise so much as predatory danger. Yorick is again helpless, suspended in chains from which he cannot escape.

Similarly, the cover of Book 4 pictures a helpless Yorick suspended upside down, underwater, and apparently unconscious. The inside-cover illustration depicts Yorick suspended from ropes, while a dominatrix caresses his face with one hand and holds a whip in the other. This scene references the interlude in Book 4 where Yorick unwittingly undergoes a form of psychological therapy to shock him out of his despair and death wish, which also emphasizes his position as a suspended man.

One more, of many, suspended man images bears noting for its strangeness and creativity. In Book 6, Yorick’s girlfriend, Beth, shares a dream/vision with Yorick in which Ampersand is a giant King Kong figure and Yorick takes the place of Fay Wray. Yorick is helpless, suspended high above the ground in the grasp of a giant monkey. Such a role reversal again emphasizes that Yorick, as a suspended man, is not yet the hero of his own life and is still in need of rescue.

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100. *Id.* at 105.
112. *Id.* at 1.
113. *See id.* at 26, 31–34, 37–38, 42–46. At the end of the intervention, Yorick asserts control over his own destiny and reaffirms his will to live—and then cuts the ropes that were being used to suspend him earlier. *See id.* at 65.
115. The dream sequence concludes as Beth transforms into a superhero and rescues Yorick from Ampersand—showing Yorick suspended in empty space and then in Beth’s
While the suspended-man visual metaphor gives thematic continuity to Yorick’s psychological journey toward maturity, a second visual metaphor provides richness and complexity to the theme of the life journey: the recurrence of images in the shape of the letter Y.

B. Images of Y as Visual Metaphors

The three-pronged symbol Y has three iterations in the story. It of course stands for Yorick, but it also stands for the Y chromosome of masculinity, and it is a homonym for the ultimate question of existence: why? These iterations interact in a complex and nuanced way with the suspended-man theme and the “Alas, poor Yorick” theme. Throughout the series, Y/why is a mystery. Why have all the men died? Was it a plague? Biological warfare? An ancient curse? A cloning experiment gone wrong? And what does it mean to be a man, anyway? What is so significant about the extra chromosome? Can humanity survive without the Y?

Debates over the significance of the Y chromosome begin in Book 1 and continue throughout the series. Everyone has a different theory. In Book 1, Yorick confronts a group of modern Amazons who are defacing a shrine at the Washington Monument that other women have made to mourn the dead men.\(^\text{116}\) He asks, “What the fuck is wrong with you people? Didn’t you all lose fathers? Brothers? Friends?”\(^\text{117}\)

One Amazon responds, “No. We lost rapists and dictators and...and serial killers.”\(^\text{118}\) Another Amazon says, “The Y chromosome is an aberration. You’re nothing but a deformed female, a...a monster poisoned by your own hormones. Mother Earth eliminated your kind for a reason.”\(^\text{119}\)

Whether the Y chromosome is a curse, a blessing, a simple marker of difference, or something else altogether, the shape of the letter Y appears as a sustained visual theme throughout the story. In the cover illustration for Book 1, Ampersand sits on Yorick’s shoulder, and the body positions of the man and the monkey create a Y—very appropriately, as they are the last two beings on Earth with Y chromosomes.\(^\text{120}\) At the end of Book 1, in perhaps

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\(^{116}\) BOOK 1: UNMANNED, supra note 99, at 96.
\(^{117}\) Id.
\(^{118}\) Id.
\(^{119}\) Id. at 96.
\(^{120}\) See id. at cover, 3.
the most creative use of the Y shape, a three-way crossroad is presented visually as a Y.121 At that moment, three characters—Agent 355, the government secret agent protecting Yorick; Dr. Mann, the brilliant scientist who may be able to discover the source of the plague; and Yorick—stand in the street debating their next step and their next destination. Yorick asks, “So what’s it gonna be, Scarecrow? We taking the yellow brick road to D.C., Cali...or all the way to Oz?”122 The individual panels in the sequence imitate the movement of a crane shot in a movie, so that the debate first focuses on closeups of the participants, and then the “camera”—or the reader’s point of view—ascends higher and higher until the reader sees three tiny figures standing in a Y intersection.123 Thus, the Y shape literally becomes a crossroad, and the decision as to which path to take in life becomes a visual decision.

