

DYING MISERABLY FOR LACK OF WHAT IS FOUND IN POEMS*
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The Law and Poetry as Maps

I was drawn to the law, and then to reading and writing poetry, for similar reasons. Although they reach different destinations, both the law and poetry have served as metaphorical maps for me. The law gave me a map to negotiate the outer world, while poetry helped me to map my own spirit. Both have been profoundly important in my life. This is a brief account of how poetry connected me more fully to my life.

Lost and in Need of a Map

Unlike most young children, I did not look forward to summers and school vacations. These were times of isolation and disorientation for me. I was part of an odd family of five who lived unconnected to each other in many ways. Having friends was discouraged, we had little contact with our neighbors, and there were no other family members with whom we had a sustained relationship, except for an eccentric grandmother who lived alone on a rural homestead.

I will never really know why, but my parents preferred being away from people. Every chance they had, they would pack our old car with dehydrated eggs, dried soups, cans of pork and beans, cans of sardines, and hardtack. With backpacks, sleeping bags and jackets in the trunk, we would drive to some wilderness area. Sometimes we stayed in regular camp grounds, but more often we would settle in some deserted area. We hiked and backpacked through the Sierras of California. We sometimes hiked faintly marked paths where we would be lucky to come across a few other living souls. At other times, there were no trails of any kind.

I often felt fearful that if we were injured or lost, no one would find us. One late afternoon, my brother slipped and fell on wet granite while we were hiking in the Sierras. While his injuries were not serious, it was too dark and wet to hike off the mountain that evening. We spent a miserable night under the outcropping of a boulder. There was enough

* This title comes from William Carlos Williams' poem, "Asphodel, That Greeny Flower."

room for the five of us to crouch together, but no room to lie down. Rain dripped down the inside of the outcropping during the night. Another time, my father and I were walking alone on a deserted coastline. I looked up in time to see him vanishing into a hole of sand and water. The viscosity of the sand and the weight of his wet clothing made it difficult for him to struggle free.

We spent time camping and wandering about Death Valley, the Sonoran Desert, the Mojave Desert, and the Baja California Desert. In the desert, among the cacti and stones, I experienced a deep loneliness which the rest of my family didn't seem to feel. In preparation for these trips, I read articles on first aid and desert survival.

We also traveled in a VW bus though Europe, including some of the then Iron Curtain countries¹, and the Soviet Union. Food and goods in the communist countries were scarce. Travel and other activities were strictly regulated. We knew no one there, did not speak the languages, did not understand the cultures, and had no access to telephones or to English radio or television. I had the sense of perpetually being lost.

When we were in Poland, my father stopped our vehicle to take a photograph. A police officer saw this and took our passports. He motioned us to follow him. He took my father and our passports inside the police station while the rest of us waited outside. After a long time, my father was given back our passports in exchange for all his money. The film in his camera was confiscated. In Spain, some motorcycle police motioned for my father to pull over our VW bus. He sped up and outran them.

Even back at school in California, I felt lost. I didn't understand the culture of which I was supposed to be a part. My experiences and life style left me feeling like I lived in a different world.

¹ At the end of the Second World War, the Soviets physically blocked off certain Eastern European Countries such as Poland, East Germany, Hungary, Bulgaria, Romania, and the former countries of Yugoslavia and Czechoslovakia. The countries to the east side of the Iron Curtain were Communist for many decades, as was the Soviet Union until its fall in 1991.

The Law as a Map and the Attorney as a Cartographer

The law was a natural career choice for me.² Law gives us a system of rules which serve as maps for navigating life in our society. The structure and elegance of this imperfect—hopeful—system resonated with me, and still does. At last, I had a map and the promise of stimulating work and financial security. I also had the sense that the law would connect me with interesting, high energy people, and to people like me who took a rational approach to life.