The Y visual recurs consistently on covers featuring people or items positioned to form a letter Y, and is the most common visual motif in the multivolume series. A few more examples will suffice to give a feel for the scope of this visual theme. One internal-cover image shows Yorick and Ampersand behind a large, Y-shaped, dead tree in a desolate graveyard landscape.124 Another cover features Yorick, Ampersand, and Beth suspended in the air in a lightning storm, with their bodies forming a Y.125 Yet another cover features three clasped arms—Yorick’s, Agent 355’s, and Ampersand’s—forming the letter Y.126 This visual motif is repeated time and again in the story.127

121. Id. at 127.
122. Id. at 126. The reference to The Wizard of Oz is reiterated later on, during a dream sequence, where Yorick imagines himself as Dorothy, Agent 355 as the Scarecrow, Dr. Mann as the Tin Man, and Ampersand as Toto. See BOOK 4: SAFEWORD, supra note 111, at 28–30.
123. See BOOK 1: UNMANNED, supra note 99, at 125–27. This is also a famous technique used in the opening panels of Alan Moore’s groundbreaking graphic novel, Watchmen. See ALAN MOORE & DAVE GIBBONS, WATCHMEN 1, 28 (1987).
124. See BOOK 4: SAFEWORD, supra note 111, at 120. In this image, Yorick has a gun in his hands, and he must decide whether he is capable of killing to protect himself. Id. at 129–30.
126. Id. at 29.
127. The covers of individual issues typically include a visual reference to the Y shape. For example, in one image the letter Y is formed by an outstretched hand and the figure of the scientist, Dr. Mann, reaching out to clasp the hand. Id. at 75. Another example occurs in a cover illustration in which Yorick’s descending arm and
Each time we see another Y shape, we are reminded of the perplexing mystery of the death of the men, the disappearance of the Y chromosome, and the question of existence.

“Why?” is the ultimate question in life. Why am I here? Why am I alive? Yorick, as the only human male survivor of a plague that killed more than 3 billion people, has to make an effort to look for answers instead of just passively accepting his fate. Even his monkey, Ampersand, makes noises that sound like “seek seek,” an implicit reminder to Yorick to continue seeking. Early on, Yorick seems ready to give in to despair; he seems intent on getting himself into situations in which he is likely to be killed. (His early actions are almost akin to a series of passive suicide attempts.) Why continue the struggle? Is it better to be or not to be?

C. The “Alas, Poor Yorick” Pose as a Visual Metaphor

The “Alas, poor Yorick” pose is a familiar visual trope in Western culture: a somber young man contemplates a skull that he holds in his hands. The pose references the graveyard scene in Shakespeare’s Hamlet, where Yorick’s search for answers to these questions arises partly out of necessity but also partly out of a profound sense of survivor’s guilt.

128. See BOOK 1: UNMANNED, supra note 99, at 53–54 (reacting to the news that his immunity was not genetic and that his father had died); id. at 96 (“Why am I still here?”); BOOK 3: ONE SMALL STEP, supra note 100, at 44–45 (lamenting that he is not “qualified to save mankind”); BOOK 4: SAFEWORD, supra note 111, at 58 (“I mean, obviously I was infected with whatever offed everybody else, right? Why would I be any different?”).

129. See BOOK 1: UNMANNED, supra note 99, at 49 (“Aw seek seek.”); BOOK 4: SAFEWORD, supra note 111, at 58 (“Aw seek.”). Ampersand also serves as an emotional crutch for Yorick as he continues to seek his answers, until Yorick acquires sufficient emotional maturity to rely on his human companions for emotional support. See [BOOK 8: KIMONO DRAGONS] BRIAN K. VAUGHN, PIA GUERRA, GORAN SUDŽUKA & JOSÉ MARZÁN, Y: THE LAST MAN 76–77 (2006).


131. The cover of the latest Bedford Shakespeare anthology features an actor playing
when Hamlet thoughtfully holds a skull and ruminates on the inevitability of death. We will see this pose repeated throughout the series, visually reinforcing the story’s existential question, “Why go on, when death is inevitable?”

Understanding Yorick’s name is a significant part of understanding the story’s thematic concerns. Yorick’s father, an English professor, named him after a character in *Hamlet* but did not name him after the play’s eponymous hero. In Shakespeare’s *Hamlet*, Yorick is not a living character, but rather the deceased court jester. In the famous graveyard scene in Act V of *Hamlet*, Hamlet trades macabre jokes and quips with the gravedigger, and upon finding Yorick’s skull, Hamlet ruminates on the nature of mortality. The name “Yorick,” therefore, has associations both with humor and mortality. A jester has a privileged position, in that he can joke about all manner of things that would result in others’ execution on the spot. But a skull, with

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134. When Hamlet realizes that one particular skull is Yorick’s, he says,

> Alas, poor Yorick! I knew him, Horatio. A fellow of infinite jest, of most excellent fancy. He hath borne me on his back a thousand times. And now how abhorred in my imagination it is! My gorge rises at it. Here hung those lips that I have kissed I know not how oft. Where be your gibes now? your gambols? your songs? your flashes of merriment that were wont to set the table on a roar? Not one now, to mock your own grinning? Quite chapfall’n? Now get you to my lady’s chamber, and tell her, let her paint an inch thick, to this favor she must come. Make her laugh at that.

*Shakespeare, supra* note 132, at ln. 177–88.

135. Consider the scene in *Hamlet* where players enact a scene, at Hamlet’s behest, in which the King poisons Hamlet’s father:

> KING: Have you heard the argument? Is there no offense in’t?
> HAMLET: No, no! They do but jest, poison in jest; no offense i’ the world.

*See id.* at act 3, sc. 2, ln. 245–49. Yorick gets a brief taste of jesters’ immunity when he
its permanent rictus of a grin, suggests that death has the last laugh.\textsuperscript{136} Is life a tragedy, a comedy, or both?

Yorick’s humor and jesting ways are evident throughout the series. Some of the humor comes from Yorick and some is directed at him. For example, when the deadly and efficient Agent 355 is knitting by a campfire, Yorick asks whether she is knitting a rifle cozy.\textsuperscript{137} Yorick is always quick with a witty quip—he refers to one of the Amazons as “Mad Maxine,” referencing both her \textit{Mad Max}-like attire and the postapocalyptic world in which Yorick finds himself.\textsuperscript{138} But some of Yorick’s jester-like qualities come from the singular incongruity of his being the sole human representative of masculinity on the planet. The story’s running joke is at Yorick’s expense: women often doubt that he is really a man.\textsuperscript{139} And even after his masculinity is established, the irony is that this particular man—with none of the traits traditionally associated with masculinity—is the one that survived.\textsuperscript{140} Yorick makes jokes, and others joke about Yorick. He is a jester figure.

But the theme of mortality associated with \textit{Hamlet}’s Yorick is equally, if not more, important as the dark jesting. Yorick is an escape artist who has seemingly escaped death. All the other men have died, and yet he lives. Why?

If death is the inevitable end for all, why go on? Why not skip to the end by committing suicide? What is the point of prolonging the inevitable? At a low point in his journey, Yorick encounters Agent 711, a spy/...
dominatrix/therapist who practices her therapy on Yorick to help him confront and overcome his death wish and survivor’s guilt. When Yorick is ready to continue on his journey, she hands him a copy of *War and Peace* to take with him and tells him to be patient and not skip ahead, because “[e]ndings have to be earned.” Skipping the difficult, painful, and joyful process of living would be cheating.

The “Alas, poor Yorick” pose, with all its tragic and comic connotations, recurs as a sustained visual theme throughout the series. One particularly playful example of the pose occurs in Book 3. In a full-page illustration, Ampersand appears dressed as Hamlet and poses holding a skull in the classic Hamlet pose. This image introduces a metatextual section of the story in which a traveling theatrical troupe produces a play about the last man on Earth with women playing all the roles. This all-female cast turns

> And then I thought, if some tough broad from New York’s finest couldn’t make it in this world, how am I supposed to? I was still having an impossible time coping with the Twin Towers, how the fuck was I gonna deal with this? And suddenly, I felt this... this intense jealousy for all the other guys around me. It was like, they had crossed the finish line already, you know? But I still had a million laps to run. . . . Whatever. I knew I was done.

*Id.* at 60. But, when Agent 711 presents him with the opportunity to accept death at her hands, Yorick discovers a vast well of inner strength, a passionate desire to live. *Id.* at 63–65. He attacks her and escapes, only to find out that he was never in any real danger at all from her “suicide intervention.” *Id.* at 66–68.

141. *Book 4: SafeWord,* supra note 111, at 21–68. During his therapy, Yorick states that after the plague, he saw the body of a female police officer who had committed suicide, and it provoked a reaction that reads like a modern take on one of Hamlet’s classic soliloquies:

> And then I thought, if some tough broad from New York’s finest couldn’t make it in this world, how am I supposed to? I was still having an impossible time coping with the Twin Towers, how the fuck was I gonna deal with this? And suddenly, I felt this... this intense jealousy for all the other guys around me. It was like, they had crossed the finish line already, you know? But I still had a million laps to run. . . . Whatever. I knew I was done.

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142. *Id.* at 70. Ironically, Agent 711 reaches her own end shortly after Yorick leaves, but she has earned her ending—and still resists to the last moment. *Id.* at 72–73.

143. *See Book 3: One Small Step,* supra note 100, at 122.

144. *Id.*

145. The metatextual aspects of the story are especially apparent when it comes to the two characters who try to provide entertainment for the postapocalyptic world, Cayce and Henrietta, who partner to write and produce the all-female play *The Last Man* in Book 3. *Id.* at 123. Later, in Book 9, Cayce and Henrietta also try their hands at filmmaking (they attempt to make a film called *On Fertile Ground*, featuring a female action hero) before deciding to write a comic book about the last woman on Earth, *I Am Woman*. *Book 9: Motherland,* supra note 125, at 126, 138–40. As they discuss the project, Henrietta expresses doubt that they can pull it off, but Cayce, the writer, responds, “It’s just words and pictures, Henrietta. This format has all the advantages of film and none of the drawbacks. It’s the cheapest way to get our unfiltered vision into as many hands as possible!” *Id.* at 136. Henrietta worries that readers will not want to read
Shakespeare’s casting on its head because, during Shakespeare’s time, all the roles were played by males. 146 If a monkey plays Hamlet, does that suggest man is nothing more than an animal—a brother to a lowly monkey? Does the Y chromosome make Yorick closer to his monkey than to all the women on Earth?