I saw that as an attorney, I could become the cartographer. The ability to spot legal issues, to know where to find the applicable law, to apply the law to the facts, and then to organize facts and law in a way that supports a particular outcome, is the attorney's opportunity to construct her own map for the trier of fact.

My first job out of law school was on the central staff of California's Third District Court of Appeal. I spent about a year there and then went into private practice for about three years with a litigation firm. I spent the last decade of my legal career as a staff attorney for California's Legislators' Retirement System, Judges' Retirement System, and Public Employees' Retirement System.

I wrote opinions and briefs where each point of the argument was supported by case citations or statutory law, where the points of the argument built logically upon each other, all in support of a particular conclusion. If neither case law nor statutory law existed to support an argument, I built an argument drawing analogies to other cases, using public policy, legislative intent, morality, and fairness.

In trials and hearings, evidence must be methodically presented. The challenge of creating a rough order from the chaos of facts, law, witnesses, and the rules of evidence, always appealed to me.

² I graduated from the University of California, Berkeley, with a bachelor's degree in Rhetoric. The Rhetoric major involved studying various types of texts, including poetry, philosophical writings, plays, technical writings, novels, contracts, speeches and legal cases. The focus was on context, audience, tone, voice, and purpose of a text. We also studied the devices and methods which various authors use to move the communication from start to finish. Among the texts we read were the poetry of William Butler Yeats, Shakespeare's tragedies, Aristotle's *Ethics*, the *I-Ching*, and speeches delivered by presidents and despots. Even though we were reading skillfully written texts, rich in meaning, reflecting the author's soul, the approach to the texts was analytical and dispassionate. For this reason, the study of Rhetoric did not help me to connect to my own spirit.

Along the way, I married my law school sweetheart. We bought our first home, were healthy, and had enough money to live comfortably. We had friends, hobbies, and were able to travel occasionally. We were both working hard to establish our legal careers. I felt successful, strong, and optimistic. I found my place in the world.

Lost Again: The Need for a Different Map

I was thirty-six when my image of myself and my sense of who I was in the world fell apart on the day I gave birth to our first child. It was the day I felt myself dying as I was taken into emergency surgery to stop uncontrolled bleeding.

Throughout that night, I was transfused with multiple pints of blood. My body trembled uncontrollably. The next day, I still had no idea how ill I was. I wanted to get up and see my new baby, but was told that I was too sick to get out of bed. I did not believe it and tried to get up, only to discover that my strength was so diminished that I was close to being completely helpless. Later, I had hallucinations from the pain medication I was given. The temporary loss of control over my mind was one of the most terrifying experiences I have ever had.

I was discharged from the hospital, only to return to the ER later that same day. After being sent home again, I languished, unable to fully care for myself or our baby daughter. I had trouble with basic tasks such as taking a shower or getting to the bathroom unassisted. My body did not work right and I lost my appetite.

I was re-hospitalized soon after with an infection that had entered my blood stream. Again, I felt close to death. I remained acutely ill for nearly three months from complications of this illness, during which time my husband and I hired a friend to help care for me and our daughter. During this time my moods were erratic; at different times I experienced fear, shock, anger, sadness, guilt, and gratitude for being alive. I also felt an overwhelming love for my new daughter. I had been dropped into the wilderness of my internal world.

Once again, I knew I was lost. I had spent years telling my clients' stories. I had taken on their voices like my own. I felt irrevocably changed by becoming a mother and by brushing up so close—twice—to my own death. I felt changed by the months of suffering I had gone through. I realized I was no longer sure I knew what my own story was, how to make sense of it, or how to tell it. But I did know this: I could not

live my life as I had been living it. I wanted to connect with people and the world in a very different way than I had in the past.³

Law and Poetry

“Can Reading Poetry Improve Lawyering Skills?”—this is a question posed on a November 29, 2010, “Legal Skills Prof Blog” entry. The blogger cites George Gopen’s article, “Rhyme and Reason: Why the Study of Poetry is the Best Preparation for the Study of Law.”⁴ Gopen makes the case for poetry as preparation to study law. He concludes that:

—No other discipline so closely replicates the central question asked in the study of legal thinking: ‘Here is a text; in how many ways can it have meaning?’