The monkey-as-Hamlet image is both comic (it’s a monkey playing Hamlet!) and tragic (Hamlet is a Shakespearian tragedy). This tragic–comic effect is appropriate, for although Shakespeare’s plays are labeled tragedies and comedies, they all have both tragic and comic elements. The tragedies have jokes, wordplay, and humorous references, while the comedies contain serious and sometimes tragic moments. 147 The image of Ampersand in the “Alas, poor Yorick” pose is both tragic and comic, as is life itself.

The same “Alas, poor Yorick” pose occurs again in Book 5, when Dr. Mann thinks she has discovered how Yorick survived the plague. 148 Dr. Mann is contemplating Yorick’s gas mask as she holds it at arm’s length, looking thoughtfully into its surface, when she has a flash of insight into why Yorick is alive while all the other men are dead. 149

any heavy-handed visionary works, and Cayce responds,

You’re right that not everything we do has to have some kind of social agenda, but that doesn’t mean it can only be anesthetizing crap. We could create something new, something that challenges our audience at the same time it’s helping them escape. Artists are supposed to hold a mirror up to society, but ours could be a…a fucked-up funhouse mirror!

Id. at 137. It does not get any more metatextual than this, with two characters in a story discussing the age-old conundrum of the purpose of art: Should art simply reflect society, or should art change society? Is art the mirror or the lamp? And can a seemingly escapist medium such as comics or graphic novels be simultaneously entertaining and intellectually challenging?


147. For example, the graveyard scene in Act V of the tragedy Hamlet is filled with puns and jokes, while Act V of the comedy Much Ado About Nothing has a long stretch in which many of the characters believe that Hero, the innocent ingénue, has died of grief after being wrongfully accused of infidelity. Compare SHAKESPEARE, THE TRAGEDY OF HAMLET, supra note 132, at act V, with SHAKESPEARE, MUCH ADO ABOUT NOTHING, supra note 133, at act V.

148. See BOOK 5: RING OF TRUTH, supra note 106, at 143.

149. Id. at 143. She hypothesizes that Yorick may have received an antibody from Ampersand—antibodies are Y-shaped proteins. See id. at 149. Yorick, ever the jester, finds the underlying comedy buried deep beneath the overwhelming tragedy. See id. at 147–48 (“You mean, the reason I’m the last man on Earth . . . is monkey shit?”).
The pose recurs in the last book of the series when Yorick, in the catacombs beneath Paris, holds a skull and muses that male and female skulls look much the same. The skull beneath the skin is a universalizing image: the inevitability of death is a unifying force that crosses boundaries of gender and even species. It is significant that the “Alas, poor Yorick” pose is duplicated by Yorick, Dr. Mann, and Ampersand; the fact that a man, a woman, and a monkey all take on the pose suggests the universal nature of the problem of mortality.

D. Combining All Three Visual Themes: The Final Volume

The culmination of all three visual themes occurs on the very last page of the final volume of *Y: The Last Man: Whys and Wherefores*, in a final image that combines all three visual metaphors. But prior to that final image, and building to it, the last volume continues to utilize the three individual visual metaphors of the suspended man, the letter Y, and the “Alas, poor Yorick” pose. The series’ use of these visual metaphors creates a sustained thematic continuity around the issues of freedom and imprisonment, what it means to be a man, and the purpose of existence in the face of inevitable mortality. Together, they work to articulate a central theme of all great art: How am I to live in the world?

Many artists and philosophers have suspected that the world is a broken place. Whether or not art can repair the break is an open question. The great playwright and poet Ben Jonson, a contemporary of Shakespeare’s, used a visual metaphor as his logo: a drawing of a broken compass (the tool that helps draw a perfect circle) accompanied by the motto, “That which should complete the circle fails.” Perhaps an apocalypse in which half of the human race dies is merely another way of stating the obvious about the human condition. If the world is broken, the purpose of art may be to show the break and to suggest ways to live in a broken world. How shall I live in this world? What will my journey be? Each of the three main visual metaphors recurs in the final volume, until the very last image in the whole story combines the three in a triple visual metaphor that suggests a mature and nuanced understanding of the human condition. But before discussing the last triple visual metaphor, it is helpful to consider the use of individual visual metaphors in the last volume.