—No other discipline communicates as well that words are not often fungible.

—No other discipline concentrates as much on the effects of ambiguity of individual words and phrases.

—No other discipline concentrates as much on the concept of contextuality.

The insight to concisely set forth these similarities delights me. However, the same blog, as well as other writings, suggest that both law and poetry require analytical study. In my experience, analyzing poetry in the detached way I once did as an undergraduate is to miss the true experience of the poem and to miss the range and intricacies of the human spirit found in poetry. Poets such as William B. Yeats, T.S.

³ I returned to work after being off for four months, but I was still feeling weak and ill. When I was at work, I missed my daughter intensely. I felt as if I had been given the marvelous gift of a second chance at life so I could raise her. Yet, I struggled with the idea of letting go of my job; I defined myself and my worth in large part by the work that I did. I practiced law for another three years. By then, my husband was able to support us. We agreed that I would resign from my job and take care of our daughter. I also began training to become a hospice volunteer. I started to read poetry again, and eventually began to write poems.

⁴ George Gopen, *Rhyme and Reason: Why the Study of Poetry is the Best Preparation for the Study of Law*, 46 *College English* 333 (1984).

Elliot, John Keats, James Dickey, Robert Bly, Robert Hass, James Wright, Louise Glück, Stanley Kunitz, William Stafford, Ellen Bass, Dorianne Laux, Stephen Dunn, write from the core of their spirit. I believe that such poetry is meant to be read from the feeling part of the brain. When the reader allows her spirit to be touched by the poem, that is when the magic takes place.

Among the loose lines that make up the work entitled "Adagia," Wallace Stevens writes: "One reads poetry with one's nerves."⁵ In a note entitled "Poetry and Meaning," Stevens further observes:

Things that have their origin in the imagination or in the emotions (poems) very often have meanings that differ in nature from the meanings of things that have their origin in reason. They have imaginative or emotional meanings, not rational meanings, and they communicate these meanings to people who are susceptible to imaginative or emotional meanings. They may communicate nothing at all to people who are open only to rational meanings.⁶

When I write poetry, I almost always start with a feeling. It could arise from something I hear, like the whistle of a train, or from something I see, such as a woman playing a violin outside a subway entrance, or a single glove lying on the sidewalk that still carries the shape of someone's hand. I view my own writing as the attempt to capture an essence that can never be fully captured in words: it is the left brain trying to capture the untranslatable experience of the right brain.⁷ This is how I understand Stevens' marvelous line in

⁵ Wallace Stevens, *OPUS POSTHUMOUS 189* (New York: Vintage Books, 1989).

⁶ *Id.* at 249.

⁷ The reasons why some people are drawn to particular endeavors, law and poetry as prime examples, may be explained in part by the way one's brain is wired. Jill Bolte Taylor, a neuroanatomist, writes in her book, *My Stroke of Insight*: "Although the anatomical structure of the two hemispheres [of the brain] is relatively symmetrical, they are quite diverse in not only how they process information, but also in the types of information they process." Jill Bolte Taylor, *MY STROKE OF INSIGHT 24* (New York: Plume Press, 2009). The right brain allows us to think "in collages and images." *Id.* at 145. This right brain is the source of creative, spontaneous, carefree, empathetic, imaginative acts that are free of inhibition and judgment. *Id.* at 29-30. Our sense of inner peace, gratitude, love, optimism, and joy are associated with the right hemisphere. *Id.* at 140, 146. "To the right mind, no time exists other than the present moment." *Id.* at 29.