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1. The Suspended Man

Significantly, the visual metaphor that is most scarce in the final volume is the suspended-man image. The absence of a visual metaphor we have come to expect is striking. Why are there no “Yorick as suspended man” visuals for most of the last volume? Perhaps the scarcity of this image is due to the fact that Yorick has become a bit of a badass over the course of his lengthy journey. He knows how to fight,\textsuperscript{152} he knows how to make love,\textsuperscript{153} and after his last encounter with Beth, he finally knows his own heart well enough to understand that he loves Agent 355.\textsuperscript{154} So where is the suspended man? Is it possible that Yorick has matured out of that image? The answer comes at the very end of the series. But first, it is important to note that the other two visual metaphors are still very much apparent throughout the last volume.

2. The Y Visual

The Y image is featured prominently in the last volume. For example, one cover features Yorick’s girlfriend, Beth, pierced through the heart with an arrow, while she stands next to a Y-shaped tree bearing the initials B and Y.\textsuperscript{155} In another cover, Agent 355 holds up two fingers in a victory sign (or perhaps a peace sign), and her fingers and thumb form a foregrounded Y shape.\textsuperscript{156} In yet another cover, a gloved hand tightly holds an unhappy Ampersand by the throat; the hand and the monkey’s body form a Y.\textsuperscript{157} And in one of the most poignant images, Yorick kneels in grief next to the murdered Agent 355, and their two bodies form a Y.\textsuperscript{158}

The final cover in the last volume makes a complex, allusive use of the Y visual metaphor. Readers see an elderly Yorick wearing a straitjacket in a cell, seated with his back to the viewer; two shafts of light intersect with his

\begin{itemize}
\item \textsuperscript{152} BOOK 10: WHYS AND WHEREFORS, supra note 108, at 9, 11 (“Nice punch back there, by the way. You finally learned to stop hitting like a girl.”); see id. at 20–23.
\item \textsuperscript{153} Id. at 54–55 (“Wow. When did you get that good?”).
\item \textsuperscript{154} See id. at 82–86 (“There’s something I need to tell you. . . . What I saw at the end...what made me realize I don’t want to die, no matter how miserable life gets? It was you, Agent 355. It was you.”).
\item \textsuperscript{155} Id. at 50.
\item \textsuperscript{156} Id. at 73.
\item \textsuperscript{157} Id. at 96.
\item \textsuperscript{158} Id. at 95.
\end{itemize}
body to form a Y. One light is reddish in hue, suggesting a tragic end, while the other light is pale white, suggesting hope for new beginnings. On the reddish side of the image, at Yorick’s feet, is a toy monkey—reminiscent of his past adventures and of his friendship with the long-dead Ampersand and also reminiscent of a toy that Agent 355 held as a child. On the lighter side of the image, also at Yorick’s feet, is a male child—the future—reaching up to Yorick, arms raised to form a miniature Y of his own. The child wears a tank top with the insignia “60,” and we will learn he is one of many clones of Yorick produced in the 60 years since the conclusion of the previous story arc. Troublingly, Yorick is turned away from both the past and the future, ignoring both the monkey and the child. He is trapped—both literally, in the straitjacket, and figuratively, in the misery of a present from which he cannot escape.

3. The “Alas, Poor Yorick” Visual

The “Alas, poor Yorick” visual is front and center in the last volume. It is featured in the Contents page to Book 10, in which Yorick contemplates a human skull he holds in his hands. This image is taken from a moment later in the volume when Yorick and Agent 355 descend into the catacombs underneath Paris and find a burial vault filled with human remains. Yorick muses on the difficulty of distinguishing men from women when all that is

159. Id. at 119.
162. BOOK 10: WHYS AND WHEREFORES, supra note 108, at 119; see id. at 149–53 (showing Yorick tearfully laying Ampersand to rest at Agent 355’s grave); see BOOK 7: PAPER DOLLS, supra note 140, at 98 (showing Agent 355 as a child, clutching the same stuffed monkey).
163. Id. at 119, 121–23.
164. Id. at 119.
165. Id. at 119.
166. Id. at 3.
167. Id. at 34–36.
left is bones.\textsuperscript{168} The skull beneath the skin, the \textit{memento mori}, is the reminder of something that unites all humans despite all their differences: mortality.\textsuperscript{169}

That mortality is made all too plain in the final moments of Yorick and Agent 355’s short-lived romance. In the climactic moment when they confess their love for each other, Agent 355 holds Yorick’s face at arm’s length in the classic “Alas, poor Yorick” pose as she finally tells him her real name, moments before she is shot dead by a sniper.\textsuperscript{170} As she falls to the ground, Yorick reaches to cradle her head in his outstretched hand in a tragic mirroring of her earlier loving caress.\textsuperscript{171}

E. \textit{The Triple-Visual Metaphor}

At the beginning of the final issue, an elderly Yorick has apparently given in to melancholy and tried to kill himself and has been committed to asylum care. Yorick’s daughter, who now is the President of France, arranges for a Yorick clone to visit him, hoping this will remind Yorick of better times and perhaps help him “laugh just once more before he goes.”\textsuperscript{172} This final chapter of Yorick’s life seems to have come full circle, with Yorick ending up where he started: trapped and unable to find freedom.

Yorick’s final scene echoes his first scene in the entire series. The first time readers see the young Yorick, he is a 20-something agoraphobic slacker in a straitjacket (practicing his escape artist act), and he is telling his girlfriend a bit of trivia: “Did you know Elvis had a twin brother?”\textsuperscript{173} This leads to young Yorick musing about fate, destiny, and why one person survives when another does not.\textsuperscript{174} In the final chapter, an elderly Yorick initially seems older but not wiser. Again, he is in isolation in his own room in a straitjacket and the first thing he asks his younger clone is, “Did you know Elvis had a twin brother?”\textsuperscript{175} The response is different now: “Who’s Elvis?”\textsuperscript{176}

\textsuperscript{168}. \textit{Id.} at 36.
\textsuperscript{169}. A \textit{memento mori} is a “warning or reminder of the inevitability of death,” usually manifested in “a skull or other symbolic object.” \textsc{Oxford English Dictionary} (3d ed. online version 2014), \textit{available at} http://www.oed.com/view/Entry/233960.
\textsuperscript{170}. \textit{BOOK 10: WHYS AND WHEREFORES}, \textit{supra} note 108, at 90.
\textsuperscript{171}. \textit{Id.} at 94.
\textsuperscript{172}. \textit{Id.} at 130–31.
\textsuperscript{173}. \textit{BOOK 1: UNMANNED}, \textit{supra} note 99, at 5–8.
\textsuperscript{174}. \textit{Id.} at 7.
\textsuperscript{175}. \textit{BOOK 10: WHYS AND WHEREFORES}, \textit{supra} note 108, at 132.
\textsuperscript{176}. \textit{Id.} at 133.
Yorick’s clone asks Yorick whether tragedy is all there is to life. “So this is it, huh? . . . You know, growing old. All I have to look forward to is pain and misery and . . . and heartbreak.” 177 Yorick replies, “No, first comes boyhood. You get to play with soldiers and spacemen, cowboys and ninjas, pirates and robots. But before you know it, all that comes to an end. And then, Remo Williams, is when the adventure begins.” 178 The clone responds that his own life is a waste so far and he is already 22 years old, which makes Yorick laugh. 179

In the next panel, Yorick’s clone meets with Yorick’s daughter and says, “I’m sorry, ma’am. I . . . I only took my eyes off him for a second.” 180 Yorick’s clone does not say that Yorick jumped out the window to his death. Instead he says, “He escaped.” 181

The next two pages are wordless images of everyday life (albeit life where men are absent): soldiers confer; young people ride bicycles; a mother and her children take the bus; shoppers buy food at a farmers’ market; an elderly woman sits on a park bench and watches youngsters play soccer; pedestrians wait at a crosswalk on a windy day. 182

The final image in the series is a triple-visual metaphor. The full-page spread shows a blue sky with a few fluffy clouds. 183 Ascending heavenward on a gust of wind is the straitjacket, forming a stylized Y shape with its outstretched sleeves. 184 At the bottom of the page in blue ink is the handwritten, underlined word “Alas,” followed by the signatures of all those involved in the creation of the series. 185 So there are the following: (1) the suspended man theme (the empty straitjacket); (2) the Y visual (the shape formed by the straitjacket’s outstretched sleeves); and (3) the “Alas, poor Yorick” theme (referenced by the handwritten word “Alas”). 186 What is the effect of this final triple-visual metaphor? Although the image itself is remarkably sparse and elegantly simple, it carries profoundly complex

177. Id. at 154.
178. Id.
179. Id. at 155–56 (“You’ll be fine, ‘Rick. Just go out there and get your heart broken in, so it’ll be ready when you really need it.”).
180. Id. at 163.
181. Id. at 164.
182. Id. at 165–66.
183. Id. at 167.
184. Id.
185. Id.
186. See id.
meanings.

The combined use of visual metaphors thematically suggests that Yorick has finally escaped the confines of his worldly existence, and while death is inevitable (alas), there is something about Yorick’s journey that suggests transcendence. The empty, Y-shaped straitjacket soaring upward metonymically represents Yorick’s life journey, but the combination of elements subtly shifts the initial meaning of the suspended-man visual theme. For most of the series, the suspended-man visual metaphor represented stasis and entrapment. As a young man, Yorick lacks agency; he is acted upon, rather than acting freely. He seems trapped by his life even before the startling events of the plague make him the last man on Earth.187 The first time readers see Yorick, he is a young man in a straitjacket, suspended in the air, practicing an escape.188 The last time readers see Yorick, he is an old man in a straitjacket, contemplating the end of his lifelong journey but coming to terms with his life before he executes his final escape.189