According to Taylor, the left side of the brain is the language center and thinks in words. *Id.* at 31. It recognizes time, gives us the ability to organize details, lays down memories sequentially, and uses deductive reasoning. *Id.* at 30-31. "It excels in academics, and by doing so, it manifests a sense of authority over the details it masters." *Id.* at 29-30. Taylor also notes: "One of the most important characteristics of our left brain in its ability to weave stories." *Id.* at 151. The traits which make one competitive,

“Adagia” which reads: “Poetry is a pheasant that is disappearing in the brush.”⁸

Writing poetry is more difficult for me in some ways than preparing legal texts because I naturally gravitate toward left-brain thinking. I write poetry slowly. Most of the time, it feels like every word is pulled from stone. In writing poetry, there are no precedents or statutes upon which one can rely to bolster one’s case, no affirming voices or guide posts to hide behind.

The Gifts of the Right Brain

In his blog of August 11, 2009, “Dying Miserably for Lack of Poetry,” Robin Bates addresses the need for poetry in one’s life. He refers to William Carlos Williams’s “Asphodel, That Greeny Flower”:

My heart rouses
thinking to bring you news
of something
that concerns you
and concerns many men. Look at
what passes for the new.
You will not find it there but in
despised poems.
It is difficult
to get the news from poems
yet men die miserably every day
for lack
of what is found there.

judgmental, perfectionistic, and argumentative arise from the left brain. *Id.* at 139, 141, 145-146, 149, 151-152.

These two parts of the brain work together to complement and enhance abilities so we experience ourselves as a single entity, rather than two distinct identities. *Id.* at 13, 28. However, one hemisphere can dominate the other. *Id.* at 140. Taylor goes on to observe that with “the unique characteristic of the two cerebral hemispheres and how they process information differently,” the two brain hemispheres can “result in very different personalities.” It seems the practice of law might attract individuals who are primarily left-brain dominate, while the arts, including poetry, might attract more right-brain dominate individuals. Taylor notes that some individuals have nurtured both brain hemispheres and are good at “utilizing the skills and personalities of both sides of our brain . . .” *Id.* at 145.

⁸ Stevens, *supra* note 5, at 198.

When speaking of this poem, Bates writes:

Williams claims that people die miserably every day of lack of what is found in poetry . . . Is this true? Well, Williams was a doctor as well as a poet so I suspect he saw more people die than most of us do. (He is also credited with having delivered close to 2,000 babies in his lifetime.) Maybe he's talking about metaphorical death, a depressed state that allows no room for imaginative play or light or music or dancing. But then again, maybe he's talking about people who are actually dying. Maybe he has seen patients who, after a life of down-to-earth-pragmatism, found themselves staring into the abyss and asking whether they had missed something along the way.⁹

Reading and writing poetry have helped me access the gifts of the right brain. Reading poetry gave me the courage to acknowledge, and give voice to my full range of feelings—even feelings I was formerly afraid to reveal. In that struggle of finding just the right words, I began to give shape to my spirit and to my own stories. I wrote myself *visible*. Writing has allowed me to return to my past and write new endings to some of my old stories. I have become a cartographer of my inner world.¹⁰ As James Dickey wrote in his poem, "Trees and Cattle," "Like a new light I enter my life . . ." ¹¹

⁹ Robin Bates, "Dying Miserably for Lack of Poetry," August 11, 2009, Better Living through Beowulf: How Great Literature Can Change Your Life <blog/website>

¹⁰ In *My Stroke of Insight*, Taylor notes that "As biological creatures, we are profoundly powerful people. Because of neural networks are made up of neurons communicating with other neurons in circuits, their behavior becomes quite predictable. The more conscious attention we pay to any particular circuit, or the more time we spend thinking specific thoughts, the more impetus those circuits or thought patterns have to run again with minimal external stimulation." Taylor, *supra* note 7, at 146-147, *see also* 126-127. I have found this to be true in my own life.

¹¹ James Dickey, *THE WHOLE MOTION: COLLECTED POEMS 1945-1992*, 63-64 (Middletown, Connecticut: Wesleyan University Press, 1992).