The visual image of the empty straitjacket in the sky is not so much a suspended man but an ascending man.190 The image is ascending upward and literally uplifting. Metaphorically, to go upward represents a privileged movement between stations, signifying hope and success. It is significant that Yorick’s body, which has been the source of so much strife and contention, is nowhere to be seen in the final image.191 There is an element of transcendence here—a suggestion that Yorick’s soul has escaped the confines of the prison of his physical form. The white straitjacket in the sky also suggests a bird in flight—the human spirit triumphing over the cage of the body.192 The suspended-man theme, which began as a highly negative visual metaphor, is transformed into something more positive: the bittersweet triumph of a life richly lived. It is bitter because, as Hamlet notes in the graveyard scene, death is the end to which we all come.193 But it is sweet because Yorick has acquired some agency over his tumultuous life.194

187. See BOOK 1: UNMANNED, supra note 99, at 17 (“Some days, I can’t even get past the front door.”).
188. Id. at 5.
190. See id. at 167.
191. See id.
192. See id.
193. See SHAKESPEARE, supra note 132.
His final laugh signifies his amusement at the callow youth he once was in comparison to his mature awareness of the complexities and richness of life. He has earned his ending. Yorick has learned the journey is more important than the destination, and so he continues journeying into the unknown—the next great adventure that is death.

VI. SOME CONCLUDING SUGGESTIONS FOR IMPROVING VISUAL STORYTELLING

A. Further Reading for Visual Metaphors: Ten Graphic Novels You Should Read

For further readings in graphic novels with striking visual metaphors, including iconic classics as well as cutting-edge new works, the following list gives a taste of the variety and imaginative scope of the genre.

- Alison Bechdel’s *Fun Home: A Family Tragicomic*
  In this award-winning memoir, Bechdel puzzles over family dynamics, comes to terms with her own sexuality, and discovers that her very creative, irritating, and beloved father has been living his whole life in the closet. The book is filled with wonderful, painful, and truthful insights and is Bechdel’s own real-life version of *A Portrait of the Artist as a Young Man*, complete with numerous allusions to James Joyce.

- Garth Ennis and Steve Dillon’s *Preacher*
  This ultraviolent series has an outrageous storyline involving killer angels, Irish vampires, a hitwoman named Tulip, and a Southern preacher who is on a mission to confront God face to face and find out why there is so much suffering down here in the world. The preacher happens to be inhabited by a spiritual entity who is the child of the union of Heaven and Hell. This horror–western–gothic series is exactly the kind of comic that would have been banned by child psychiatrists in the 1950s worried about
the corrupting influence of comics on American youth. Ennis’s multivolume series never fails to challenge, outrage, and provoke its readers.

- **Jeremy Love’s Bayou**

  *Bayou* began as a web comic, but it generated enough interest and accumulated enough fans that DC Comics issued a print version. Beautifully drawn, *Bayou* is set in a deeply racist 1930s Mississippi where the horrors of the real world more than match the horrors living in the mysterious swamp. The protagonist, Lee, is a young black girl who must venture into the demon-haunted bayou on a dangerous quest to save her father from a lynch mob. This is a wonderful book full of beautiful, deeply meaningful art.

- **Frank Miller’s Batman: The Dark Knight Returns**

  When *The Dark Knight Returns* came out in 1986, it challenged the tired, old cliché of the impossibly good and noble superhero. Miller gave us a Batman who was a dark and violent vigilante, a flawed hero who exhibited more than a passing resemblance to the psychotic villain. Today, this sort of dark hero is all the rage, but when Miller’s graphic novel first came out, it changed the way readers viewed comic book heroes. Each page is full of gripping artwork and gritty details that make it impossible to look away from the grimier side of Gotham City and the humanizing flaws of its iconic hero.

- **Alan Moore’s Watchmen**

  Along with Miller’s *Dark Knight*, Moore’s *Watchmen* changed superhero comics in a profound way. *Watchmen* is classic Moore, filled with complicated characters who happen to wear costumes and fight for justice. But are they really heroic? And what is justice, anyway? *Watchmen* is full of complexity, and its deep characters and vibrant universe make it both ripe for critical analysis and required reading.

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201. *Jeremy Love, Bayou: Volume One* (2009). Bayou debuted as a web comic and was originally published online at http://www.zudacomics.com; that URL now forwards directly to DC Comics’s main website.
203. *See Moore & Gibbons, supra* note 123.
• Harvey Pekar’s *American Splendor: The Life and Times of Harvey Pekar*\(^{204}\)

Harvey Pekar is about as far from a superhero as one can get. In this collection, he is a file clerk working for the Veteran’s Administration in Cleveland. Pekar, working with a variety of different illustrators including Robert Crumb, makes something as mundane as going to the grocery store significant. Pekar’s details of his daily life are funny, sad, frustrating, and always ring true.

• Marjane Satrapi’s *Persepolis*\(^{205}\)

Satrapi’s widely praised memoir of growing up in Iran after the Islamic Revolution is illustrated with deceptively simple black-and-white drawings and told from a child’s perspective. This is a profoundly moving work that shares a perspective on life in times of turmoil. Lovingly illustrated and bracingly honest, Satrapi’s graphic memoir depicts stories from her childhood amidst a period of tumultuous revolution.

• Art Spiegelman’s *Maus: A Survivor’s Tale*\(^{206}\)

This Pulitzer Prize winner put graphic novels on the map. In it, Spiegelman tells the story of how his father survived the Holocaust. Spiegelman’s powerful anthropomorphic visual metaphor—he draws the Jews as mice and the Nazis as cats—makes this compelling Holocaust narrative a must-read.\(^{207}\)

• Brian K. Vaughan’s *Pride of Baghdad*\(^{208}\)

This graphic novel tells the true story of a pride of lions who escaped from the Baghdad Zoo during an American bombing raid in 2003. The story is told from the perspective of the lions as they try to survive in the war-torn city. The story works both as a real story told from the animals’ perspectives and an allegory for the war itself. The story and expressively illustrated animals make *Pride of Baghdad* a deep message about the value and cost of


\(^{206}\) See Spiegelman, supra note 90.

\(^{207}\) While this visual metaphor was discussed briefly earlier in this Article as an example of a non-superhero graphic novel using a visual metaphor (see discussion *supra* Part IV.C.), this profoundly moving and sophisticated work warrants comprehensive discussion and analysis in its own right.

freedom.

- Bill Willingham’s *Fables*²⁰⁹

This increasingly acclaimed series—winner of 14 Eisner Awards—reimagines classic fairy tale characters in contemporary New York. Subsequent volumes build up a complex and enchanting world that grows to a remarkable vision over the course of the series.²¹⁰ The use of iconic symbols and tropes as visual metaphors that give new life to beloved and reviled characters makes *Fables* both relevant to this Article and enjoyable to read.

### B. Exercise in Creating Visual Metaphors

The first step in becoming a better visual storyteller is reading for visual metaphors, which has been the focus of this Article. The next step is to begin creating visual metaphors. While creating visual metaphors is a separate, complex topic worthy of extended analysis, the following exercise suggests one possible approach.

When I teach my seminar in Legal Storytelling, I have the students read a graphic novel and practice spotting and analyzing visual metaphors. After studying a graphic novel, the students have some ideas about visual storytelling they can start to bring to bear on real cases. At that point, I assign a two-part exercise in which they create visual metaphors of their own. In the first part of the exercise, I divide the students into small groups and randomly assign a topic to them. (Some topics I have used include teenagers, the Internet, Florida traffic, your favorite pair of jeans, the government healthcare system, the Middle East, chocolate, etc.) The groups brainstorm for 15 minutes and draw a visual metaphor to represent their topic. Sometimes students find it helpful in advance of this exercise to consult works such as Dan Roam’s excellent book *Blah Blah Blah*.²¹¹ Roam gives suggestions for creating visual metaphors from nature (a tree, for example, can suggest growth, connections, roots, etc.) or from the world of man-made objects (a wall can suggest a barrier, a limit; something that protects or


²¹⁰. As of this writing, *Fables* is still in print and going strong, with 20 volumes collecting 140 paper issues and a small collection of spin-off titles. See Bill Willingham, Mark Buckingham, Steve Leialoha, Russ Braun, & Barry Kitson, *Fables: Camelot* (2014).

something that divides).212 The student groups then present their visual metaphor to the class for critique.

For the second part of the exercise, I randomly assign a closing argument from a famous historical trial to each group and give the students two weeks to create a visual metaphor for use in the closing argument.213 The students present their closing arguments to the class, complete with visuals, and the class: (1) analyzes the visuals by discussing not only what an image means, but how it means what it means; (2) decides whether the visual is likely to be admissible or if it crosses the line into irrelevancy or has too much potential for unfair prejudice; and (3) evaluates the effectiveness of the image as a piece of visual storytelling. The resulting lively discussion, during which students engage in close readings and perceptive analysis of the various meaning-making capabilities of images, suggests that one promising way lawyers can become better visual storytellers is through the study of graphic novels.

212.  *Id.* at 221–23.

213.  See Douglas O. Linder, FAMOUS TRIALS, http://www.law.umkc.edu/faculty/projects/trials/trials.htm (last visited Nov. 10, 2014). Professor Douglas Linder’s site includes assorted trial documents, opening statements, closing arguments, historical photos, and other materials from some of the most famous trials in history, including the trial of Sir Thomas More, the Triangle Shirtwaist Factory fire trial, the Leopold and Loeb trial, and the O.J. Simpson trial. See also JOEL SEIDEMANN, IN THE INTEREST OF JUSTICE: GREAT OPENING AND CLOSING ARGUMENTS OF THE LAST 100 YEARS (2004) (collecting excellent selections from famous trials, including the Adolf Eichmann trial, the Amadou Diallo trial, the Martha Stewart trial, and the Karen Silkwood trial, among others).